

Rezoning Petition Change Request

As the petitioner or authorized agent for the rezoning petition listed below, I request the following modification to the rezoning petition (modifications allowed with this form include: changes of agent, petitioner*, requested zoning district*, addition/deletion of parcels and resulting changes to acreage**, clarification of acreage***, and/or proposed use).

Upload this form to the Accela record so that staff can make the requested change to the record.

*Requires signed authorization from property owner(s) below

** Requires signed authorization from property owner(s) below and new survey/ metes bounds for portions of parcels

***Requires new survey/ metes and bounds for portions of parcels

Northway Homes LLC

RZP-2025-088

Requested Change: Change requested rezoning districts to N1-D(CD) and N1-A.

The N1-D(CD) and N1-A requested zoning districts are described by metes/bounds on the attached document titled "Metes & Bounds Zoning District Descriptions" which is incorporated herein.

The conditions for the N1-D(CD) zoning district are set forth on the attached document titled "Development Standards – Tier 1 Conditional" which is incorporated herein.

Petitioner/Agent name: David Murray, Murray Law Firm, PLLC, agent for Petitioner.

/s/

Required for changes of petitioner and/or requested zoning district, additions/deletions of parcels and resulting changes in acreage (add additional lines as need).

Owner's Signature (or representative if applicable): Wanda E Sullivan

Landon M Funderburk

Name (Printed): Funderburk Legacy Trust, July 9, 2013

Title: Wanda E. Sullivan and Landon M. Funderburk, Trustees

Date: 12/15/2025

Northway Homes LLC - Rezoning Petition No. 2025-088

METES & BOUNDS ZONING DISTRICT DESCRIPTIONS

N1-D(CD) – DEVELOPMENT AREA

BEGINNING AT A 1" PIPE ON THE SOUTHERN MARGIN OF THE VARIABLE WIDTH PUBLIC RIGHT OF WAY OF KENTBERRY DRIVE; SAID 1" PIPE BEING A COMMON CORNER OF PROPERTIES KNOWN AS 277 & 227 KENTBERRY DR, BOTH PROPERTIES (NOW OR FORMERLY) WANDA ELLEN SULLIVAN AND LONDON MORRIS FUNDERBURK, TRUSTEES OF THE FUNDERBURK LEGACY TRUST DATED JULY9, 2013, DEED BOOK 28575 PAGE 616 AND PAGE 619; THENCE FROM THE POINT OF BEGINNING WITH THE SOUTHERN MARGIN OF THE VARIABLE WIDTH PUBLIC RIGHT OF WAY OF KENTBERRY DRIVE N 77°54'29" E A DISTANCE OF 365.41' TO A POINT AT THE INTERSECTION OF KENTBERRY DRIVE AND BELLHAVEN BOULEVARD; THENCE WITH THE WESTERN MARGIN OF THE VARIABLE WIDTH RIGHT OF WAY OF BELLHAVEN BOULEVARD THE FOLLOWING SIX CALLS:

1. THENCE S 78°09'43" E A DISTANCE OF 7.90' TO A POINT
2. THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 12.02', WITH A RADIUS OF 45.31', WITH A CHORD BEARING OF S 72°03'22" E, WITH A CHORD LENGTH OF 11.98', TO A POINT
3. THENCE WITH A COMPOUND CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 11.47', WITH A RADIUS OF 84.71', WITH A CHORD BEARING OF S 58°33'34" E, WITH A CHORD LENGTH OF 11.46', TO A POINT
4. THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 24.85', WITH A RADIUS OF 1,519.03', WITH A CHORD BEARING OF S 15°45'04" E, WITH A CHORD LENGTH OF 24.85', TO A POINT
5. THENCE WITH A COMPOUND CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 91.60', WITH A RADIUS OF 1,519.03', WITH A CHORD BEARING OF S 17°56'50" E, WITH A CHORD LENGTH OF 91.59', TO A POINT
6. THENCE S 13°12'42" E A DISTANCE OF 34.31' TO A POINT

THENCE LEAVING THE WESTERN MARGIN OF THE VARIABLE WIDTH RIGHT OF WAY OF BELLHAVEN BOULEVARD S 68°29'41" W A DISTANCE OF 277.60' TO A #4 REBAR, A COMMON CORNER OF LOT 8 MAP BOOK 7 PAGE 11; THENCE WITH THE COMMON LINE OF LOT 8 & A PORTION OF LOT 7, S 68°29'41" W A DISTANCE OF 272.67' TO A 1" PIPE, A COMMON CORNER OF NOW OR FORMERLY HOWARD & FRANCES BRADY, DEED BOOK 2678 PAGE 144; THENCE WITH THE BRADY LINE N 12°06'10" W A DISTANCE OF 257.31' TO A POINT ON THE SOUTHERN MARGIN OF THE VARIABLE WIDTH PUBLIC RIGHT OF WAY OF KENTBERRY DRIVE, PASSING A #3 REBAR AT 169.18'; THENCE WITH THE SOUTHERN MARGIN OF THE VARIABLE WIDTH PUBLIC RIGHT OF WAY OF KENTBERRY DRIVE N 77°54'29" E A DISTANCE OF 140.00' TO A 1" PIPE WHICH IS THE POINT OF BEGINNING, CONTAINING 2.619.

N1-A – DEVELOPMENT AREA

BEGINNING AT A POINT ON THE WESTERN MARGIN OF THE VARIABLE WIDTH RIGHT OF WAY OF BELLHAVEN BOULEVARD, ON THE LINE OF NOW OR FORMERLY WANDA ELLEN SULLIVAN AND LONDON MORRIS FUNDERBURK, TRUSTEES OF THE FUNDERBURK LEGACY TRUST DATED JULY9, 2013, DEED BOOK 28575 PAGE 616; THENCE WITH THE WESTERN MARGIN OF THE VARIABLE WIDTH RIGHT OF WAY OF BELLHAVEN BOULEVARD S 13°12'42" E A DISTANCE OF 173.48' TO A POINT; THENCE S 78°00'28" W A DISTANCE OF 255.99' TO A 1" PIPE ON THE EAST LINE OF LOT 8, MAP BOOK 7 PAGE 11; THE WITH EAST LINE OF LOT 8 N 21°33'08" W A DISTANCE OF 129.35' TO A #4 REBAR, THE NORTHEAST CORNER OF LOT 8, MAP BOOK 7 PAGE 11; THENCE N 68°29'41" E A DISTANCE OF 277.60' TO A POINT THE WESTERN MARGIN OF THE VARIABLE WIDTH RIGHT OF WAY OF BELLHAVEN BOULEVARD WHICH IS THE POINT OF BEGINNING, CONTAINING 0.922 ACRES.

Northway Homes LLC - Rezoning Petition No. 2025-088
Development Standards – Tier 1 Conditional* – Kentberry Drive
***Applicable to N1-D(CD) portion of Rezoning Petition No. 2025-088**
12/15/25

Site Development Data:

--Acreage: ± 2.619

--Tax Parcel #: 03126320 and portion of 03126317 (further described in Metes/Bounds Description)

--Metes/Bounds Description: BEGINNING AT A 1" PIPE ON THE SOUTHERN MARGIN OF THE VARIABLE WIDTH PUBLIC RIGHT OF WAY OF KENTBERRY DRIVE; SAID 1" PIPE BEING A COMMON CORNER OF PROPERTIES KNOWN AS 277 & 227 KENTBERRY DR, BOTH PROPERTIES (NOW OR FORMERLY) WANDA ELLEN SULLIVAN AND LONDON MORRIS FUNDERBURK, TRUSTEES OF THE FUNDERBURK LEGACY TRUST DATED JULY9, 2013, DEED BOOK 28575 PAGE 616 AND PAGE 619; THENCE FROM THE POINT OF BEGINNING WITH THE SOUTHERN MARGIN OF THE VARIABLE WIDTH PUBLIC RIGHT OF WAY OF KENTBERRY DRIVE N 77°54'29" E A DISTANCE OF 365.41' TO A POINT AT THE INTERSECTION OF KENTBERRY DRIVE AND BELLHAVEN BOULEVARD; THENCE WITH THE WESTERN MARGIN OF THE VARIABLE WIDTH RIGHT OF WAY OF BELLHAVEN BOULEVARD THE FOLLOWING SIX CALLS:

1. THENCE S 78°09'43" E A DISTANCE OF 7.90' TO A POINT
2. THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 12.02', WITH A RADIUS OF 45.31', WITH A CHORD BEARING OF S 72°03'22" E, WITH A CHORD LENGTH OF 11.98', TO A POINT
3. THENCE WITH A COMPOUND CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 11.47', WITH A RADIUS OF 84.71', WITH A CHORD BEARING OF S 58°33'34" E, WITH A CHORD LENGTH OF 11.46', TO A POINT
4. THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 24.85', WITH A RADIUS OF 1,519.03', WITH A CHORD BEARING OF S 15°45'04" E, WITH A CHORD LENGTH OF 24.85', TO A POINT
5. THENCE WITH A COMPOUND CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 91.60', WITH A RADIUS OF 1,519.03', WITH A CHORD BEARING OF S 17°56'50" E, WITH A CHORD LENGTH OF 91.59', TO A POINT
6. THENCE S 13°12'42" E A DISTANCE OF 34.31' TO A POINT

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VARIABLE WIDTH PUBLIC RIGHT OF WAY OF KENTBERRY DRIVE N 77°54'29" E A DISTANCE OF 140.00' TO A 1" PIPE WHICH IS THE POINT OF BEGINNING, CONTAINING 2.619.

--Existing Zoning: R8-MF(CD)

--Proposed Zoning: N1-D(CD)

--Existing Uses: Vacant

--Proposed Uses: A residential community made up of single-family detached dwellings and accessory uses as allowed by right and under prescribed conditions in the N1-D zoning district and as further restricted below.

1. General Provisions:

- a. Site Location.** These Development Standards form this rezoning plan (referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Northway Homes, LLC ("Petitioner") to accommodate the development of a single-family residential community on an approximately 2.619-acre site (as described hereinabove) located at 227/277 Kentberry Drive in Charlotte, NC (the "Site").
- b. Zoning Districts/Ordinance.** Development of the site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Unified Development Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the N1-D zoning classification shall govern all development taking place on the Site.
- c. Alterations.** Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Article 37.3 of the Ordinance.

2. Permitted and Prohibited Uses:

- a.** The Site may be developed with a residential community made up of single-family detached dwellings and accessory uses as allowed by right and under prescribed conditions in the N1-D zoning district.

3. Amendments to the Rezoning Plan:

- a.** Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable development area or portion of the Site affected by such amendment in accordance with the provisions herein and of Article 37.3 of the Ordinance.

4. Binding Effect of the Rezoning Application:

- a.** If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.