



DATE FILED <u>4-27-2016</u>
APPLICATION NUMBER <u>2016-645</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): 215-081-15, 215-231-01 and 215-231-02

Address of property: 2425 Sports Parkway, 1601 and 1585 Tank Town Road

Location of property:

Title to the property was acquired on 1/4/1985 and 4/6/1988
and was recorded in the name of Mecklenburg County
whose mailing address is 600 E. 4th Street, 11th Floor, Charlotte, NC 28202

The deed is recorded in Book 4958 & 5732 and Page 208 & 799 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R-20 Requested zoning classification: ENT

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

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Dena R. Diorio

Signature of property owner (must be original)

Dena R. Diorio, Mecklenburg County

Print name of property owner
600 E. 4th Street, 11th Floor

Property owner's mailing address
Charlotte, NC 28202

Property owner's mailing address, continued

Property owner's mailing address, continued

704-336-2472

Property owner's phone number/email address
APPROVED AS TO FORM:

M A Bethune
COUNTY ATTORNEY

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

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 attached.

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

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OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

Adjoining Property List

1/7/2016

PARCEL_ID	OWNER_NAME	MAILING_ADDRESS	CITY	STATE	ZIP_CODE
21508113	BRIGMAN FAMILY FARM PROPERTIES, % CYBIL JONES,	88 GRACELYN RD	ASHEVILLE	NC	28804
21508115	% REAL ESTATE /FINANCE DEPT, MECKLENBURG COUNTY,	600 E 4TH ST 11TH FLOOR	CHARLOTTE	NC	28202
21508124	BRIGMAN, PAUL F IRRVOC TST THE	88 GRACELYN RD	ASHEVILLE	NC	28804
21508128	ELEVATION CHURCH,	11416 E INDEPENDENCE BV SUITE N	MATTHEWS	NC	28105
21508133	% CYBIL JONES, BRIGMAN FAMILY FARM PROPERTIES,	88 GRACELYN RD	ASHEVILLE	NC	28804
21523101	% REAL ESTATE /FINANCE DEPT, MECKLENBURG COUNTY,	600 E 4TH ST 11TH FLOOR	CHARLOTTE	NC	28202
21523102	% REAL ESTATE /FINANCE DEPT, MECKLENBURG COUNTY,	600 E 4TH ST 11TH FLOOR	CHARLOTTE	NC	28202
21503119	SIU, H PHER NAI, Y SOAI	1019 MATHEWS SCHOOL RD	MATTHEWS	NC	28105
21503120	KSOR, Y BEIN RCHAM, H GOAI	1023 MATTHEWS SCHOOL RD	MATTHEWS	NC	28105
21503121	KANKIENZA, MAKALEBO BEYOKO, CLARA	1027 MATTHEWS SCHOOL RD	MATTHEWS	NC	28105
21503122	SAVAGE, MONIQUE J SAVAGE, MIRANDA S	1030 MATTHEWS SCOOOL RD	MATTHEWS	NC	28105
21503219	CRESTDALE CROSSING HOMEOWNERS, ASSOC INC,	4957 ALBEMARLE RD	CHARLOTTE	NC	28205
21503233	TSHIALA OPANGO, WEMBOLUA, OLENGA	1207 TANK TOWN RD	MATTHEWS	NC	28015
21503234	DIN DIN, RMAH, OH	1215 TANK TOWN RD	MATTHEWS	NC	28015
21503278	HABITAT FOR HUMANITY OF MATTHEWS INC,	PO BOX 2008	MATTHEWS	NC	28106
21506303	TOWN OF MATTHEWS,	232 MATTHEWS STATION ST	MATTHEWS	NC	28105
21506425	SWARINGEN, ELIZABETH	3004 RAINBOW RIDGE DR	MATTHEWS	NC	28105
21506426	HABITAT FOR HUMANITY, OF MATTHEWS INC	PO BOX 2008	MATTHEWS	NC	28106
21506427	CHA, NFN POLE, KHEO	3009 RAINBOW RIDGE DR	MATTHEWS	NC	28105
21506428	THEO, Y	3027 RAINBOWRIDGE DR	MATTHEWS	NC	28105
21506429	H DJIN AYUN (H/W), NIE, Y LEM	3027 RAINBOW RIDGE DR	MATTHEWS	NC	28105
21506430	SWANN, CHERYL	3031 RAINBOW RIDGE DR	MATTHEWS	NC	28105
21506434	HABITAT FOR HUMANITY OF, MATTHEWS INC	PO BOX 2008	MATTHEWS	NC	28106
21506438	RICE, DEIDRE M	8121 CHIMORE LN	MATTHEWS	NC	28105
21506439	MSR 1 ASSETS COMPANY LLC, C/O KIM MAGEL,	5001 PLAZA ON THE LAKE SUITE 250	AUSTIN	TX	78746
21506440	LEWIS, LAKISHA C	8130 CHIMORE LN	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 blynd@matthewsnc.gov) for verification.

Application submitted to and accepted by the Town of Matthews 4.27.16

Town Board of Commissioners formally accepts application and sets Public Hearing date 5-9-2016

Notices sent via mail to affected/adjacent property owners on or before 5-30-2016

Protest petition filed with Planning Department by 5:00 pm on NA

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 June 13, 2016

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 6-28-2016

Town Board of Commissioners approves or denies application 7.11.16

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

Draft Conditional Notes Sportsplex I-485 at US74

General Provisions:

The site proposed for rezoning includes Mecklenburg County Tax parcels 215-231-01, 215-231-02, and 215-081-15, currently utilizing street addresses of 1601 Tank Town Road, 1585 Tank Town Road, and 2425 Sports Parkway respectively. All three parcels are currently owned by Mecklenburg County.

The drawings and aerial map of the subject property provided for this rezoning action – SP.01, a sheet from the Phase 2 (civil engineering) plan documents, and Site Aerial, showing outline of the property with current Phase 1 improvements – along with these notes comprise the details of this zoning request from R-20 to ENT.

The Town of Matthews established the ENT zoning district specifically for the Sportsplex site and the adjacent mostly-vacant surrounding property with the intention of an entertainment focused neighborhood being developed over time. The Sportsplex is an integral anchor use and quality of life incentive for the adjacent property as it develops. The Town adopted a Small Area Plan and Development Policies to guide further development around the Sportsplex site so it will be compatible and beneficial.

Proposed Use:

The development and use of the site will be for a public park and recreation facility.

This site has been planned and is currently under development as a County-owned park and recreational facility. Completed Phase 1 includes 5 sports fields, associated parking, a playground and picnic area, restrooms and amenities. Phase 2 now underway will add 7 additional sports fields with one being a “championship field” with seating (stadium), parking, running trails, greenway/multi-use paths, concession and restroom facilities, parking, picnicking areas, open fields, and natural areas. A roadway through the park site connects the park to Town streets in two directions, and may intersect with Independence Pointe Parkway in the future. The site is being developed generally as illustrated on SP.01. Minor modifications to layout of the overall park plan may take place during construction that do not substantially alter the intended recreational opportunities and preservation of natural features.

To determine whether individual uses, either primary and/or accessory, are allowed, the site shall be reviewed in its entirety and include all property owned by Mecklenburg County at the park site. Park and recreation uses not listed in the Town’s Unified Development Ordinance, but that are found in a Mecklenburg County Regional Park shall be allowed at the site and are hereby deemed to fall into one of three following categories:

- Athletic or sports fields, ballfields, in a concentration of three or more, and similar outdoor physical recreation facility intended for use by teams of participants
- Community recreation center, fitness/health center, gymnasium, YMCA, and similar use with multiple physically involved activities, primarily indoor, can take place concurrently
- Park and playground, not otherwise listed

Future changes:

Ongoing repair and maintenance, including replacement of certain materials with alternate materials that will provide improved durability and maintenance, is allowed. Converting an artificial turf field to natural grass or a natural grass field to artificial turf is allowed. Adding field lighting or pedestrian/parking lot/security lighting is allowed when following Matthews outdoor illumination ordinance at 155.609.

Future new or expanded recreational amenities are allowed as long as required setbacks and similar zoning standards are met, and preserved tree canopy is not reduced.

Future expansion of seating at the stadium will be reviewed and approved by the Matthews Board of Commissioners as a site plan, using the process at 155.401.5.B. of the Matthews UDO.

Changes or future additions to the park site that may reduce tree canopy, or will remove then-existing trees (individual or groves, without replacement of like caliper at same place) other than due to tree disease, significant decline, or death, as determined by a certified arborist, may follow the provisions at 155.401.5 for Administrative Amendment.

Internal Streets:

Sports Parkway:

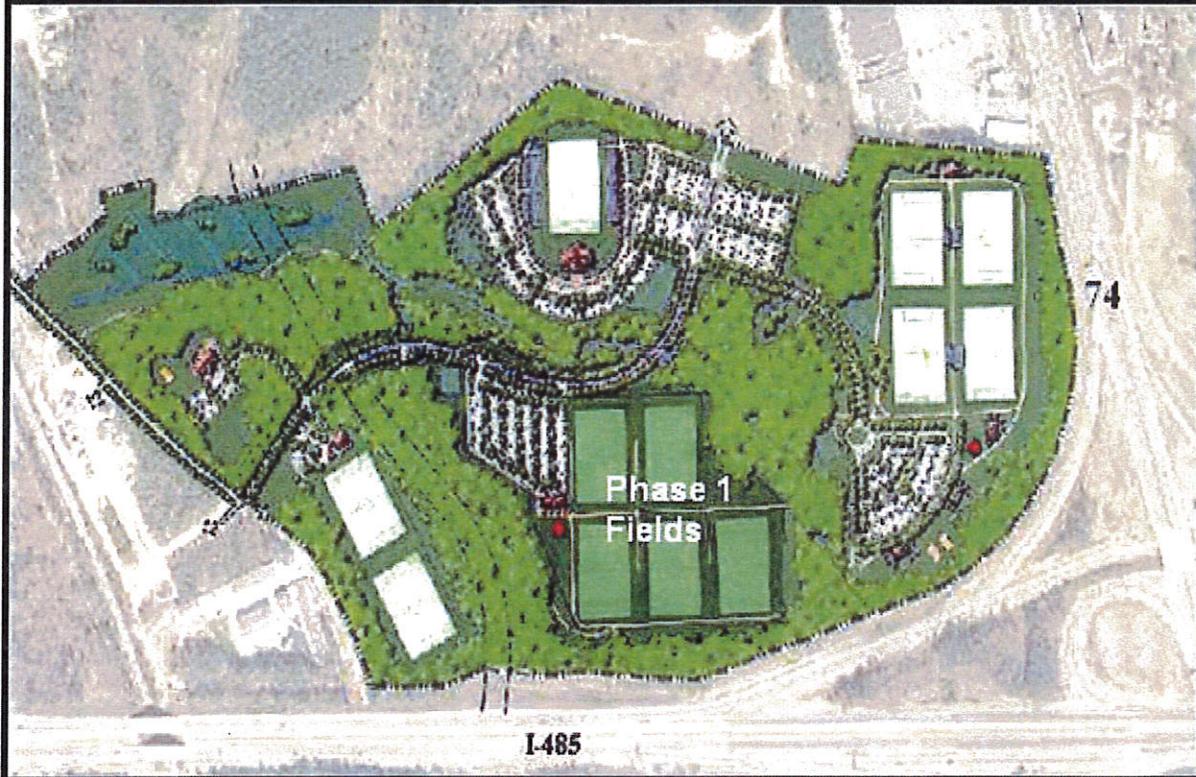
The internal street being developed as the park facilities are installed, currently known as Sports Parkway, will be dedicated to the Town of Matthews as a public street. This dedication will be completed prior to Phase 2 of the park site being opened for public use, and will include the portion of the street from existing Brigman Road (Town street) to existing Tank Town Road (Town street). At the time of Phase 2 plan review, it was determined that the final platting of this street through both the County park facility and the strip of land obtained from the Brigman Family to connect the park facility to Brigman Road, to be used as a construction access, would be delayed until this was no longer required for major park construction purposes.

Independence Pointe Parkway:

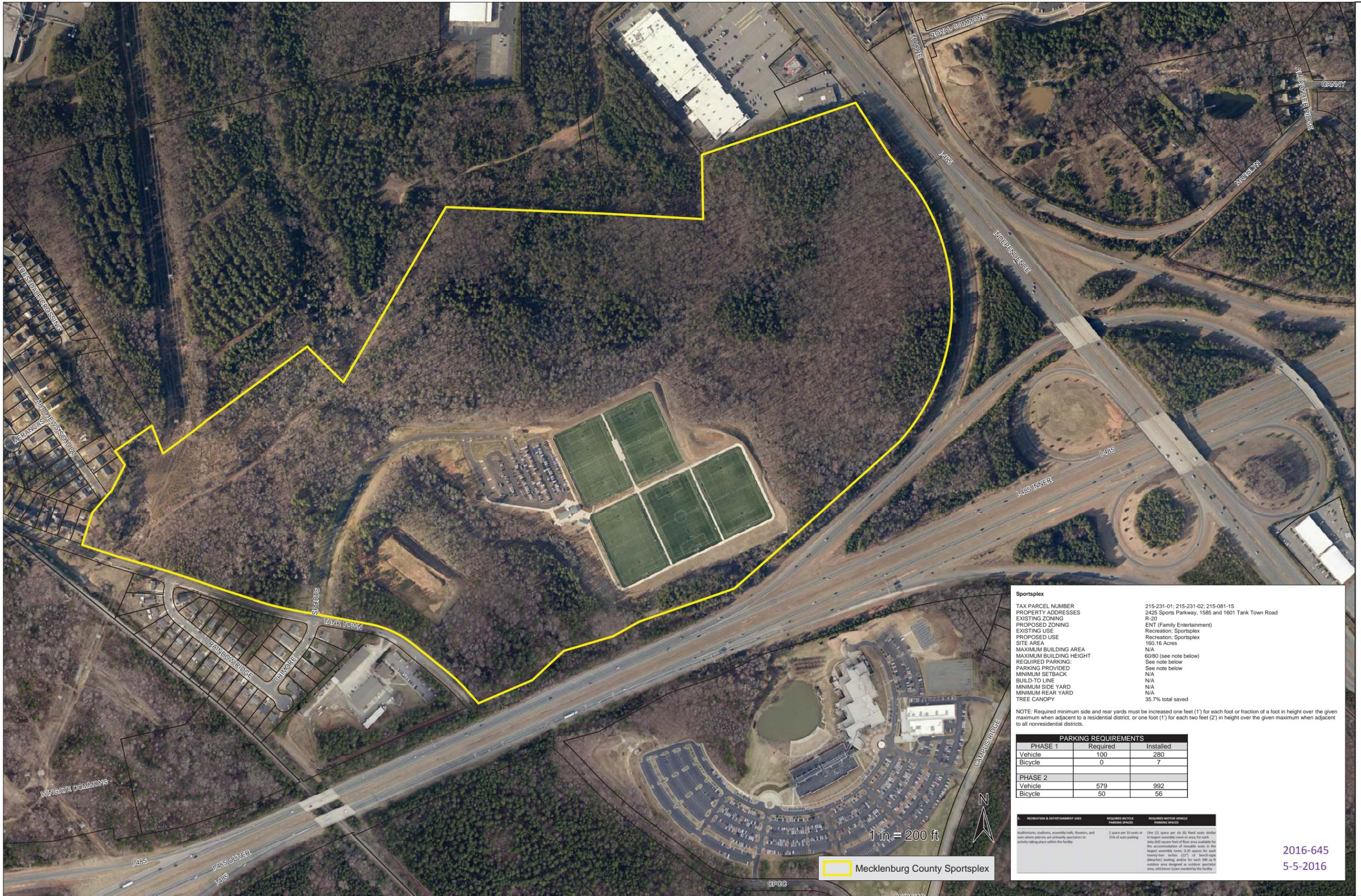
The County agrees to continue discussions regarding the future route of Independence Pointe Parkway.

Mecklenburg County Sportsplex

1505 Tank Town Road, Matthews, NC 28105



From Mecklenburg County Park & Recreation website



Sportsplex
 TAX PARCEL NUMBER 215-231-01; 215-231-02; 215-081-15
 PROPERTY ADDRESSES 2425 Sports Parkway, 1585 and 1601 Tank Town Road
 EXISTING ZONING R-20
 PROPOSED ZONING ENT (Family Entertainment)
 EXISTING USE Recreation; Sportsplex
 PROPOSED USE Recreation; Sportsplex
 SITE AREA 160.16 Acres
 MAXIMUM BUILDING AREA N/A
 MAXIMUM BUILDING HEIGHT 60'00 (see note below)
 REQUIRED PARKING: See note below
 PARKING PROVIDED: See note below
 MINIMUM SETBACK N/A
 BUILD TO LINE N/A
 MINIMUM SIDE YARD N/A
 MINIMUM REAR YARD N/A
 TREE CANOPY 35.7% total saved

NOTE: Required minimum side and rear yards must be increased one foot (1') for each foot or fraction of a foot in height over the given maximum when adjacent to a residential district, or one foot (1') for each two feet (2') in height over the given maximum when adjacent to all nonresidential districts.

PARKING REQUIREMENTS		
PHASE 1	Required	Installed
Vehicle	100	280
Bicycle	0	7
PHASE 2		
Vehicle	579	992
Bicycle	50	56

RECREATION & ENTERTAINMENT USES	REQUIRED BICYCLE PARKING SPACES	REQUIRED MOTOR VEHICLE PARKING SPACES
Auditoriums, stadiums, assembly halls, theaters, and uses where patrons are primarily spectators to activity taking place within the facility.	1 space per 20 seats or 10% of auto parking	One (1) space per six (6) fixed seats, similar to largest assembly room or area, for each 100 square feet of floor area available for the accommodation of movable seats in the largest assembly room; 0.25 spaces for each bench-type seat; and/or for each 300 sq ft outdoor area designed as outdoor spectator area, unless otherwise noted by the facility.

1 in = 200 ft
 Mecklenburg County Sportsplex

2016-645
 5-5-2016