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:

______________________________________________________________

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)

Location of property:

______________________________________________________________

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-15CD
List reason(s) why zoning should be changed (use separate sheet if necessary):

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

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.
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<td>SL&amp;E Investments, LLC and Attn: Sami I Nafisi</td>
<td>7935 Council Pl. Suite 200, Matthews, N. C. 28105</td>
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<td>19323104</td>
<td>Matthews Crossing Shopping Center</td>
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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, 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 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.

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<th>State</th>
<th>ZIP</th>
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Rezoning Application for Parcel 19330202 to B-1SCD, Windsor Square Shopping Center

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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

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

Realty Income Corporation and c/o James Booth
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Phoenix, AZ 85027

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718 Central Avenue
Charlotte, N. C. 28204

TMB Ventures
245 Old Hickory Road
Locust, N. C. 28097

Page 1
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
Issayuah, WA 98027
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 1041, 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 be 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-1 SCD.

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

Sincerely,

[Signature]

WEAVER, BENNETT & BLAND, P.A.

[Signature]

CWB/lh
cc: SC Windsor Associates, LLC