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): 193-191-23

Address of property: 1905 Rice Rd. Ext.

Location of property:
   near the rear of East Point development, off of
   Independence Blvd. near Sam Newell Rd.

Title to the property was acquired on 2/27/07
and was recorded in the name of LLC East Village Shopping Center
whose mailing address is 7027 Seton House Ln., Charlotte, NC 28277

The deed is recorded in Book 4829 and Page 495 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: C Requested zoning classification: B-2(CD)
List reason(s) why zoning should be changed (use separate sheet if necessary):

Conditional (c) zoning classification is defunct; rezoning will bring the property under the guidelines of relevant zoning ordinance.

Signature of property owner (must be original)

Richard Ruskind
Print name of property owner

7027 Seton Hall Lane
Property owner's mailing address

Charlotte, NC 28277
Property owner's mailing address, continued

Property owner's mailing address, continued

704-905-6175
Property owner's phone number/email address

Signature of agent (if any)

Print name of agent

Agent’s mailing address

Agent’s mailing address, continued

Agent’s mailing address, continued

Agent’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
I hereby request the Town of Matthews to begin the application process for a rezoning petition to update the zoning district where my property is located. I understand that an application requiring my signature must be in place prior to commencement of the rezoning process. Once the rezoning petition is underway, Town staff will act as representative to the owner throughout the process and will process all paperwork and conduct due diligence to move the rezoning petition towards a final decision date.

[Signature]

Signature of owner or representative

[Date]

11/2/2012
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<tr>
<td>193-191-01</td>
<td>193-191-02</td>
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<tr>
<td><strong>Marcia Lipack Trust</strong></td>
<td><strong>East Independence Prop</strong></td>
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<tr>
<td><strong>PROPERTY OWNER NAME(S)</strong></td>
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<td>16080 Briar Creek Drive</td>
<td>4010 Triangle Drive</td>
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<td><strong>OWNER MAILING ADDRESS</strong></td>
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<td>Delray, FL 33446-9561</td>
<td>Charlotte, NC 28208</td>
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<td>193-191-22</td>
<td>193-191-17</td>
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<td><strong>Investments LLC EIP</strong></td>
<td><strong>Slam Properties LLC</strong></td>
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<td><strong>PROPERTY OWNER NAME(S)</strong></td>
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<td>4010 Triangle Drive</td>
<td>2727 Paces Ferry Rd. Suite 11-1200</td>
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<td>Charlotte, NC 28208</td>
<td>Atlanta, GA 30339</td>
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APPLICATION FOR CHANGE IN ZONING CLASSIFICATION OR CONDITION, PAGE 3
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 _______________________________ 11/2/2012
Town Board of Commissioners formally accepts application and sets Public Hearing date _______________________________ 11/12/2012
Notices sent via mail to affected/adjacent property owners on or before _______________________________ 11/26/2012
Protest petition filed with Planning Department by 5:00 pm on _______________________________ 12/5/2012
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 _______________________________ 12/10/2012
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 _______________________________ 12/25 +
Town Board of Commissioners approves or denies application _______________________________ 1/14/2013

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