



DATE FILED	<u>1/28/14</u>
APPLICATION NUMBER	<u>2014-611</u>
<i>For office use only</i>	

2014-611
1-28-2014

**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): 21503214, 21503215

Address of property: 935-1015 Matthews School Road, 28105

Location of property:

Title to the property was acquired on 05/24/2011
and was recorded in the name of Habitat for Humanity of Matthews
whose mailing address is PO Box 2008, Matthews, NC 28106

The deed is recorded in Book 25982 and 26499 and Page 977 and 223 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R-VS Requested zoning classification: R-VS

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

Request for a Change in Conditions: Please, see attached for additional detail.

Signature of property owner (must be original)

E. Terrell Blackmon, Director

Print name of property owner
PO Box 2008

Property owner's mailing address
Matthews, NC 28106

Property owner's mailing address, continued

Property owner's mailing address, continued

mail@habitatmatthews.org

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

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

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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."

***(See Attached)*

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

TAX PARCEL

PROPERTY OWNER NAME(S)

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TAX PARCEL

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OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

Y Soai Nai & H Pher Siu
1019 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Lachandra Beasley Family
932 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Y Bein Ksor & H Goai Rcham Family
1023 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Peggy A Lawrence Family
PO BOX 2008
MATTHEWS NC 28106

Makalebo Kankienza & Clara Beyoko
1027 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Crestdale Crossing HOA
4957 ALBEMARLE RD
CHARLOTTE NC 28205

Nicole Bono Family
1024 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Mecklenburg County RES
600 E 4TH ST 11TH FLOOR
CHARLOTTE NC 28202

Y Seip Bya & H Djok Rcam Family
1020 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Martin Nunez Mora Family
921 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Ulani Timmons Family
1016 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Dan Moser Company
PO BOX 350
MINERAL SPRINGS NC 28108

Er Rmah & Bi Siu Family
1012 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Melvin and Shannon Cochran Family
1050 CRESTDALE CROSSING DR
MATTHEWS NC 28105

Monica Melton Family
1008 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Crestdale Crossing HOA
PO BOX 350
MINERAL SPRINGS NC 28108

Lyconia Monique Thomas Family
940 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

Melissa Worley Family
936 MATTHEWS SCHOOL RD
MATTHEWS NC 28105

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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 mjgollnitz@matthewsnc.gov) for verification.

Application submitted to and accepted by the Town of Matthews 1/29/14

Town Board of Commissioners formally accepts application and sets Public Hearing date 2/10/14

Notices sent via mail to affected/adjacent property owners on or before 2/24/14

Protest petition filed with Planning Department by 5:00 pm on 3/5/14

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 3/10/14

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 3/25/14

Town Board of Commissioners approves or denies application 4/14/14

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

Change in Conditions
Town of Matthews Approved Rezoning Request #2012-595
Project: Sunrise Crossing – Phase 2

Goals:

- Ensure the most effective yield from parcels to benefit as many families as possible
- Adhere to all local and NC Building Standards
- Request for a Change in Conditions: Current R-VS, Zero Lot Line classification prohibits the placement of windows in the exterior wall of the proposed residences.
- Applicant requesting an adjustment to plans allow the homes to be placed with a 6' and 8', left and right setbacks, respectively. Please, see Page 2 (SC2 - Proposed Layout) , for visual detail.

1. Setback revision from zero lot line to 8' / 6'.

- A zero lot line does not allow windows on that side of the house.
- An 8' setback allows windows on all sides of the home.
- Natural light into the home is a LEED requirement. These homes will be LEED certified.

2. Three (3) lots will require the lot lines to be moved, but will meet all the R-VS requirements.

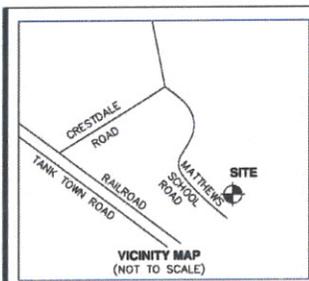
3. Driveway configurations may change. Minimum driveway width will be 10' capable of accommodating two (2) cars on the lot beyond the public sidewalk. If the impervious area allows, more car parking will be added.

4. Tree preservation will be revised from 20% of the site to 20% of the tree canopy per the ordinance. The tree preservation line will be set no less than the 25' rear yard line.

5. The original boundary line to the north will not be revised. The adjacent lot has been sold and is no longer owned by Habitat. The area is not needed in Sunrise Crossing 2.

6. Standard notes will be revised to meet the code requirements and not be set at a specific number.

7. Allow minor modifications to the approved building elevations, as long as the intent remains the same.



BOUNDARY SURVEY OF
HABITAT FOR HUMANITY OF MATTHEWS
136E CHARLES STREET, MATTHEWS, N. C.
TAX ID# 215-032-14 & 15
TOWN OF MATTHEWS, MECKLENBURG COUNTY, N. C.
DEED BOOK 1414, PAGE 83 & DB. 8321, PG. 955

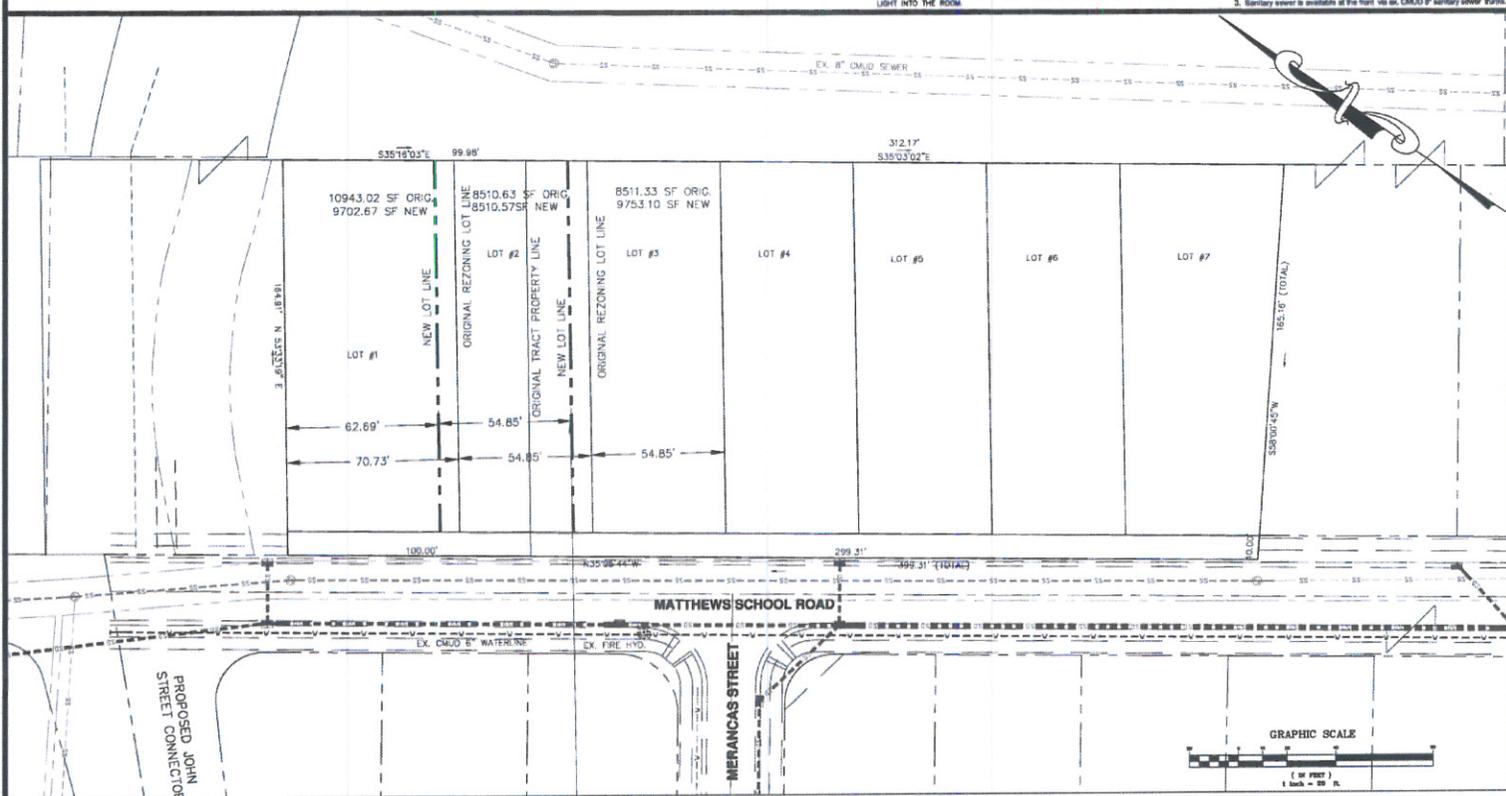
S. M. SANDY SURVEYING
SINCE 1972
1833 WESLEY CHAPEL ROAD
INDIAN TRAIL, NC 28079
PHONE: (704) 289 - 8040

DATE: 06-06-12
SCALE: N/A
ACAD FILE: MSR-HFHMJNC

- DEVELOPMENT NOTES:**
1. R-VS STANDARDS ARE FOLLOWED:
 - MIN. LOT SIZE - 7,200 SQ. FT.
 - SIDE YARD - 4' AND 6'
 - REAR YARD - 25'
 - MAXIMUM HEIGHT OF STRUCTURE - 35'
 2. ALL LOTS WILL HAVE A MIN. 10' WIDE DRIVEWAY AND WILL ACCOMMODATE TWO CARS. IF ALLOWED BASED ON IMPERVIOUS AREA MAXIMUM, SOME DRIVEWAYS MAY BE ENLARGED TO ACCOMMODATE ADDITIONAL CARS.
 3. ALL LOTS WILL HAVE 4' WIDE SIDEWALK CONNECTIVITY FROM DRIVEWAY TO FRONT ENTRANCE OF HOUSE.
 4. HOUSES, DRIVEWAYS AND INTERIOR SIDEWALKS ARE SHOWN SCHEMATICALLY WITH THE MAXIMUM BUILDING FOOTPRINT. HOUSE STYLES WILL VARY. SMALLER HOUSES MAY BE BUILT, BUT THE LARGER SIZE IS USED TO CALCULATE MAX. IMPERVIOUS AREAS FOR STORMWATER QUALITY CALCULATIONS.
 5. A NEW 8" WIDE PUBLIC SIDEWALK WILL BE CONSTRUCTED ALONG THE EX. STREET SECTION.
 6. EXISTING CURB, ALONG MATTHEWS SCHOOL ROAD TO REMAIN.
 7. EXISTING STORM DRAINAGE STRUCTURES TO REMAIN.
 8. DOWNSPUTTERS SHOULD BE INCORPORATED FOR EACH HOUSE.
 9. STREET TREES WILL BE BOLLICUED, PER MATTHEWS ZONING ORDINANCE, HEREIN.
 10. AN ADDITIONAL 10' WILL BE DEDICATED TO THE EXISTING RIGHT-OF-WAY.
 11. A 10' WIDE BUFFER ON THE NORTHEASTERN SIDE OF LOT #1 WILL BE A DEDICATED TREE PRESERVATION EASEMENT. SUPPLEMENTAL TREES WILL BE ADDED TO MEET THE SCREENING REQUIREMENTS OF THE ZONING ORDINANCE.
 12. THE PROPERTY LINE BETWEEN PROPOSED LOT #7 AND THE EX. LOT TO THE SOUTH BEING PLS # 2084316 WILL NOT BE REMOVED, IT IS NO LONGER OWNED BY HABITAT FOR HUMANITY. IT IS OWNED EX. T. BOA RIA, A. H. PER 504 PER DB. 25982, PG. 418. LOT #7 IS ALSO THE LOW POINT ON THE SITE AND BECAUSE IT IS THE LARGEST LOT, IT WILL BE UTILIZED TO MEET THE FOOD BANK GARDEN REQUIREMENTS, THAT WON'T FIT ON THE OTHER LOTS.
 13. INNOVATIVE DESIGN WILL BE USED ON THIS SITE BY INSTALLING RAIN GARDENS BETWEEN THE HOUSES STRADDLING THE EX. PROPERTY LINES. THIS ALLOWS THE REAR YARD BETWEEN THE HOME AND THE TREE PRESERVATION EASEMENT TO BE USED BY THE FAMILIES. BY UTILIZING THE 4' W/ SIDE YARDS, THIS ALLOWS WINDOWS IN ALL SIDES OF THE HOUSE, BRING ALONG NATURAL LIGHT INTO THE ROOM.
 14. PER SECTION 154-053 (B)
 - TOTAL SQ. FT. OF BOTH PARCELS 83,946.19 SQ. FT. +/-
 - MAXIMUM SQ. FT. OF IMPERVIOUS AREA WILL BE BETWEEN 24% AND 30% WITH THE REQUIRED OPEN SPACE OF NO LESS THAN 17% OF THE ORDINANCE MAXIMUM IMPERVIOUS AREA WILL BE LESS THAN 20,000 SQ. FEET. CUMULATIVE OF ALL LOT DEVELOPMENT, SO NO STORMWATER DETENTION WILL BE REQUIRED. ALL POOL REQUIREMENTS WILL BE MET.
 - NO ACCESSORY STRUCTURES ALLOWED IN TREE PRESERVATION EASEMENT AREA AND WILL BE LIMITED TO THE CUMULATIVE TOTAL IMPERVIOUS AREA OF LESS THAN 20,000 SQ. FT.
 - AN UNSTURBED TREE SAVE AREA SHALL BE ALLOCATED ALONG THE REAR PROPERTY LINE PRESERVING SOME OF THE TREE CANOPY AREA OVER THE 154.076(2)(3)(X1) OF THE ZONING ORDINANCE. A TREE PRESERVATION EASEMENT WILL BE ESTABLISHED AROUND THE REQUIRED AREA. NO DRIVELINES OR STRUCTURES MAY BE CONSTRUCTED IN THE EASEMENT (TREE CANOPY AREAS ARE CALCULATED AT THE RATE OF LARGE MATURING TREES = 2000 SF AND SMALL MATURING TREES = 400 SF. THIS APPLIES TO EX. OR NEWLY PLANTED 2" LARGE AND 1" SMALL.)
 - ALL ACCESSORY STRUCTURES SHALL BE LOCATED IN THE REAR YARD OUTSIDE THE TREE PRESERVATION EASEMENT AND AT LEAST THREE (3) FEET FROM ANY SIDE YARD PROPERTY LINE.
 - ADJACENT HOMES, AS WELL AS THE ENTIRE DEVELOPMENT WILL ENSURE DIVERSITY OF DESIGN. NEIGH. HAS ACCESS TO MULTIPLE HOUSE PLANS. DESIGN WILL SUPPORT THE CRESTDALE PLAN.
 - SUNRISE CROSSING 2 -- ELEVATIONS APPROVED BY TOWN COUNCIL 03/26/13
- OWNER: MR. BRIAN BEAVERIS, DIRECTOR OF OPERATIONS
HABITAT FOR HUMANITY MATTHEWS
P. O. BOX 2008
MATTHEWS, NC 28108
(704) 847-2286
brian@habitatforhumanity.org
- Notes:
1. Topography from Mecklenburg Co. GIS.
2. Water is available at the front of the site via an ex. CMUD 8" waterline.
3. Sanitary sewer is available at the front via an ex. CMUD 8" sanitary sewer. Works.

FULLER CONSULTING SERVICES
1925 Woodley Dr.
Charlotte, NC 28205
704.366.2600
www.fullerconsulting.com

Wendell G. Fuller, P.E.



SUNRISE CROSSING 2
MATTHEWS SCHOOL RD.
MATTHEWS, NC
PROPERTY LINE COMPARISON

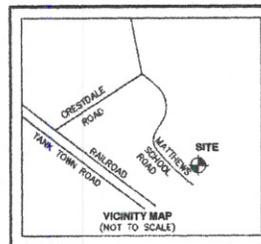
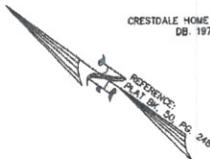
Project No. _____
Drawn By: WGP
Engineer: WGP
Issue Date: 10/30/13
Sheet 1 of 1



Survey done 07/20/12 by S.M. Sandy, P.E. 704.289.8040. 136E CHARLES STREET, MATTHEWS, NC 28108.

**REZONING SITE PLAN FOR
SUNRISE CROSSING, PHASE 2**

CRESTDALE HOME OWNERS ASSOC. INC.
DB. 19785, PG. 514



SURVEYOR CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF UNION
THE UNDERSIGNED SURVEYOR, BEING DULY SWORN DEPOSES AND SAYS
THAT THE PLAN UPON WHICH THIS CERTIFICATE APPEARS WAS PREPARED
IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; IS IN ALL RESPECTS
CORRECT ACCORDING TO THE BEST OF HIS KNOWLEDGE AND BELIEF,
AND WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER HIS
SUPERVISION WITH A MAXIMUM LINEAR ERROR OR CLOSURE OF 1:10000
AND A MAXIMUM FIELD ERROR OF CLOSURE OF 7.5 SECONDS PER ANGLE.

STONEY M. SANDY
NOPLS 11396



MECKLENBURG COUNTY
REAL ESTATE
DB. 5732, PG. 799
PID# 21503101

MELVIN COCHRAN &
SHANNON COCHRAN
DB. 17133, PG. 527
PID# 21503249

DAM WINGER
COMPANY, INC.
DB. 17133, PG. 527
PID# 21503248

MARTIN NUÑEZ MORA
DB. 20221, PG. 540
PID# 21503212

PEGGY A LAWRENCE
DB. 22410, PG. 281
PID# 21503213

Y SOA NAI &
H GOA RICHAM
DB. 20274, PG. 968
PID# 21503319

Y SOA NAI &
H GOA RICHAM
DB. 20274, PG. 968
PID# 21503319

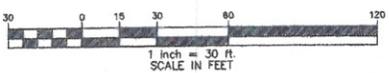
MAKALERO HANMERZA &
CLARA BETOVLO
DB. 18272, PG. 865
PID# 21503321

APPROVED
TOWN OF MATTHEWS
Date: 2/28/2013
By: *[Signature]*
John Olt

NOTES

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY NOT SHOW ALL EASEMENTS AND MATTERS THAT MAY AFFECT SUBJECT PROPERTY.
2. UTILITIES SHOWN ON THIS MAP ARE BASED UPON INFORMATION PROVIDED BY OTHERS AND/OR ABOVE GROUND OBSERVATIONS. ACTUAL LOCATIONS OF UNDERGROUND UTILITIES MAY VARY AND THE SIZE, TYPE, DEPTH AND LOCATION SHOULD BE VERIFIED BEFORE ANY DIGGING OR CONSTRUCTION IS PERFORMED.
3. SUBJECT PROPERTY TAX PARCEL NUMBER: 215-032-14 & 15
4. SUBJECT PROPERTY ZONING: R-12
5. ALL ADJOINING LAND OWNER INFORMATION WAS TAKEN FROM CURRENT TAX RECORDS AND IS CONSIDERED AS BEING NOW OR FORMERLY.
6. NO HORIZONTAL NORTH CAROLINA GEODETIC SURVEY MONUMENTS WERE FOUND WITHIN 2,000 FEET OF SUBJECT PROPERTY.
7. AREAS WERE COMPUTED BY THE COORDINATE GEOMETRY METHOD.
8. IRON REBAR SET AT ALL LOT CORNERS UNLESS OTHERWISE INDICATED.

TOTAL AREA:
1.837 ACRES
(80,960 SQ. FT.)



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S. M. SANDY SURVEYING
1833 WESLEY CHAPEL ROAD
INDIAN TRAIL, NC 28079
PHONE: (704) 289 - 8040

DATE: 08-08-12
SCALE: 1" = 30'
ACAD FILE:
MSR-HFM-LINC



