



DATE FILED 9-26-2018
APPLICATION NUMBER 691
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): 215-141-03, 215-141-20 and 215-141-01

Address of property: 14901, 14910 and 14916 Boyd Funderburk Drive

Location of property: Southeast quadrant of the Interstate 485 – Idlewild Road interchange

Title to the property was acquired on January 28, 1986, November 12, 1997 & September 11, 1998
and was recorded in the name of Jerry M. and Irma L. Funderburk (215-141-03) & Gerald L. Funderburk (215-141-20 & 215-141-01)

whose mailing address is 14901 Boyd Funderburk Drive, Matthews, NC 28105 (Jerry M. & Irma L. Funderburk) & 14910 Boyd Funderburk Drive, Matthews, NC 28104 (Gerald L. Funderburk)

The deed is recorded in Book ** at Page ** in the office of the Register of Deeds for Mecklenburg County.

** Book 05164 at Page 521 (215-141-03); Book 09347 at Page 887 (215-141-20) and Book 09912 at Page 763 (215-141-01)

Present zoning classification: R-15 Requested zoning classifications: R-VS, R-15(CD), B-1(CD)

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

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The zoning of the subject parcels should be changed to provide for residential development as called for in the Town of Matthews Land use Plan adopted December 10, 2012. The Idlewild Road area/485 Interchange (Small area plan 8b) specifically calls for R-VS infill development (p.116 of Land use Plan) along with potentially a small mixed use project. The commercial portion of the requested rezoning minimizes negative impacts to nearby residential land uses by clustering commercial uses to the Idlewild Road frontage where other existing commercial land uses are present. This separates the commercial uses from the residential portion of the master planned development through natural vegetative screening. This coordination of compatible uses satisfies the vision outlined in the small area plan.


Signature of property owner (must be original)


Signature of property owner (must be original)

Jerry M. Funderburk
Print name of property owner
Jerry M Funderburk

Gerald Lee Funderburk Robin Funderburk
Print name of property owner
Gerald Lee Funderburk & Robin Funderburk

Property owner's mailing address
14901 Boyd Funderburk Drive

Property owner's mailing address
14910 Boyd Funderburk Drive

Property owner's mailing address, continued
Matthews, NC 28105

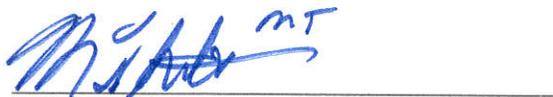
Property owner's mailing address, continued
Matthews, NC 28104

Property owner's mailing address, continued

Property owner's mailing address, continued

704-847-6122 -None-
Property owner's phone number/email address

704-882-7540 Funderburk016@windstream.net
Property owner's phone number/email address


Signature of agent (if any)


Petitioner other than owner (if any)

Bohler Engineering NC, PLLC

Mpire Capital Corporation

Print name of agent
Michael Theberge

Print name of petitioner
Todd Ahers

Agent's mailing address
1927 South Tryon Street, Suite 310

Petitioner's mailing address
7800 Kennedy Road, Suite 401

Agent's mailing address, continued
Charlotte, NC 28203

Petitioner's mailing address, continued
Markham, Ontario L3R 2 C7

Agent's mailing address, continued

Petitioner's mailing address, continued

(980) 272-3400 mtheberge@bohlereng.com
Agent's phone number/email address

704-755-5101 todd.ahers1@gmail.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 Exhibit A Attached Hereto

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

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OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

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OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

SUMMARY OF THE REZONING PROCESS

Application number <u>2018-691</u> For office use only
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APPLICANT: 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 srobertson@matthewsnc.gov) for verification.

Application submitted to and received by Town Planning office September 26, 2018

Town Board of Commissioners formally accepts application and sets Public Hearing date October 8, 2018

Notices sent via mail to affected/adjacent property owners on or before November 26, 2018

Public hearing: applicant gives explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning December 10, 2018

Town Planning Board reviews request, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request December 25, 2018

Town Board of Commissioners approves or denies application January 14, 2019

Exhibit A

Mecklenburg

Parcel No. 21514122

Department of Transportation
716 W Main Street
Albemarle, NC 28001

Parcel No. 21514121

PCM Holdings LLC
PO Box 67
Matthews, NC 28106

Parcel No. 21514110

PCM Holdings LLC
PO Box 67
Matthews, NC 28106

Parcel No. 21514112

Sheri Outen Holmes
Wesley Holmes
4600 Stallings Road
Matthews, NC 28105

Parcel No. 21514115

Stephen Howard Edwards
4608 Stallings Road
Matthews, NC 28105

Parcel No. 21514114

Stephen Howard Edwards
4608 Stallings Road
Matthews, NC 28105

Parcel No. 21514113

George H. Francis
Sue Elias Francis
4624 Stallings Road
Matthews, NC 28105

Parcel No. 21514117

Jack Brewer
Joyce Brewer
4700 Stallings Road
Matthews, NC 28105

Parcel No. 21514109

Idlewild Oaks LLC
2220 Providence Canyon Dr
Charlotte, NC 28270

Parcel No. 21514108

Idlewild Oaks LLC
2220 Providence Canyon Dr
Charlotte, NC 28270

Parcel No. 21514105

Idlewild Oaks LLC
2220 Providence Canyon Dr
Charlotte, NC 28270

Parcel No. 21514106

Idlewild-Stallings LLC
c/o L & L Management LLC
6000 Fairview Road Suite 1525
Charlotte, NC 28210

Parcel No. 19511208

Department of Transportation
716 W Main Street
Albemarle, NC 28001

Parcel No. 19511207

Richard D. Johnson
Elizabeth Lee Johnson
18808 Coveside Lane
Cornelius, NC 28031

Parcel No. 19511214

R T Steele
Alicia J. Steele
14623 Idlewild Road
Matthews, NC 28105

Parcel No. 19511213

Land Investments LLC
PO Box 31786
Charlotte, NC 28231

Union

Parcel No. 07075021

Land Investments LLC
PO Box 31786
Charlotte, NC 28231

Parcel No. 07075020

JLA3 LLC
2121 Bucknell Ave
Charlotte, NC 28207

Parcel No. 07072019

JLA3 LLC
2121 Bucknell Ave
Charlotte, NC 28207

Parcel No. M7075012

XON I LLC
c/o Sam's Mart
7935 Council Place Ste 200
Matthews, NC 28105

Parcel No. K7075012

XON I LLC
c/o Sam's Mart
7935 Council Place Ste 200
Matthews, NC 28105

Parcel No. K7075256

CAH Holdings LLC
1521 E Third St
Charlotte, NC 28204

Parcel No. M7075256

CAH Holdings LLC
1521 E Third St
Charlotte, NC 28204

Parcel No. M7075013A

Idlewild Phase 1 Retail Investors LLC
3735-B Beam Road
Charlotte, NC 28217

Parcel No. 07075293

Idlewild Phase 1 Retail Investors LLC
3735-B Beam Road
Charlotte, NC 28217

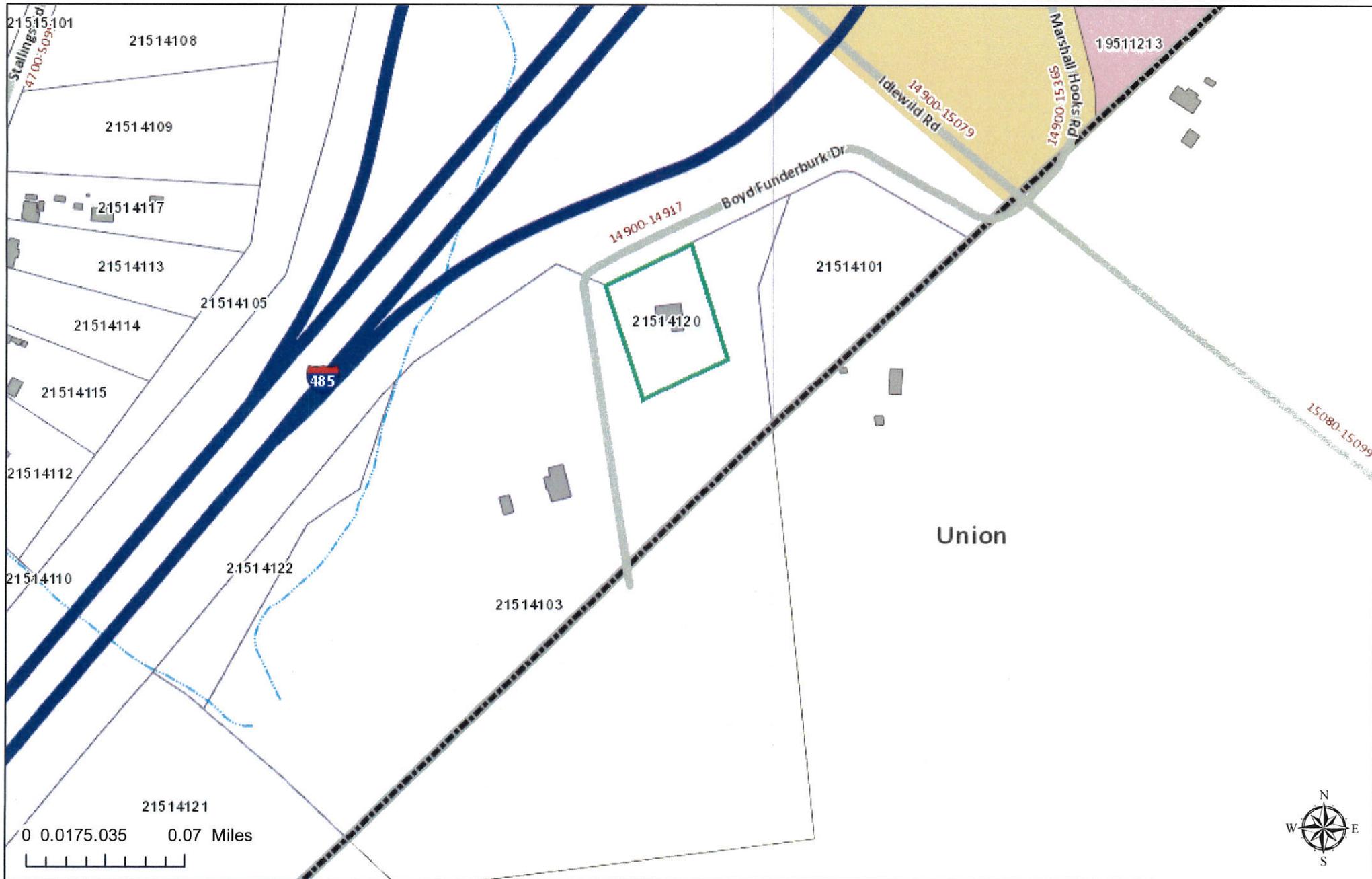
Parcel No. 07075011

Danny E Price
Robin C Price
14812 Boyd Funderburk Drive
Matthews, NC 28104

Polaris 3G Map – Mecklenburg County, North Carolina

2018-691

Date Printed: 9/25/2018 11:58:51 AM



This map or report 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 or report 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.

2018-691



jcarmichael@robinsonbradshaw.com
704.377.8341 : Direct Phone
704.373.3941 : Direct Fax

September 26, 2018

BY HAND DELIVERY

Mr. Jay Camp, Senior Planner
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

Re: Rezoning Application filed by Mpire Capital Corporation Requesting the Rezoning of an Approximately 23.60 Acre Site Located on the Southeast Quadrant of the Interstate 485 – Idlewild Road Interchange From the R-15 Zoning District to the R-VS, R-15 (CD) and B-1 (CD) Zoning Districts (Tax Parcel Nos. 215-141-03, 215-141-20 and 215-141-01)

Dear Jay:

I hope this letter finds you well.

This letter is being submitted with the above-captioned Rezoning Application pursuant to the requirements of Paragraph 12 of the Instructions for Filing an Application for a Change in a Zoning Classification or Change in Conditions (the “Instructions”). As you are aware, Paragraph 12 of the Instructions requires the Applicant to submit documentation regarding the land use recommendations for the subject site as set out in adopted land use plans and a statement as to how this rezoning proposal complies with such recommendations.

The subject site contains approximately 23.60 acres and is located on the southeast quadrant of the Interstate 485 – Idlewild Road interchange, and the site is comprised of Tax Parcel Nos. 215-141-03, 215-141-20 and 215-141-01. The site is currently zoned R-15 and pursuant to this Rezoning Application, the Applicant is requesting that the site be rezoned to the R-VS, R-15 (CD) and B-1 (CD) zoning districts. The purpose of this rezoning request is to accommodate a multi-use development on the site that would contain up to 122 for sale one-family attached dwelling units and up to 50,000 square feet of non-residential uses that could include, among other uses, retail, restaurant, office and medical office uses.

The Town of Matthews Land Use Plan 2012-2022 (the “Land Plan”) provides land use policy guidance for development in the Town of Matthews, and more specific land use policy guidance for the area in which the site is located. Set out below is a brief description of the land use policies and guidance set out in the Land Plan that the proposed development may support.

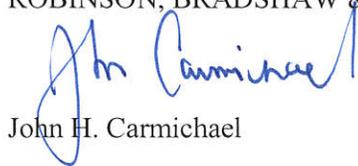
- The residential portion of this proposed development would add to and enhance the range and variety of housing styles available in the Town of Matthews as encouraged by the Land Plan. (See page 8 of the Land Plan). This proposed residential community would provide quality one-family attached dwelling units in the Town of Matthews.
- The residential portion of this proposed development would provide an alternative housing style to residents of Matthews. (See Strategy 1A on page 10 of the Land Plan). The Town acknowledges the need for more diverse housing options in Matthews. (See page 43 of the Land Plan).
- The site is located in the Idlewild Road/485 Interchange Transitioning and Sensitive Area under the Land Plan. The Land Plan encourages alternative housing style development on land east of the interchange, where the site is located. (See page 116 of the Land Plan).
- The Land Plan recognizes that R-VS development on the east side of the interchange where the site is located would optimally mitigate traffic in this area and complement existing development in Union County. (See page 116 of the Land Plan).
- The Land Plan provides that a small mixed use project in this area could be considered if properly coordinated with neighboring communities. The Land Plan encourages the Economic Development Advisory Committee to explore development opportunities east of the interchange, including a low-intensity office park or mixed use development. (See page 116 of the Land Plan).

Jay, the Applicant and I look forward to working with you, Kathi and the Town on this rezoning request.

Should you have any questions or comments, please do not hesitate to call me.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.



John H. Carmichael

JHC1/lh

2018-691



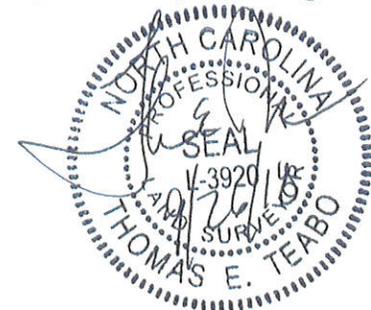
4 UNIT - AHHA - 1ST FLOOR



Date: September 26, 2018

Legal Description of
6.832 acre portion of lands to be rezoned to
R-15/CD, Mecklenburg County, NC
Gerald Lee Funderburk (DB 9912, PG 763)
Jerry M. Funderburk & Irma L.
Funderburk (DB 5164, PG 521)

BEGINNING at a found concrete monument, said monument being in the northerly line of the now or formerly Jerry M Funderburk & Irma L Funderburk property (DB 5164, PG 521);
thence, S 67° 47' 05" E 127.35' to a found concrete monument, said monument being along the southerly right-of-way of Boyd Funderburk Drive;
thence, along said right-of-way, N 63° 51' 45" E 44.55' to a found iron pipe;
thence, N 63° 46' 47" E 173.59' to a found iron rod;
thence, N 63° 47' 24" E 128.85' to a computed point;
thence leaving said right-of-way, S 43° 19' 42" E 393.51' to a computed point, said point being along the County line of Mecklenburg and Union County;
thence, along said County line, S 46° 37' 53" W 107.19' to a computed point;
thence, leaving said County line, N 41° 11' 59" W 177.58' to a computed point;
thence, S 77° 36' 30" W 93.62' to a computed point;
thence, N 12° 23' 30" W 80.49' to a computed point;
thence, N 61° 13' 17" W 116.46' to a computed point;
thence, S 77° 36' 30" W 110.00' to a computed point;
thence, S 12° 23' 30" E 19.66' to a computed point;
thence, S 77° 36' 30" W 356.10' to a computed point;
thence, S 46° 39' 04" W 143.90' to a computed point;
thence, S 16° 03' 40" W 739.70' to a computed point;
thence, S 46° 40' 18" W 114.32' to a computed point;
thence, S 43° 19' 42" E 252.46' to a computed point, said point being along the County line of Mecklenburg and Union County;
thence, along said County line, S 46° 37' 53" W 151.29' to a computed point, said point being in the centerline of Crooked Creek;
thence with said creek the following courses and distances:
thence, N 59° 05' 57" W 14.54' to a computed point;
thence, N 53° 14' 24" W 33.12' to a computed point;
thence, N 36° 13' 11" W 53.56' to a computed point;
thence, N 42° 50' 18" W 45.61' to a computed point;
thence, N 57° 11' 58" W 43.73' to a computed point;



thence, N 26° 38' 17" W 48.05' to a computed point;
thence, N 42° 02' 06" W 33.25' to a computed point;
thence, N 61° 06' 51" W 64.66' to a computed point;
thence, N 74° 57' 43" W 43.94' to a computed point;
thence, N 38° 35' 41" W 42.90' to a computed point;
thence, N 60° 00' 17" W 51.00' to a computed point, said point being the southwestern corner of the now or formerly Jerry M Funderburk & Irma L Funderburk property (DB 5164, PG 521);
thence, N 30° 23' 10" E 361.47' to a computed point;
thence, N 58° 17' 50" E 142.33' to a computed point;
thence, N 22° 39' 21" E 342.74' to a found concrete monument;
thence, N 43° 26' 40" E 102.75' to a found concrete monument;
thence, N 55° 39' 56" E 402.37' to a found concrete monument, said monument being the POINT AND PLACE OF BEGINNING containing 297,583 square feet or 6.832 acres, more or less.

The property described hereon is subject to all easements, rights-of-way and restrictions of record.



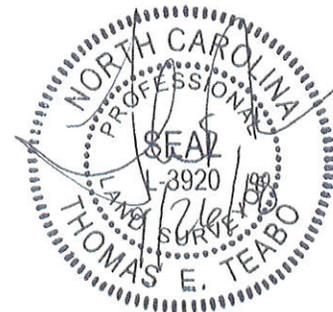


Date: September 26, 2018

**Legal Description of
2.388 acre portion of lands to be
rezoned to B1, Mecklenburg County, NC
Gerald Lee Funderburk (DB 9912, PG 763)
Jerry M. Funderburk & Irma L.
Funderburk (DB 5164, PG 521)**

BEGINNING at a found concrete monument, said monument being along the southerly right-of-way of Boyd Funderburk Drive, said monument also being in the northerly line of the now or formerly Gerald Lee Funderburk (DB 9912, PG 763);
thence, along said right-of-way, S 60° 07' 18" E 256.77' to a found concrete monument;
thence, S 78° 34' 19" E 20.90' to a computed point, said point being along the County line of Mecklenburg and Union County;
thence leaving said right-of-way and with said County line, S 46° 37' 53" W 356.57' to a computed point;
thence, leaving said County line, N 43° 19' 42" W 393.51' to a computed point, said point being along the southerly right-of-way of Boyd Funderburk Drive, said point being along the northerly line of the now or formerly Jerry M Funderburk & Irma L Funderburk (DB 5164, PG 521);
thence, along said right-of-way, N 63° 47' 24" E 213.82' to a found concrete monument;
thence, S 87° 41' 59" E 94.34' to a found concrete monument and the POINT AND PLACE OF BEGINNING containing 104,032 square feet or 2.388 acres, more or less.

The property described hereon is subject to all easements, rights-of-way and restrictions of record.





Date: September 26, 2018

**Legal Description of
14.385 acre portion of lands to be rezoned to
R-VS, Mecklenburg County, NC
Gerald Lee Funderburk (DB 9912, PG 763)
Jerry M. Funderburk & Irma L.
Funderburk (DB 5164, PG 521)**

Commencing at a found concrete monument, said monument being in the southerly right-of-way of Boyd Funderburk Drive;
thence, along said right-of-way, S 78° 34' 19" E 20.90' to a computed point, said point being along the County line of Mecklenburg and Union County;
thence, leaving said right-of-way and with said County line, S 46° 37' 53" W 463.76' to a computed point, said point being the place of BEGINNING;
thence, S 46° 37' 53" W 1372.85' to a computed point;
thence, leaving said County line, N 43° 19' 42" W 252.46' to a computed point;
thence, N 46° 40' 18" E 114.32' to a computed point;
thence, N 16° 03' 40" E 739.70' to a computed point;
thence, N 46° 39' 04" E 143.90' to a computed point;
thence, N 77° 36' 30" E 356.10' to a computed point;
thence, N 12° 23' 30" W 19.66' to a computed point;
thence, N 77° 36' 30" E 110.00' to a computed point;
thence, S 61° 13' 17" E 116.46' to a computed point;
thence, S 12° 23' 30" E 80.49' to a computed point;
thence, N 77° 36' 30" E 93.62' to a computed point;
thence, S 41° 11' 59" E 177.58' to a computed point, said point being the POINT AND PLACE OF BEGINNING containing 626,593 square feet or 14.385 acres, more or less.

The property described hereon is subject to all easements, rights-of-way and restrictions of record.

