



DATE FILED 8-2-2013
APPLICATION NUMBER 2013-602
For office use only

**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): 193-331-30, 34 and 41

Address of property: Located on the southeast quadrant of the intersection Matthews Township Parkway (NC Hwy. 51) and Northeast Parkway

Location of property: (See Above)

Title to the property was acquired on: 1996 and 1997
and was recorded in the name of: Matthews Center Associates (tax id # 193-311-34); FCD-Matthews Corners LP and. Crosland-Matthews Corners LLC (tax id #'s 193-311-30,41).
whose mailing address is: 5960 Fairview Road, Suite 200 Charlotte, NC 28210 (tax id #193-311-30,34 and 40)

The deed is recorded in Book 05168 page 693 (tax#193-311-34) and Book 09028 page 296 (tax id # 193-311-30, 40) in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: B-1SCD (SHO) Requested zoning classification: MUD (Innovative) (SHO)

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

This rezoning petition proposes to rezone 15 acres, which are currently zoned for a suburban style shopping center, to allow the site to be developed with a state of the art multi-family community and a small amount of non-residential uses.

The request is consistent with the land use vision called for by the Town of Matthew's Land Use plan for the NC-51 corridor and the Northeast Parkway in that it creates a well-designed infill residential development that complements the adjoining residential and non-residential uses.

In addition this proposal is reasonable and appropriate because it implements many of the land use policies adopted by the Town of Matthew's, it: (i) implements the policy to have a variety of housing styles; (ii) creates a mixture of land uses by introducing residential uses in an area dominated by retail uses and currently zoned for additional retail uses; (iii) creates a compact urban style development with convenient access to adjoining retail uses by a range of transportation options; and (iv) creates an attractive, unique and high quality residential community that will enhance the area and attract new residents to the Town of Matthews.

See Attachment A

Signature of property owner (must be original)
Crosland-Matthews Corners LLC

Matthews Centers Associates (attn.: Adam Ford)

Print name of property owner
5960 Fairview Road, Suite 200

Property owner's mailing address
Charlotte, NC 28210 (tax id # 193-311-34)

Property owner's mailing address, continued
704-561-5239 aford@croslan.com

Property owner's phone number/email address

N/A 

Signature of agent (if any)
Keith MacVean and Jeff Brown

Moore & Van Allen

Print name of agent
100 N. Tryon Street, Suite 4700

Agent's mailing address
Charlotte, NC 28202

Agent's mailing address, continued

704-331-3531 / keithmacvean@mvalaw.com

704-331-1144 / jeffbrow@nvalaw.com

Agent's phone number/email address

See Attachment A

Signature of property owner (must be original)
FCD-Matthews-Corners LP

(attn. Adam Ford)

Print name of property owner
5960 Fairview Road, Suite 200

Property owner's mailing address
Charlotte, NC 28210 (tax id # 193-311-30,41)

Property owner's mailing address, continued
704-561-5239 aford@croslan.com

Property owner's phone number/email address

Proffitt Dixon Partners

Petitioner other than owner (if any)

Wyatt Dixon, Proffitt Dixon Partners

Print name of petitioner
1355 Greenwood Cliff, Suite 150

Petitioner's mailing address
Charlotte, NC 28202

Petitioner's mailing address, continued

704-817-9126 / wyatt@proffittixon.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."

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See Attachment B

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

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PROPERTY OWNER NAME(S)

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OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

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) for verification.

Application submitted to and accepted by the Town of Matthews 8/2/13

Town Board of Commissioners formally accepts application and sets Public Hearing date 8/12/13

Notices sent via mail to affected/adjacent property owners on or before 9/30/13

Protest petition filed with Planning Department by 5:00 pm on 10/9/13

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 10/14/13

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 10/22/13

Town Board of Commissioners approves or denies application 11/11/13

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

ATTACHMENT A

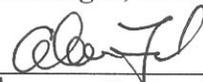
REZONING PETITION NO. 2013-000
PROFFITT DIXON PARTNERS

**PETITIONER JOINDER AGREEMENT – Matthews Center Associates and Crosland Inc.;
Crosland Inc. & FCD-Matthews Corners LP and Crosland-Matthews Corners, LLC.**

The undersigned, as the owners of the parcels of land located on the southeast quadrant of the intersection of Matthews Township Parkway and Northeast Parkway in Matthews North Carolina that are designated as Tax Parcel No's. 193-311-30, 34 and 41 on the Mecklenburg County Tax Map and which are subject of the attached Rezoning Application (the "Parcel"), hereby joins in this Rezoning Application and consents to the change in zoning for the Parcel from the B-1SCD(SHO) zoning district to the MUD (Innovative)(SHO) zoning district as more particular depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

Matthews Center Associates

By: Crosland Manager, LLC

By: 
Name: Adam Ford / General Manager
This 1st day of August, 2013

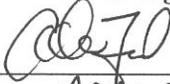
**FCD-Matthews Corners Limited
Partnership**

**By: Faison Capital Development, LLC,
its General Partner**

By: _____
Name: _____
This _____ day of August, 2013

Crosland-Matthews Corners, LLC

By: Crosland Manager, LLC

By: 
Name: Adam Ford / General Manager
This 1st day of August, 2013

ATTACHMENT A

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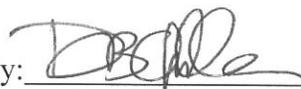
Matthews Center Associates

By: Crosland Manager, LLC

By: _____
Name: _____
This _____ day of August, 2013

**FCD-Matthews Corners Limited
Partnership**

**By: Faison Capital Development, LLC,
its General Partner**

By:  _____
Name: David B. Chandler, Vice President
This 1st day of August, 2013

Crosland-Matthews Corners, LLC

By: Crosland Manager, LLC

By: _____
Name: _____
This _____ day of August, 2013

EXHIBIT B

2013-602
08-02-2013

Owner Name	Mailing Address	City	State	Zip
USA Matthews Corners LLC	c/o Corelogic Comm Tax Svc. Attn: E. Chapa - P.O. Box 961009	Fort Worth	TX	76161-009
JBOMMH LLC	P.O. Box 20636	Charleston	SC	29413
Matthews Center Associates and Crosland Group Inc.	5960 Fairview Road, Suite 200	Charlotte	NC	28210
Rose F. Tucker	2925 Polo View Lane	Matthews	NC	28105
Phyllis Ann Knudsen	2929 Polo View Lane	Matthews	NC	28105
Robert and Elaine Holgerson	2935 Polo View Lane	Matthews	NC	28105
Doris Messer	2939 Polo View Lane	Matthews	NC	28105
Mollie L. Kromer	2943 Polo View Lane	Matthews	NC	28105
Susan K. Chambers	2947 Polo View Lane	Matthews	NC	28105
William Edward and Betty Jean Saylor	7816 Wallace Lane	Charlotte	NC	28218
Richard A. and Cecelia A. Beam	3019 Polo View Lane	Matthews	NC	28105
Elsie Lyles	3025 Polo View Lane	Matthews	NC	28105
Joseph E. and Donna W. Williamson	3029 Polo View Lane	Matthews	NC	28105
Billie Y. Dabbs	3039 Polo View Lane	Matthews	NC	28105
Elizabeth B. Taylor	3043 Polo View Lane	Matthews	NC	28105
Kathleen N. Conte	3055 Polo View Lane	Matthews	NC	28105
Tony R. and Bonnie A. Nodine	3059 Polo View Lane	Matthews	NC	28105
Debbie A. Stalzer	61-53 69th Place	Middle Village	NY	11379
Kathleen Levy	3069 Polo View Lane	Matthews	NC	28105
Howard B. and Betty Groetzinger	3040 Polo View Lane	Matthews	NC	28105
Eric Aune-Iverson, Aase L. Aune-Iverson and Lisbeth A. Kozy	3044 Polo View Lane	Matthews	NC	28105
Deborah Jean Bumgardner	3048 Polo View Lane	Matthews	NC	28105
Jean O. Blackwelder and Revocable Trust	3052 Polo View Lane	Matthews	NC	28105
Ruth A. Reynolds	3008 Polo View Lane	Matthews	NC	28105
Sharen G. Shiffer	16 Logan Drive	Branchburg	NJ	8876
Lillie W. Jones and Declaration of Trust Lillie W. Jones Revocable	3030 Polo View Lane	Matthews	NC	28105
Vivien Mary Nelson and Donald Owen Nelson	3034 Polo View Lane	Matthews	NC	28105
Michele Y. Ross	2804 Polo Club Boulevard	Matthews	NC	28105-8914
Deborah T. Cox	2808 Polo Club Boulevard	Matthews	NC	28105
Rans E. and Mary C. Triplett	2760 Polo Club Boulevard	Matthews	NC	28104
Michael L. Masterson	2756 Polo Club Boulevard	Matthews	NC	28105
Kenny G. and Betty M. Love	2752 Polo Club Boulevard	Matthews	NC	28104
Ann C. Helms	2748 Polo Club Boulevard	Matthews	NC	28105
Jack A. and Patricia P. Ledford	2744 Polo Club Boulevard	Matthews	NC	28105
Ernestine S. Ferrell	2740 Polo Club Boulevard	Matthews	NC	28105
Alan J. and Anna R. Melber	2734 Polo Club Boulevard	Matthews	NC	28105
Roaul E. Binion	2730 Polo Club Boulevard	Matthews	NC	28105
Herbert B. and Patricia P. Leith	2726 Polo Club Boulevard	Matthews	NC	28104
Beatrice Wilson Saunders	2722 Polo Club Boulevard	Matthews	NC	28105
Robert L. Sr. and Eugenia W. Kreidler	2716 Polo Club Boulevard	Matthews	NC	28104
F. Robert R/T Johnson and Carol F. R/T Johnson	2712 Polo Club Boulevard	Matthews	NC	28105
Hilda S. Oliver	2708 Polo Club Boulevard	Matthews	NC	28105
Betty H. Barnett, Michael R. Mackey & Janice B. Mackey	2704 Polo Club Boulevard, Building 4 Unit C	Matthews	NC	28105
Jeffrey S. and Nicole C. Terry	7166 Forest Ridge Drive	Weddington	NC	28104
Raymond Stephen and Margaret H. Mudry	2664 Polo Club Boulevard	Matthews	NC	28105
Julia Katherine and Becky Lynne Ayers	2660 Polo Club Boulevard	Matthews	NC	28105
Becky L. Ayers	2656 Polo Club Boulevard	Matthews	NC	28105
Eric R. Blando	1817 Brandywine Drive	Matthews	NC	28105
Delbert D. and Mary Ann Weers	2646 Polo Club Boulevard	Matthews	NC	28105
Juanita P. Hildenbrand	2640 Polo Club Boulevard	Matthews	NC	28105
Tom D. Parsons Sr. c/o Terry Dawson	2636 Polo Club Boulevard	Matthews	NC	28105
Floyd McClung III	2622 Polo Club Boulevard	Matthews	NC	28105

Mathias P. and Antoinette T. Rick	2608 Polo Club Boulevard	Matthews	NC	28105
Gerald F. and Carole Wood Pyle	P.O. Box 641	Matthews	NC	28106
Wayne E. and Janice K. Bowman	2616 Polo Club Boulevard	Matthews	NC	28105
Aida M. Arak	2612 Polo Club Boulevard	Matthews	NC	28105
George E. and Linda W. Linfors	2909 Polo View Lane	Matthews	NC	28105
William R. Sr. and Sara Helen Patterson	2915 Polo View Lane	Matthews	NC	28105
John L. Andrews Trust Agreement	2919 Polo View Lane	Matthews	NC	28105
The Gloria G. Hall Trust	4549 Cove Drive #A	Carlsbad	CA	92008-4210
Samuel Harrison Paris & Thomas Bradley Hendricks	2914 Polo View Lane	Matthews	NC	28105
James C. and Jacqueline S. Maybeck	2910 Polo View Lane	Matthews	NC	28105
Joan and Edmund Mallin	2809 Polo Club Boulevard	Matthews	NC	28105
Dianne W. Hull	2813 Polo Club Boulevard	Matthews	NC	28105
Mary Joyce Hooks	2817 Polo Club Boulevard	Matthews	NC	28105
Dwight Max and Anita H. McLeod	4024 David Drive	Matthews	NC	28105
Bella Sera Villas Inc.	P.O. Box 18771	Raleigh	NC	27619
Bella Sera Villas Association, Inc. and Dortch & Lyons c/o Sellers Hinshaw Ayers	301 South McDowell Street, #410	Charlotte	NC	28204
Harold P. & Robbye C. Dunning	2608 Bella Sera Way	Matthews	NC	28105
John H. and Lael C. Featherston	P.O. Box 546	Matthews	NC	28106
Renaldo O. and Linda Munoz	2603 Bella Sera Way	Matthews	NC	28105
Kathleen A. and Ronald K. Wilsbach	10944 Casetta Drive	Matthews	NC	28105
M. Lamond and Betty S. Verner	10940 Casetta Drive	Matthews	NC	28105
Hal L. and Audrey T. Helms Revocable Trust	10934 Casetta Drive	Matthews	NC	28105
Thomas D. Hamlett	10930 Casetta Drive	Matthews	NC	28105
Robert and Irma Jean Evans	10924 Casetta Drive	Matthews	NC	28105
Vincent L. and Sharon K. Clark	10920 Casetta Drive	Matthews	NC	28105
Bruce D. and Angela E. Thoreson	1814 Morehead Hill Drive	Durham	NC	27703
Gilbert F. and Martha C. Ford	10910 Casetta Drive	Matthews	NC	28105
Bryan L. and Louise S. Smith	2615 Circa Drive	Matthews	NC	28105
Frank Fulton Galer	2619 Circa Drive	Matthews	NC	28105
Thomas M. Christopher & Darlene M. Teague	2625 Circa Drive	Matthews	NC	28105
Kenneth B. and Donna C. Medlin	2629 Circa Drive	Matthews	NC	28105
Kai K. and Betty Eng	2647 Circa Drive	Matthews	NC	28105
Azita A. Toussi and Frank Safrit	2651 Circa Drive	Matthews	NC	28105
Mary West Case	2626 Polo Club Boulevard	Matthews	NC	28105
Thomas Mack and Martha Helms	17008 Belle Isle Drive	Cornelius	NC	28031
Leon Levine	P.O. Box 1017	Charlotte	NC	28201
Senior Activities & Services Inc. c/o Devore	3221 Chipwood Lane	Matthews	NC	28105
IA Matthews Sycamore LLC and c/o Property Tax Dept.	P.O. Box 9271	Oak Brook	IL	60522

CharMeck.ORG

GeoPortal

A Service Provided by Mecklenburg County Government

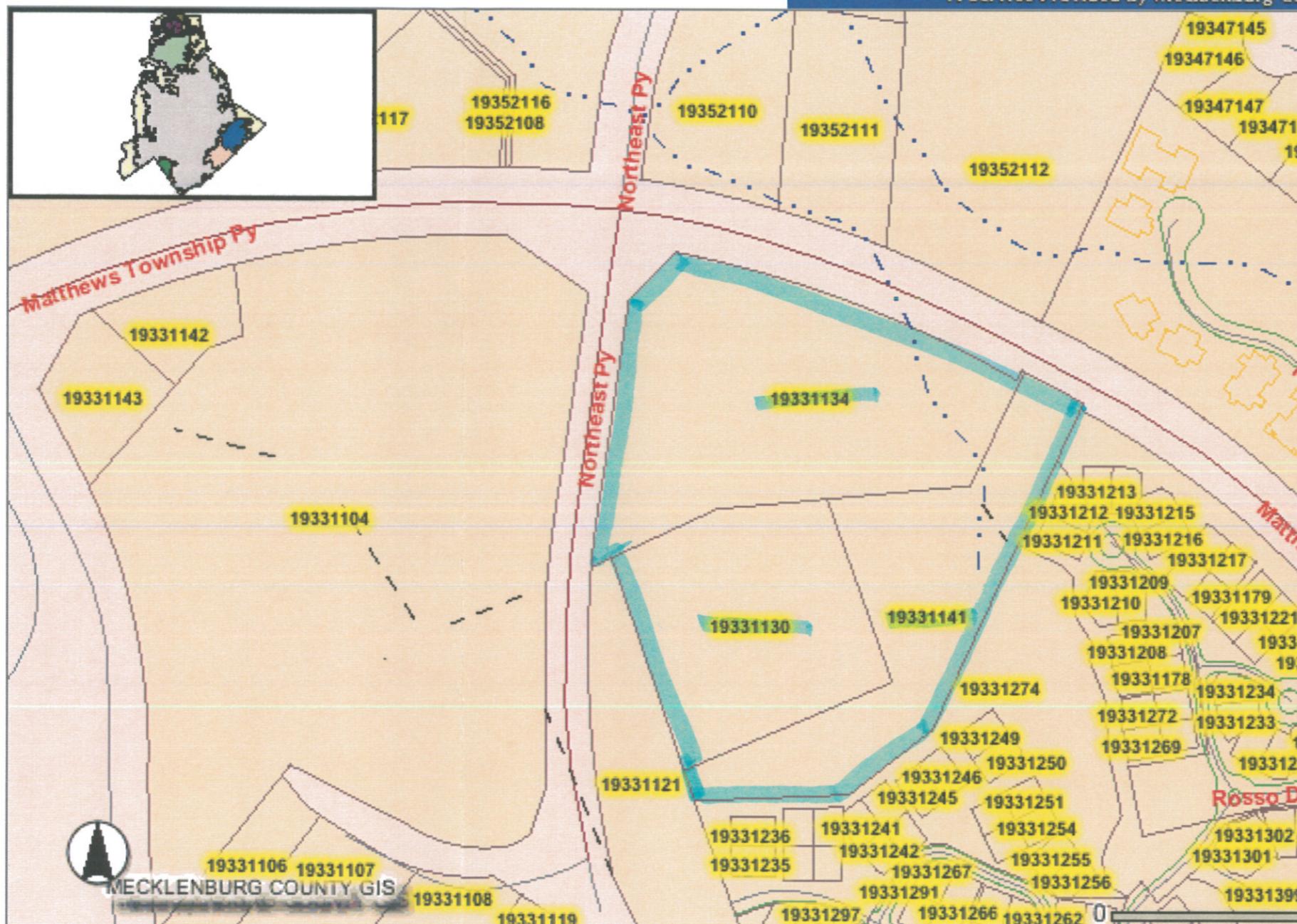


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CLICK HERE TO BEGIN

Please Read the Following:

- Click on the Search button to the right to locate a parcel owner by name or address.
- Click on the Zoom In button to click or drag a box on the map to zoom to a specific area.
- Detailed assistance is available by selecting the Help button located on the right.
- First-time users should consider printing the Help pages to use as a guide.



Data Tools

- SEARCH
- ANALYSIS
- PARCEL INFO
- LEGEND
- LAYERS
- AREA MAP
- ADDRESS ON

Map Tools

- ZOOM IN
- ZOOM OUT
- PAN
- FULL EXTENT
- ID PARCEL
- IDENTIFY
- CLR SELECT
- MEASURE
- CLR MEASURE
- PRINT MAP
- HELP

