



DATE FILED 2011-580
 APPLICATION NUMBER 12/2/2011
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.

19330202

Tax parcel number(s): _____
 9949 and 10101 East Independence Boulevard (U. S. Highway 74), Matthews, N. C. 28105

Address of property: _____

Location of property: Intersection of U. S. Highway 74 (East Independence Boulevard) and Windsor Square Drive,
 Matthews, N. C. 28105 (The Easterly portion of the Windsor Square Shopping Center)

Title to the property was acquired on July 2nd, 2003
 and was recorded in the name of SC Windsor Associates, LP
 whose mailing address is 340 Royal Poinciana Way, #316, Palm Beach, FL 33480

The deed is recorded in Book 15637 and Page 606 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: C (Conditional) Requested zoning classification: B-1SCD

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

See Exhibit "A" attached hereto and incorporated herein by this reference.

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Signature of property owner (must be original)

SC Windsor Square, LP

Print name of property owner

340 Royal Poinciana Way, #316

Property owner's mailing address

Palm Beach, FL 33480

Property owner's mailing address, continued

Property owner's mailing address, continued

561-371-2191

Property owner's phone number/email address



Signature of agent (if any)

Charles W. Bennett, Attorney for Petitioner

Print name of agent

P. O. Box 2570

Agent's mailing address

Matthews, N. C. 28106

Agent's mailing address, continued

Agent's mailing address, continued

704-844-1400

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

Exhibit "A"

The Property is currently zoned C (Conditional Zoning), a zoning classification no longer in effect for the Town of Matthews, and the petition is to change to zoning, to the recently adopted zoning category which is deemed by the applicant and the Town of Matthews as the proper zoning classification for the current configuration and current usage of the Property. The application is made expressly contingent upon adoption with such nonconformities as might exist due to the existing construction and configuration of the Property in keeping with the adoption by the Town of Matthews of Zoning Ordinance Section 153.273 by Motion adopted in August of 2010, to allow deviations and nonconformities, including zoning variances and a waiver of fees associated with any such variance actions. This request for rezoning is also in conformity with the terms and conditions of the recent amendment to the existing zoning of the Property in relationship to the right turn in and right turn out and parking reconfigurations associated with approved Zoning Petition Number 2010-557.

Due to this zoning change being implemented for an existing facility (Windsor Square Shopping Center) and the previous Conditional Site Plan having been improved the petition includes the following:

- 1) Continuation of the existing parking requirements of one space for each three hundred (300) square feet of improved space; and
- 2) Waiver of a traffic study due to provision of prior traffic studies in conjunction with both the recent changes pursuant to Petition 2010-557 and the traffic conditions being currently in existence (See traffic study information for petition 2010-557); and
- 3) Waiver of the requirement for a community/neighborhood informational meeting due to the pre-existence of the structures and usage currently in place in light of the change being to comply with a change in zoning categories and not for initial use or a change in use.

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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19323103

TAX PARCEL

Duke Power Company

PROPERTY OWNER NAME(S)

422 Church Street, Charlotte, N. C. 28242-0001

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

19323104

TAX PARCEL

Matthews Crossing Shopping Center

PROPERTY OWNER NAME(S)

270 Commerce Drive

OWNER MAILING ADDRESS

Rochester, NY 14623

Rochester, NY 14623

OWNER MAILING ADDRESS, CONTINUED

19323138

TAX PARCEL

AJM Properties LTD. and % Factor Mediation

PROPERTY OWNER NAME(S)

21355 Pacific Coast Highway #200

OWNER MAILING ADDRESS

Malibu, CA 902265

OWNER MAILING ADDRESS, CONTINUED

19330201

TAX PARCEL

RWT JR, LLC

PROPERTY OWNER NAME(S)

1334 Weddington Hills Drive

OWNER MAILING ADDRESS

Matthews, N. C. 28105

OWNER MAILING ADDRESS, CONTINUED

SL&E Investments, LLC and Attn: Sami I Nafisi

TAX PARCEL

7935 Council Pl. Suite 200

PROPERTY OWNER NAME(S)

Matthews, N. C. 28105

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

19330204

TAX PARCEL

Town of Matthews

PROPERTY OWNER NAME(S)

232 Matthews Station Street

OWNER MAILING ADDRESS

Matthews, N. C. 29105

OWNER MAILING ADDRESS, CONTINUED

19330301

TAX PARCEL

Realty Income Corporation and C/O James Booth

PROPERTY OWNER NAME(S)

19601 North 27th Avenue

OWNER MAILING ADDRESS

Phoenix, AZ 85027

OWNER MAILING ADDRESS, CONTINUED

19330311

TAX PARCEL

Union Charlotte Metro Federal Credit

PROPERTY OWNER NAME(S)

718 Central Avenue

OWNER MAILING ADDRESS

Charlotte, N. C. 28204

OWNER MAILING ADDRESS, CONTINUED

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19330314

TAX PARCEL

TMB Ventures, LLC

PROPERTY OWNER NAME(S)

245 Old Hickory Road

OWNER MAILING ADDRESS

Locust, N. C. 28097

OWNER MAILING ADDRESS, CONTINUED

19339251

TAX PARCEL

Dennis R. Peters and Jo Anne Peters

PROPERTY OWNER NAME(S)

9714 Calpher Court

OWNER MAILING ADDRESS

Matthews, N. C. 28105

OWNER MAILING ADDRESS, CONTINUED

193392106

TAX PARCEL

Windsor Landing Investments, I and II, LLC

PROPERTY OWNER NAME(S)

1900 Windsor Hill Drive

OWNER MAILING ADDRESS

Matthews, N. C. 28105

OWNER MAILING ADDRESS, CONTINUED

19352101

TAX PARCEL

Town of Matthews

PROPERTY OWNER NAME(S)

232 Matthews Station Street

OWNER MAILING ADDRESS

Matthews, N. C. 28105

OWNER MAILING ADDRESS, CONTINUED

19352106

TAX PARCEL

Lowe's Home Centers Inc. (Store #1124)

PROPERTY OWNER NAME(S)

P. O. Box 1111

OWNER MAILING ADDRESS

North Wilkesboro, N. C. 28656

OWNER MAILING ADDRESS, CONTINUED

19352115

TAX PARCEL

Costco Wholesale Corp.

PROPERTY OWNER NAME(S)

999 Lake Drive

OWNER MAILING ADDRESS

Issaquah, WA 98027

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

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, extension 224) for verification.

Application submitted to and accepted by the Town of Matthews December 2nd, 2011

Town Board of Commissioners formally accepts application and sets Public Hearing date December 12th, 2011

Notices sent via mail to affected/adjacent property owners on or before December 26th, 2011

Protest petition filed with Planning Department by 5:00 pm on January 4th, 2012

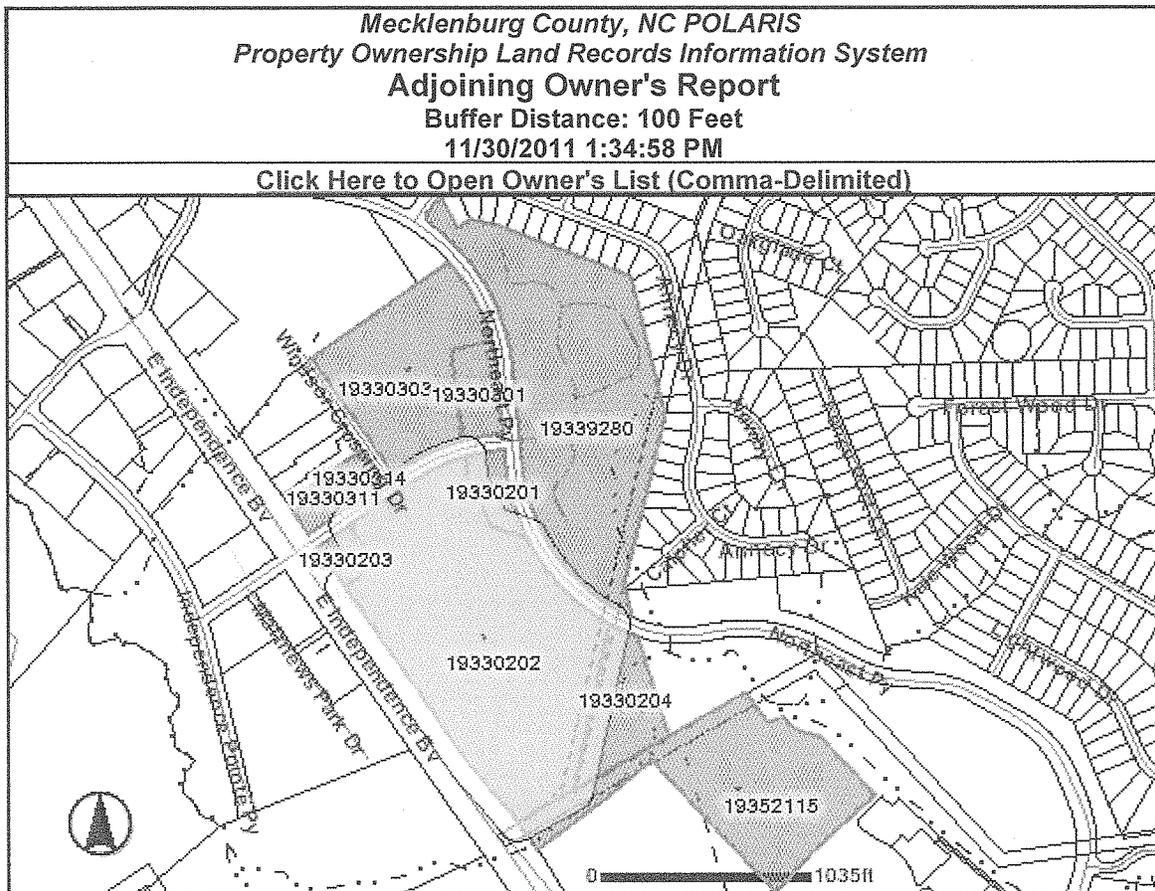
Public hearing: petitioner may give explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning January 9th, 2012

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 January 24th, 2012

Town Board of Commissioners approves or denies application February 13th, 2012

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



This map 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 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.

Parcel ID	Owner Name	Mailing Address	City	State	ZIP	Legal Description	Deed Book	Deed Page	Land Area
19330201	RWTJR LLC	1334 WEDDINGTON HILLS DR	MATTHEWS	NC	28104	M21-929	22805	245	1.54 AC
19330202	SC WINDSOR ASSOCIATES LP	340 ROYAL POINCIANA WAY #316	PALM BEACH	FL	33480	M21-929	15637	606	33 AC
19330203	S L & E INVESTMENTS LLC AND ATTN: SAMI I NAFISI	7935 COUNCIL PL SUITE 200	MATTHEWS	NC	28105	M21-929	25918	557	1.0074 AC
19330204	TOWN OF MATTHEWS	232 MATTHEWS STATION ST	MATTHEWS	NC	28105	M21-929	06188	546	5.24 AC
19330301	REALTY INCOME CORPORATION AND C/O JAMES BOOTH	19601 NORTH 27TH AVE	PHOENIX	AZ	85027	M21-930	09803	836	2.079 AC
19330303	SC WINDSOR ASSOCIATES LP AND C/O WALMART PROPERTY TAX DEPT	PO BOX 8050 MS 0555	BENTONVILLE	AR	72712-8050	M21-930	15637	606	11.12 AC
19330311	UNION CHARLOTTE METRO FEDERAL CREDIT	718 CENTRAL AVE	CHARLOTTE	NC	28204	NA	26636	214	1.209 AC
	TMB VENTURES	245 OLD							0.573

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19330314	LLC	HICKORY RD	LOCUST	NC	28097	M21-930	16676	921	AC
19339280	LLC WINDSOR LANDING INVESTMENTS I AND LLC WINDSOR LANDING INVESTMENTS II	1900 WINDSOR HILL DR	MATTHEWS	NC	28105	NA	23192	934	25.53 AC
19352115	COSTCO WHOLESALE CORP AND % PROPERTY TAX DEPT #367	999 LAKE DR	ISSAYUAH	WA	98027	P2 M36-772	13832	458	14.8 AC

List of adjacent Property Owners to Parcel # 19330202 (SC Windsor Associates, LP)

Rezoning Petition from C (Conditional) to B-1SCD

Duke Power Company
422 Church Street
Charlotte, N. C. 28242-001

Matthews Crossing Shopping Center,
270 Commerce Drive
Rochester, NY 14623

AJM Properties, LTD, and % Factor Mediation
21355 Pacific Coast Highway
Malibu, CA 90265

RWT JR, LLC
1334 Weddington Hills Drive
Matthews, N. C. 28105

SL & E Investments, LLC and Sami I. Nafisi
7935 Council Place, Suite 200
Matthews, N. C. 28105

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Realty Income Corporation and c/o James Booth
19601 North 27th Avenue
Phoenix, AZ 85027

Union Charlotte Metro Federal Credit
718 Central Avenue
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TMB Ventures
245 Old Hickory Road
Locust, N. C. 28097

Dennis R. Peters and Jo Anne Peters
9714 Calpher Court
Matthews, N. C. 28105

Windsor Landing Investments I and II, LLC
1900 Windsor Hill Drive
Matthews, N. C. 28105

Town of Matthews
232 Matthews Station Street
Matthews, N. C. 28105

Lowe's Home Centers, Inc. (Store # 1124)
P. O. Box 1111
North Wilkesboro, N. C. 28656

Costco Wholesale Corp.
999 Lake Drive
Issaquah, WA 98027

WEAVER, BENNETT & BLAND, P.A.

ATTORNEYS AT LAW
MAILING ADDRESS
POST OFFICE BOX 2570
MATTHEWS, NORTH CAROLINA 28106

F. LEE WEAVER
CHARLES W. BENNETT
MICHAEL DAVID BLAND*
WILLIAM G. WHITTAKER
ERAN LEE WEAVER

TRENT M. GRISSOM*
HEATHER R. HOBGOOD
* LICENSED IN NC & SC

STREET ADDRESS/OVERNIGHT
196 N. TRADE STREET
MATTHEWS, NC 28105

TELEPHONE (704) 844-1400
FAX (704) 845-1503
REAL ESTATE FAX (704) 844-1414

January 25, 2012

Town of Matthews
Attn: Jay Camp
232 Matthews Station Street
Matthews, NC 28105

Re: Zoning Petition # 2011-580; SC Windsor Associates, LLC (9949 and 101⁰₁ East Independence Blvd.)

Dear Mr. Camp:

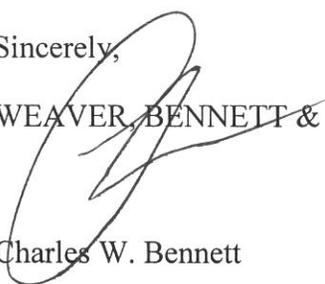
I am addressing this letter to you for distribution to the members of the town council in relationship to the requirement of the Matthews Zoning Ordinance that a confirmation be provided by the petitioner as it relates to the requested zoning being compatible with existing zoning and land use in the area in which the property to considered for rezoning is located.

Please accept this letter as certification that the property in question is a long-existing shopping center previously approved under the conditional zoning then in effect of the Town of Matthews and located upon the US Highway 74 (Independence Blvd). The property is compatible with the land uses of all properties in the immediate and surrounding area and, if approved, will fully conform to the requirements of the proposed change in zoning to B-1SCD.

Please notify me if any additional information is needed before the public hearing and subsequent consideration of the town council's final approval.

Sincerely,

WEAVER, BENNETT & BLAND, P.A.



Charles W. Bennett

CWB/lh

cc: SC Windsor Associates, LLC