



DATE FILED <u>8-2-2013</u>
APPLICATION NUMBER <u>2013-603</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): 19343127

Address of property: 9631 Northeast Parkway

Location of property: 3rd parcel east of Sam Newell Road, on the northern side.

Title to the property was acquired on 11/25/2003
and was recorded in the name of Robert and Joyce Freeman
whose mailing address is PO Box 2686, Florence, OR 97439-0100

The deed is recorded in Book 33 and Page 245 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: "C" Requested zoning classification: "O-9(CD)"

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

Current zoning designation is obsolete.

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Signature of property owner (must be original)

Robert P. Freeman

Print name of property owner

P.O. Box 2686

Property owner's mailing address

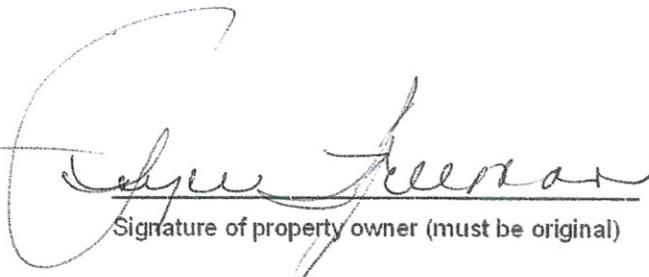
Florence, OR 97439-0100

Property owner's mailing address, continued

Property owner's mailing address, continued

541 902-9259 greenhill4@aol.com

Property owner's phone number/email address



Signature of property owner (must be original)

Joyce L. Freeman

Print name of property owner

P.O. Box 2686

Property owner's mailing address

Florence, OR 97439-0100

Property owner's mailing address, continued

Property owner's mailing address, continued

same

Property owner's phone number/email address

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

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

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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."

193-43-128
TAX PARCEL
Janet Kempf and Craig Grimmer
PROPERTY OWNER NAME(S)
2508 Old White Lane
OWNER MAILING ADDRESS
Charlotte NC 28226
OWNER MAILING ADDRESS, CONTINUED

193-43-122
TAX PARCEL
First Presby. Church
PROPERTY OWNER NAME(S)
123 Stewart Ave
OWNER MAILING ADDRESS
Mooresville NC 28115
OWNER MAILING ADDRESS, CONTINUED

193-43-125
TAX PARCEL
Elida Properties LLC
PROPERTY OWNER NAME(S)
17232 Lancaster Hwy Suite 108
OWNER MAILING ADDRESS
Charlotte NC 28277
OWNER MAILING ADDRESS, CONTINUED

193-43-121
TAX PARCEL
Larry Reed and Joyce Rice
PROPERTY OWNER NAME(S)
2116 Rice Rd
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

193-303-09
TAX PARCEL
SC Windsor Associates LP
PROPERTY OWNER NAME(S)
340 Royal Poinciana Way #316
OWNER MAILING ADDRESS
Palm Beach FL 33480
OWNER MAILING ADDRESS, CONTINUED

193-~~431~~-31
TAX PARCEL
Northeast Parkway Group LLC
PROPERTY OWNER NAME(S)
9709 Northeast Parkway #400
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

19343132
TAX PARCEL
Fargo LLC
PROPERTY OWNER NAME(S)
9715 Northeast Parkway #100
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

19343133
TAX PARCEL
George and Anna Valdman
PROPERTY OWNER NAME(S)
1406 Avery Court
OWNER MAILING ADDRESS
Weddington NC 28104
OWNER MAILING ADDRESS, CONTINUED

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19343134
TAX PARCEL
Terrence and Tina Stanley
PROPERTY OWNER NAME(S)
14515 Davis Trace Drive
OWNER MAILING ADDRESS
Charlotte NC 28277
OWNER MAILING ADDRESS, CONTINUED

19343135
TAX PARCEL
Isaac Grossman
PROPERTY OWNER NAME(S)
4213 Pima Cotton Drive
OWNER MAILING ADDRESS
Charlotte NC 28226
OWNER MAILING ADDRESS, CONTINUED

19343136
TAX PARCEL
Honor Properties LLC
PROPERTY OWNER NAME(S)
9715 Northeast Parkway #400
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

19343137
TAX PARCEL
LLC Madaris Properties
PROPERTY OWNER NAME(S)
9715 Northeast Parkway #200
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

19343138
TAX PARCEL
Contractors Assoc. Inc Electrical
PROPERTY OWNER NAME(S)
9715 Northeast Parkway #300
OWNER MAILING ADDRESS
Matthews NC 28105
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

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 August 2, 2013
Town Board of Commissioners formally accepts application and sets Public Hearing date August 12, 2013
Notices sent via mail to affected/adjacent property owners on or before September 30, 2013
Protest petition filed with Planning Department by 5:00 pm on October 9, 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 October 14, 2013
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 Oct. 22, 2013
Town Board of Commissioners approves or denies application November 11, 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 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