



DATE FILED <u>9-26-2013</u>
APPLICATION NUMBER <u>2013-604</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): 193-303-01

Address of property: 1815 Windsor Square Drive

Location of property:

Title to the property was acquired on 07/20/1998  
and was recorded in the name of Realty Income Corporation  
whose mailing address is 600 La Terraza Boulevard  
Escondido, CA 92025

The deed is recorded in Book 9803 and Page 836 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: C Requested zoning classification: B-1 (CD)

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

~~Zoning designation is not used in Zoning Ordinance~~  
Zoning designation of "Conditional" is no longer used.

Signature of property owner (must be original)

Signature of property owner (must be original)

Realty Income Corporation

Print name of property owner

Print name of property owner

600 La Terraza Boulevard

Property owner's mailing address

Property owner's mailing address

Escondido CA 92025

Property owner's mailing address, continued

760-741-2111

Property owner's phone number/email address

Property owner's phone number/email address

Signature of agent (if any)

Petitioner other than owner (if any)

Print name of agent

Print name of petitioner

Agent's mailing address

Petitioner's mailing address

Agent's mailing address, continued

Petitioner's mailing address, continued

Agent's mailing address, continued

Petitioner's mailing address, continued

Agent's phone number/email address

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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193-303-03  
\_\_\_\_\_  
TAX PARCEL  
SC Windsor Associates LP C/O Walmart  
\_\_\_\_\_  
PROPERTY OWNER NAME(S)  
PO Box 8050 MS 0555  
\_\_\_\_\_  
OWNER MAILING ADDRESS  
Bentonville, AR 72712-8050  
\_\_\_\_\_  
OWNER MAILING ADDRESS, CONTINUED

193-392-80  
\_\_\_\_\_  
TAX PARCEL  
LLC Windsor Landing Investments  
\_\_\_\_\_  
PROPERTY OWNER NAME(S)  
1900 Windsor Hill Drive  
\_\_\_\_\_  
OWNER MAILING ADDRESS  
Matthews, NC 28105  
\_\_\_\_\_  
OWNER MAILING ADDRESS, CONTINUED

193-302-01  
\_\_\_\_\_  
TAX PARCEL  
RWT JR LLC  
\_\_\_\_\_  
PROPERTY OWNER NAME(S)  
1334 Weddington Hills Drive  
\_\_\_\_\_  
OWNER MAILING ADDRESS  
Matthews, NC 28104  
\_\_\_\_\_  
OWNER MAILING ADDRESS, CONTINUED

193-302-02  
\_\_\_\_\_  
TAX PARCEL  
SC Windsor Associates LP C/O JC Penney  
\_\_\_\_\_  
PROPERTY OWNER NAME(S)  
340 Royal Poinciana Way #316  
\_\_\_\_\_  
OWNER MAILING ADDRESS  
Palm Beach, FL 33480  
\_\_\_\_\_  
OWNER MAILING ADDRESS, CONTINUED

\_\_\_\_\_  
TAX PARCEL  
\_\_\_\_\_  
PROPERTY OWNER NAME(S)  
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OWNER MAILING ADDRESS  
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OWNER MAILING ADDRESS, CONTINUED

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TAX PARCEL  
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PROPERTY OWNER NAME(S)  
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OWNER MAILING ADDRESS  
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OWNER MAILING ADDRESS, CONTINUED

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TAX PARCEL  
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PROPERTY OWNER NAME(S)  
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OWNER MAILING ADDRESS  
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OWNER MAILING ADDRESS, CONTINUED

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TAX PARCEL  
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PROPERTY OWNER NAME(S)  
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OWNER MAILING ADDRESS  
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OWNER MAILING ADDRESS, CONTINUED

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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](mailto:mjgollnitz@matthewsnc.gov)) for verification.

Application submitted to and accepted by the Town of Matthews 9-26-2013

Town Board of Commissioners formally accepts application and sets Public Hearing date 10-14-2013

Notices sent via mail to affected/adjacent property owners on or before 11-25-2013

Protest petition filed with Planning Department by 5:00 pm on 12-4-2013

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 12-9-2013

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 To Be Determined

Town Board of Commissioners approves or denies application 1-13-2014

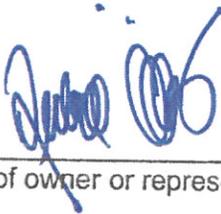
#### GENERAL STATUTE 160A-385: CHANGES.

- (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 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

### REZONING AUTHORIZATION

I Richard Collins representing Realty Income Corp. hereby request the Town of Matthews to begin the application process for a rezoning petition to update the zoning district within which my property is located (Conditional District = "C"). The property is located at 1815 Windsor and further identified as parcel identification number 193-303-01.  
Square Drive

I understand that an application requiring my signature must be in place prior to commencement of the rezoning process. Once the rezoning process is underway, Town staff will act as representative to the owner throughout the process and will submit all paperwork and conduct due diligence to move the rezoning petition toward a final decision date.



\_\_\_\_\_  
Signature of owner or representative

2/13/13  
\_\_\_\_\_  
Date