

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

To Be Amended

Petition #: 2000-91
Date Filed: 3-22-00
Received By: SLS

OWNERSHIP INFORMATION:

Property Owner: Blakeney Heath Ltd. Partnership c/o The Crosland Group, Inc.

Owner's Address: 141 Scaleybark Rd. Charlotte NC 28209

Date Property Acquired: 1985, 1997 Tax Parcel Number(s): 229 091 03 00, 05, 01
229 081 03, 05
229 051 04, 229 401 97, 98

Utilities Provided; (Water) CMUD (Sewer) CMUD
(CMUD, Private, Other) (CMUD, Private, Other)

LOCATION OF PROPERTY (Address or Description): East of Landen Ford Drive

Size (Sq. Ft. or Acres): 216.23 acres Street Frontage (Ft.): Rea Rd. 5287'
East-west Circum. 2960'

Current Land Use: _____

ZONING REQUEST:

Existing Zoning: CC, O-1 (CD), R-12MF (CD) Proposed Zoning: CC, O-1 (CD), R-12MF (CD)
Site Plan Amendment

Purpose of Zoning Change: _____

Bailey Patrick, Jr.
Name of Agent
Suite 4200, 100 N. Tryon St.
Charlotte, NC 28202-4006
Agent's Address (City, State, Zip)

331-7454 331-7598
Telephone Number Fax Number

Signature of Property Owner if other than Petitioner

Blakeney Heath Ltd. Partnership
c/o The Crosland Group, Inc.
Name of Petitioner(s)
141 Scaleybark Rd.
Charlotte, NC 28209
Address of Petitioner(s) (City, State, Zip)

561 5221 527 5181
Telephone Number Fax Number

Signature

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OWNERSHIP INFORMATION:

Property Owner: Blakeney Heath Ltd. Partnership c/o The Crosland Group, Inc.

Owner's Address: 141 Scaleybark Road, Charlotte, NC 28209

Date Property Acquired: 1985, 1997 *need*

Tax Parcel Number(s): 229-091-03 (part of); 229-091-05; 229-091-01; 229-081-03; 229-081-05; 229-051-04; ~~221-401-97~~; and ~~221-401-98~~

Utilities Provided: (Water): CMUD (Sewer): CMUD

(in Harrisburg) NC correct
not correct 93
Bk 229

LOCATION OF PROPERTY (Address or Description): 216.23 acres, more or less, at or near the intersection of Rea Road Extension and the East-West Circumferential Road (the "Property"). The Property is more particularly depicted on the Site Specific Development Plan submitted with this Application.

Size (Sq. Ft. or Acres): 216.23 acres, more or less Street Frontage (Ft.): Rea Road: 5,287 feet
East- West
Circumferential: 2,960 feet

Current Land Use: The Property comprises a portion of an approximately 275.18 acre mixed use development known as Landen Town Center ("Landen"). A portion of Landen designated as Parcel III on the Site Specific Development Plan is currently the subject of a pending Rezoning Application filed with the City of Charlotte and is, therefore, not a part of this Rezoning Application.

By virtue of several Conditional Rezoning Petitions approved by the Mecklenburg County Board of Commissioners in 1986 (No. 86-5(c)), 1995 (No. 94-46(c)), and 1997 (No. 97-26(c)), a Vested Rights Certification in 1997 (97-1(c)VRC), and an administrative site plan amendment in 1999, the Property may be devoted to a mixed use development containing the following components:

(a) Parcel I—The Community Retail Center Component located in the northwest, northeast and southeast quadrants of the intersection between Rea Road and the East-West Circumferential Road (the "Circumferential Road") and containing 99.13 acres, more or less;

(b) Parcel II—The Optional General Office/Residential Component located in the southwestern quadrant of the intersection between Rea Road and the Circumferential Road and containing 57.5 acres, more or less; and

(c) Parcel IV—The Multi-Family South Residential Component located along the easterly side of Rea Road adjacent to and south of Parcel I and containing 59.70 acres, more or less.

ZONING REQUEST:

Existing Zoning: Parcel I: CC
Parcel II: O-1 (CD)
Parcel IV: R-12 MF(CD)

Proposed Zoning: Site plan amendment

Purpose of Zoning Change: Accompanying this Application is a Site Specific Development Plan that incorporates all of the conditions which are associated with the development of the Property as a part of the Rezoning Petitions and Vested Rights Application described above. Also accompanying this Application is a copy of the Development Standards that currently govern development of the Property (the "Development Standards"). The Petitioner hereby specifically incorporates by reference all portions of these Development Standards which apply to the Property as a part of its Site Specific Development Plan.

Pursuant to the provisions of Section 1.110 of the City of Charlotte Zoning Ordinance and the provisions of Section 160A-385.1 of the North Carolina General Statutes, the Petitioner respectfully petitions the City Council of the City of Charlotte to approve this Rezoning Application which will grant the Petitioner a vested right to undertake and complete the development and use of the Property under the terms and conditions set forth in the accompanying Site Specific Development Plan and supplemental documents associated therewith for a period of 5 years from the date of approval.

In support of this Application, the Petitioner respectfully shows the following:

- The Site Specific Development Plan is consistent with the South District Plan.
- The Development Standards obligate the Petitioner to stagger the development taking place on the Property in accordance with a specific phasing program. Specifically, Part V of the Development Standards provides as follows:

"PART V

Phasing

(a) No non-residential development may take place on the Site until after a construction program has been confirmed by the proper governmental authorities for the following roads:

- (1) The extension of Rea Road from relocated Providence Road West, to the northerly lines of Parcels I and III; and
- (2) Either one of the following:
 - (i) the extension of Rea Road south and east of the Site to connect with Weddington Marvin Road and/or NC Highway No. 16 in Union County; or
 - (ii) the extension of the Circumferential Road west of the Site to US Highway No. 521; or

(iii) the extension of the Circumferential Road east of the Site to NC Highway No. 16.

Upon written confirmation from the proper governmental authority of an approved construction schedule to meet the requirements of Paragraph (a) of this Part V, non-residential development of Parcels I and II may commence not more than 12 months before the scheduled completion of the required road segments.

(b) No multi-family units may be occupied until Rea Road has been constructed north to Providence Road West.

(c) Petitioner agrees not to pave Blakeney Heath Road or install curb and gutter or dedicate the right-of-way for the portion of Blakeney Heath Road within the Landen Development until Rea Road Extension has been constructed from the Landen Development to Providence Road West. Until this improvement takes place, Blakeney Heath Road will be used only for construction access to build Rea Road Extension and for emergency vehicles and a gate will be installed at the end of the existing Blakeney Heath Road.

(d) No more than thirty-nine percent (39%) of the total non-residential development (390,000 square feet) may be issued certificates of use and occupancy until either one of the following:

(1) Completion of construction of Rea Road to four lanes from Providence Road West to the southern project boundary; or

(2) Completion of construction of the extension of one leg of the Circumferential Road (east to N.C. Highway 16 or west to U.S. Highway 521).

(e) Notwithstanding anything to the contrary hereinabove provided, the owners shall have the right to engage in site preparation activities on the Site (after first obtaining all necessary governmental permits) at any time, which are designed to prepare the Site for future vertical development, including gradings, drainage, erosion control, utility installations, landscaping, road construction and other types of activities related to the preparation of the Site for future vertical developments.”

- Completion of the Circumferential Road is tentatively scheduled for completion in October, 2002. By reason of the phasing requirements noted above and the scheduled completion date for the Circumferential Road, major portions of the approved commercial development cannot be completed in the immediate future.
- Given the size of the Property and the magnitude of the planned development that has been previously approved, it is not reasonable to expect that market conditions will justify installing the required infrastructure and completing the build out of this mixed use project in less than the 5 year vested period requested in this Application.
- The Petitioner has committed substantial funds in the form of the purchase and the long term carrying costs for the Property.
- In addition, the Petitioner obligated itself to transportation commitments in the form of roadway design, planning, rights-of-way dedication and construction in excess of \$6.7 million and has incurred costs

associated with master planning, engineering and rezoning the Property in the amount of approximately \$1.8 million.

In summary, the Petitioner cannot reasonably expect to complete the approved development prior to the expiration of the requested 5 year vested period and, given its substantial financial commitments and the consistency of its development plan with the South District Plan, it is respectfully submitted that the Petitioner makes a clear, cogent and convincing case for 5 year vesting.

Bailey Patrick, Jr.
Name of Agent

Suite 4200, 100 North Tryon Street
Charlotte, NC 28202-4006
Agent's Address (City, State, Zip)

331-7454 331-7598
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561-5221 527-5181
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By: The Crosland Group, Inc. General Partner

By: William T. Gartland
William T. Gartland, Division Vice President