



DATE FILED	<u>3/4/2011</u>
APPLICATION NUMBER	<u>2011-568</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): 193-302-01

Address of property: 1898 Windsor Square Drive

Location of property: 1.54 acre parcel located at the intersection of Windsor Square Drive and Northeast Parkway

Title to the property was acquired on September 13, 2007  
and was recorded in the name of RWTJR LLC  
whose mailing address is 1334 Weddington Hills Drive  
Matthews NC 28104

The deed is recorded in Book 22805 and Page 245 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: Conditional Requested zoning classification: B-1(CO)

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

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This zoning request seeks to convert this property from the defunct "old Conditional" zoning to an appropriate category for neighborhood business, B-1(CO), in today's zoning ordinance

~~Robert W. Thurbow RWT LLC~~

Signature of property owner (must be original)

Signature of property owner (must be original)

RWTJR LLC. Robert W. THURBOW JR.

Print name of property owner

Print name of property owner

1334 WEDDINGTON HILLS DR.

Property owner's mailing address

Property owner's mailing address

MATTHEWS, NC, 28104

Property owner's mailing address, continued

704-904-9117

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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193-302-02

TAX PARCEL

SC Windsor Associates LP

PROPERTY OWNER NAME(S)

340 Royal Poinciana Way # 316

OWNER MAILING ADDRESS

Palm Beach, FL 33480

OWNER MAILING ADDRESS, CONTINUED

193-303-03

TAX PARCEL

Realty Income Corp c/o James Booth

PROPERTY OWNER NAME(S)

19601 North 27th Avenue

OWNER MAILING ADDRESS

Phoenix, AZ 85027

OWNER MAILING ADDRESS, CONTINUED

193-301-01

TAX PARCEL

SC Windsor c/o Walmart Property Tax Dept

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

Windsor Landing Investments I + II LLC

PROPERTY OWNER NAME(S)

1900 Windsor Hill Drive

OWNER MAILING ADDRESS

Matthews, NC 28105

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

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 March 4, 2011

Town Board of Commissioners formally accepts application and sets Public Hearing date March 14, 2011

Notices sent via mail to affected/adjacent property owners on or before April 25, 2011

Protest petition filed with Planning Department by 5:00 pm on May 4, 2011

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 May 9, 2011

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 May 24, 2011

Town Board of Commissioners approves or denies application June 13, 2011

### 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