



Date: July 2, 2014

To: Kathi Ingrish, Planning Director  
Town of Matthews Planning Department  
Matthews Town Hall  
232 Matthews Station Street  
Matthews, NC 28105

Re: Town316 Rezoning Petition

Dear Kathi,

I would like to thank you for the opportunity to submit this rezoning petition request for my Client's property on Matthews Station Street in the Town of Matthews. The 0.536-acre site is located at the intersection of Matthews Station Street and East Matthews Street adjacent to Town Hall. The project program includes development of 24 multifamily units in a single building. These new residences will provide a much needed residential component to downtown Matthews, complementing the existing mix of retail, restaurant, and office uses.

Our petition request is reasonable and in conformance with the adopted development goals and policies of the Town of Matthews. The proposed development is consistent with the *Town of Matthews Land Use Plan 2012-2022*. It falls in line with the Land Use Plan goals and objectives and directly promotes the following policies of the Land Use Plan:

- Provides a range and variety of housing styles in Matthews by filling an underserved niche of small multifamily units in the heart of downtown.
- Encourages a mix of land uses by way of its location in the heart of downtown, close to retail, restaurant, civic, and other business uses.
- Encourages compact building design and urban style development by way of being an infill development located in the heart of downtown on a currently under-utilized parcel of land. The architecture is reminiscent of local buildings and urban in form, not the typical garden-style apartments so prevalent in and around Matthews.

Additionally, our petition also supports the Matthews Downtown Plan by providing a residential use "as a transition to single family homes on East Matthews Street." Though designed smaller than the graphic representation in the Downtown Plan (in order to fit the site), our project takes essentially the same form as the "Condo Flats" building on the Matthews Station Area Expansion plan (pg. 35).

We believe our petition request is very much in keeping with the goals, objectives, and desires of the Town of Matthews and its stated goals and policies, and in doing so, provides an asset to its citizens. Thank you for your consideration.

Best Regards,

A handwritten signature in blue ink, appearing to read "James P. Cannon", is written over a blue horizontal line.

James P. Cannon, PLA  
Urban Design Partners



DATE FILED <u>7-2-14</u>
APPLICATION NUMBER <u>2014-616</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): 21501223

Address of property: 324 E. Matthews Street, Matthews, NC 28105

Location of property:

Property is located at the south corner of the intersection of Matthews Station Street and E. Matthews Street, adjacent to the north of Matthews Town Hall.

Title to the property was acquired on 12/22/2010  
and was recorded in the name of BrookeChase Properties, LLC  
whose mailing address is PO Box 578, Matthews, NC 28106

The deed is recorded in Book 26167 and Page 317 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R-20 Requested zoning classification: C-MF (Innovative)

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

See attached sheet, Exhibit A

Signature of property owner (must be original)

Garry D. Smith (BrookeChase Properties, LLC)

Print name of property owner  
PO Box 578

Property owner's mailing address  
Matthews, NC 28106

Property owner's mailing address, continued

Property owner's mailing address, continued

704.321.0371  
gsmith@brookechaseproperties.com

Property owner'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

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

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."

Application number

2014-616

For office use only

2014-616  
7-3-2014

21501224

TAX PARCEL

All For Him, LLC

PROPERTY OWNER NAME(S)

2637 Providence Spring Lane

OWNER MAILING ADDRESS

Charlotte, NC 28270

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

21501222

TAX PARCEL

Juanita H. Jordan

PROPERTY OWNER NAME(S)

PO Box 151

OWNER MAILING ADDRESS

Matthews, NC 28106-0151

OWNER MAILING ADDRESS, CONTINUED

21501231

TAX PARCEL

Town of Matthews

PROPERTY OWNER NAME(S)

232 Matthews Station Street

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

21501104

TAX PARCEL

James M. and William B. Frink

PROPERTY OWNER NAME(S)

PO Box 481

OWNER MAILING ADDRESS

Matthews, NC 28106

OWNER MAILING ADDRESS, CONTINUED

21501221

TAX PARCEL

Juanita H. Jordan

PROPERTY OWNER NAME(S)

PO Box 151

OWNER MAILING ADDRESS

Matthews, NC 28106-151

OWNER MAILING ADDRESS, CONTINUED

21501207

TAX PARCEL

Town of Matthews

PROPERTY OWNER NAME(S)

232 Matthews Station Street

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

Application number 2014-616 For office use only
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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 July 2, 2014

Town Board of Commissioners formally accepts application and sets Public Hearing date July 14, 2014

Notices sent via mail to affected/adjacent property owners on or before August 25, 2014

Protest petition filed with Planning Department by 5:00 pm on September 3, 2014

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 September 8, 2014

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 September 23, 2014

Town Board of Commissioners approves or denies application October 13, 2014

**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

2014-616  
7-3-2014



**URBAN  
DESIGN  
PARTNERS**

1318-e6 central ave. P 704.334.3303  
charlotte, nc 28205 F 704.334.3305  
urbandesignpartners.com

Brookchase  
Properties

PO Box 578  
Matthews, NC 28105-0578

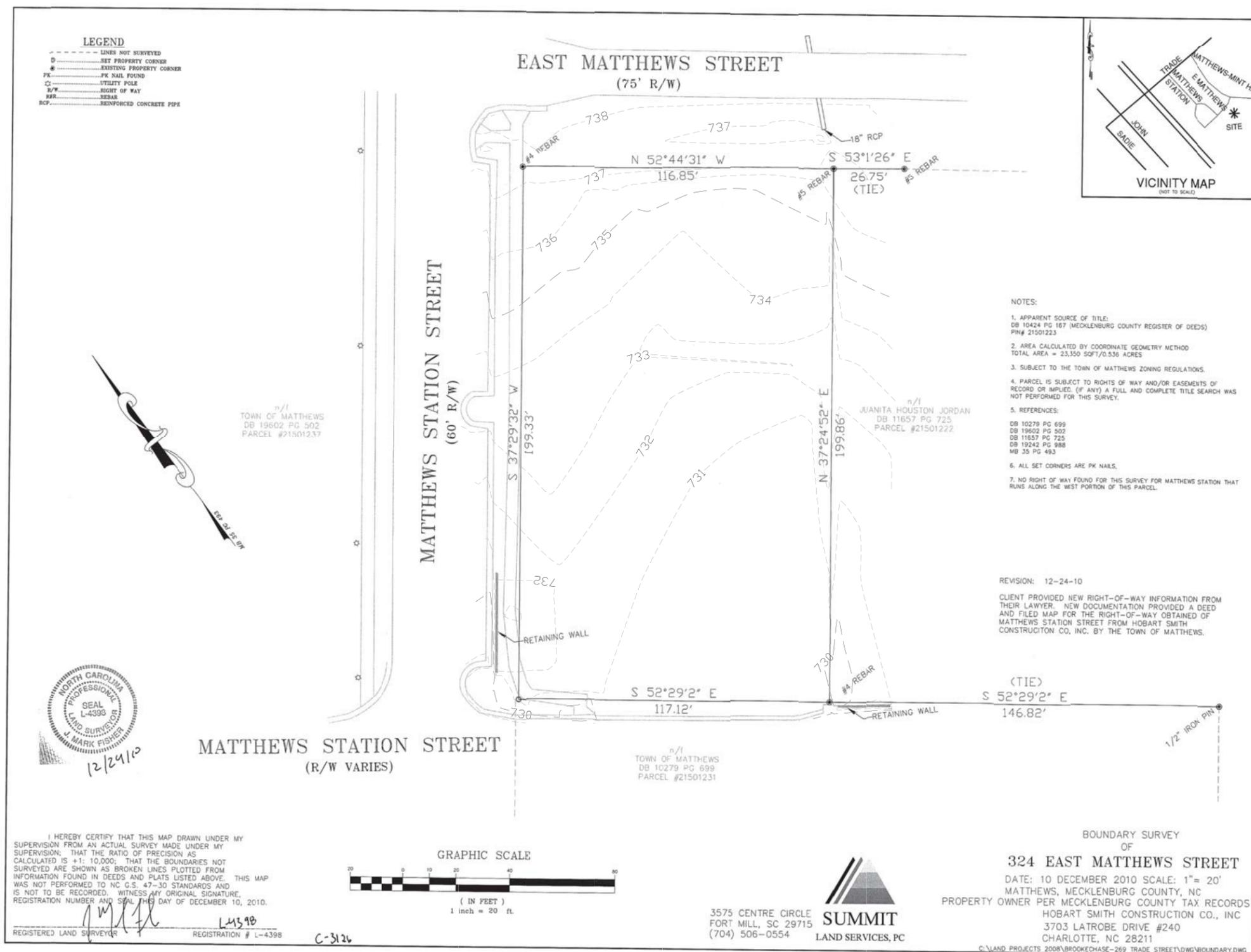
**Town 316**

**Survey/Existing Conditions Plan**  
324 East Matthews Street Matthews, North Carolina

NO. DATE BY: REVISIONS:

Project No: 14-035  
Date: July 2, 2014  
Designed by: udp  
Drawn By: udp  
Scale: 1"=20'  
Sheet No:

**RZ-1**



- LEGEND**
- LINES NOT SURVEYED
  - SET PROPERTY CORNER
  - EXISTING PROPERTY CORNER
  - PK PK NAIL FOUND
  - UTILITY POLE
  - R/W RIGHT OF WAY
  - REB REBAR
  - RCP REINFORCED CONCRETE PIPE

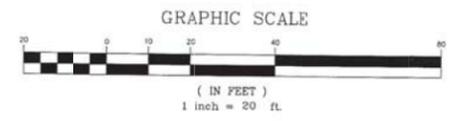
- NOTES:**
1. APPARENT SOURCE OF TITLE:  
DB 10424 PG 167 (MECKLENBURG COUNTY REGISTER OF DEEDS)  
PIN# 21501223
  2. AREA CALCULATED BY COORDINATE GEOMETRY METHOD  
TOTAL AREA = 23,350 SQFT/0.536 ACRES
  3. SUBJECT TO THE TOWN OF MATTHEWS ZONING REGULATIONS.
  4. PARCEL IS SUBJECT TO RIGHTS OF WAY AND/OR EASEMENTS OF RECORD OR IMPLIED. (IF ANY) A FULL AND COMPLETE TITLE SEARCH WAS NOT PERFORMED FOR THIS SURVEY.
  5. REFERENCES:  
DB 10279 PG 699  
DB 19602 PG 502  
DB 11657 PG 725  
DB 19242 PG 988  
MB 35 PG 493
  6. ALL SET CORNERS ARE PK NAILS.
  7. NO RIGHT OF WAY FOUND FOR THIS SURVEY FOR MATTHEWS STATION THAT RUNS ALONG THE WEST PORTION OF THIS PARCEL.

REVISION: 12-24-10  
CLIENT PROVIDED NEW RIGHT-OF-WAY INFORMATION FROM THEIR LAWYER. NEW DOCUMENTATION PROVIDED A DEED AND FILED MAP FOR THE RIGHT-OF-WAY OBTAINED OF MATTHEWS STATION STREET FROM HOBART SMITH CONSTRUCTION CO, INC. BY THE TOWN OF MATTHEWS.



I HEREBY CERTIFY THAT THIS MAP DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE RATIO OF PRECISION AS CALCULATED IS +1: 10,000; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN DEEDS AND PLATS LISTED ABOVE. THIS MAP WAS NOT PERFORMED TO NC G.S. 47-30 STANDARDS AND IS NOT TO BE RECORDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS DAY OF DECEMBER 10, 2010.

*J. Mark Fisher*  
L-4398  
REGISTERED LAND SURVEYOR REGISTRATION # L-4398



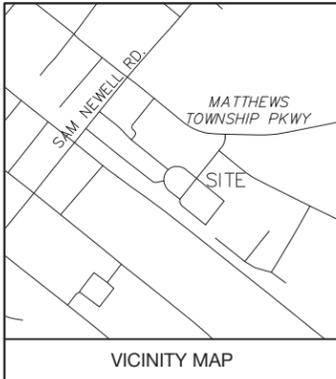
**SUMMIT**  
LAND SERVICES, PC  
3575 CENTRE CIRCLE  
FORT MILL, SC 29715  
(704) 506-0554

BOUNDARY SURVEY  
OF  
**324 EAST MATTHEWS STREET**  
DATE: 10 DECEMBER 2010 SCALE: 1" = 20'  
MATTHEWS, MECKLENBURG COUNTY, NC  
PROPERTY OWNER PER MECKLENBURG COUNTY TAX RECORDS  
HOBART SMITH CONSTRUCTION CO., INC  
3703 LATROBE DRIVE #240  
CHARLOTTE, NC 28211  
C:\LAND PROJECTS 2008\BROOKCHASE-269 TRADE STREET\DWG\BOUNDARY.DWG



1318-e6 central ave. P 704.334.3303  
charlotte, nc 28205 F 704.334.3305  
urbandesignpartners.com

DEVELOPMENT SUMMARY	
TAX PARCEL ID #:	21501223
TOTAL SITE AREA:	.536
EXISTING ZONING:	R-20
PROPOSED ZONING:	C-MF (INNOVATIVE)
PROPOSED USE:	MULTI-FAMILY (APARTMENT, 24 UNITS)
DENSITY:	44.8 UNITS/ACRE
VEHICULAR PARKING:	
REQUIRED:	29 SP.
PROPOSED:	21 ON-SITE, 8 ON-STREET
BICYCLE PARKING:	
REQUIRED:	4 SP. (1 SP. PER 6 UNITS)



Brookchase Properties

PO Box 578  
Matthews, NC 28106-0578

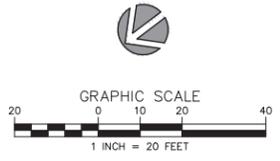
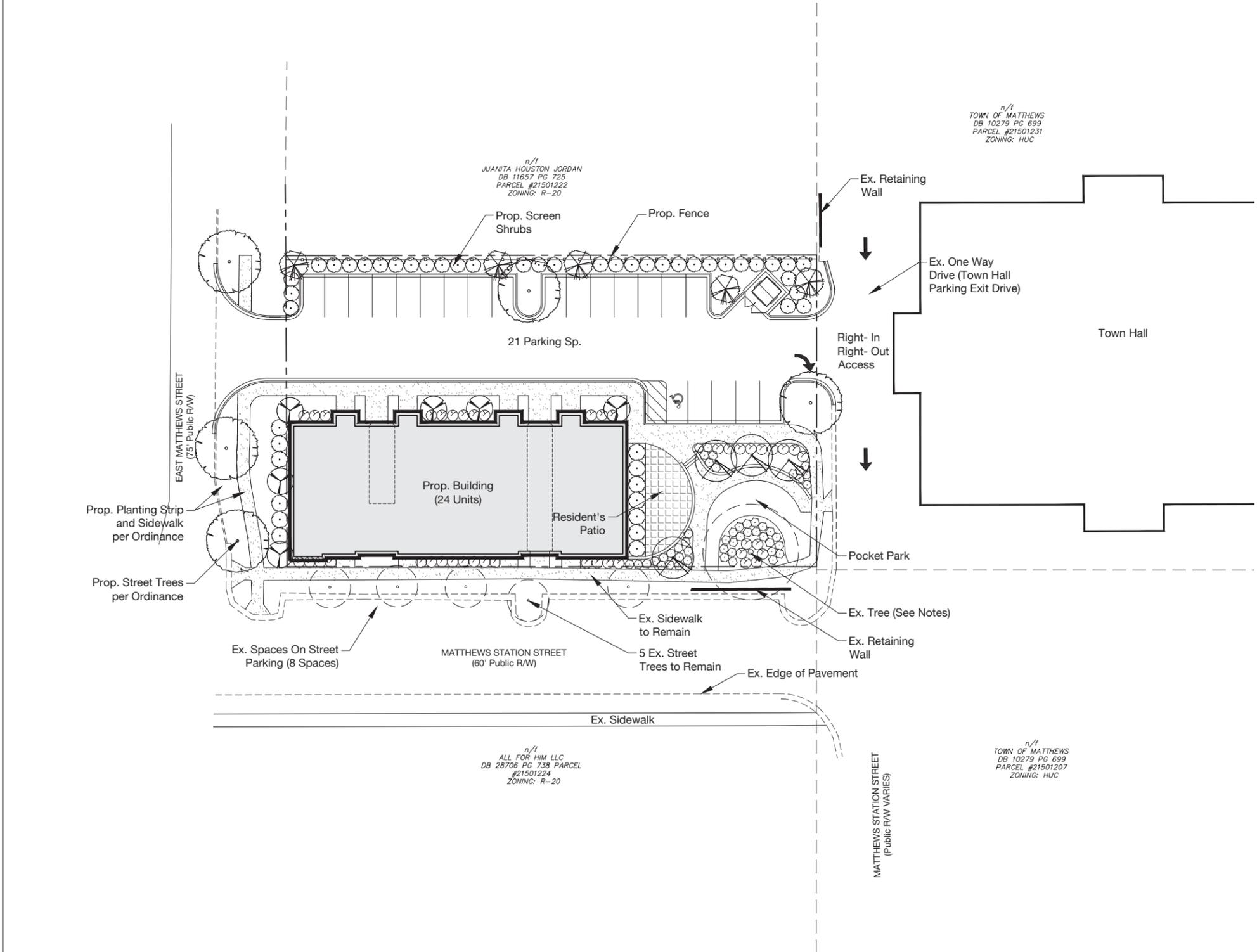
# Town 316

Rezoning Site Plan  
324 East Matthews Street Matthews, North Carolina

NO. DATE BY: REVISIONS:

Project No: 14-035  
Date: July 2, 2014  
Designed by: udp  
Drawn By: udp  
Scale: 1"=20'  
Sheet No:

# RZ-2







## Conceptual Elevation / Town 316



2014-616  
7-3-2014



**URBAN  
DESIGN  
PARTNERS**

1318-e6 central ave. P 704.334.3303  
charlotte, nc 28205 F 704.334.3305  
urbandesignpartners.com



### Conceptual Elevation / Town 316

BROOKECHASE PROPERTIES, LLC



01 STREETScape



Brookchase  
Properties

PO Box 578  
Matthews, NC 28106-0578

## Town 316

Architectural Elevations  
324 East Matthews Street Matthews, North Carolina

NO. DATE BY: REVISIONS:

Project No: 14-035  
Date: July 2, 2014  
Designed by: udp  
Drawn By: udp  
Scale:  
Sheet No:

**RZ-5**