

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

FY2008
Petition #: 2008-134
Date Filed: July 25th 2008
Received By: SF

Complete All Fields

OWNERSHIP INFORMATION:

Property Owner: The Boulevard at 2409 Selwyn LLC

Owner's Address: 715 North Church Street #110 City, State, Charlotte, NC 28202

Date Property Acquired 2007 Utilities Provided: (Water) CMUD (Sewer) CMUD
(CMUD, Private, Other) (CMUD, Private, Other)

LOCATION OF PROPERTY (Address or Description): Approximately 0.89 acres located on the southeasterly corner of the intersection of Selwyn Avenue and Queens Road West

Tax Parcel Number(s): 175-034-08

Current Land Use: Multi-family residential

Size (Sq.Ft. or Acres): Approximately 0.89 acres

ZONING REQUEST:

Existing Zoning: R-22MF Proposed Zoning: UR-3 (CD)

Purpose of Zoning Change: (Include the maximum # of residential units or non-residential square footages): To permit redevelopment of the Site for up to 42 residential units.

John Carmichael/Laura Simmons
Kennedy Covington Lobdell & Hickman, LLP
Name of Agent

214 N. Tryon Street, 47th Floor
Agent's Address

Charlotte, NC 28202
City, State, Zip

(704) 331-7509 (JC) (704) 353-3209 (JC)
(704) 331-5784 (LS) (704) 353-3684 (LS)
Telephone Number Fax Number

jcarmichael@kennedycovington.com
llsimmons@kennedycovington.com
E-Mail Address

Signature of Property Owner if other than Petitioner

(Name Typed/Printed)

The Boulevard Company c/o Mr. Kenneth J. Abner
Name of Petitioner(s)

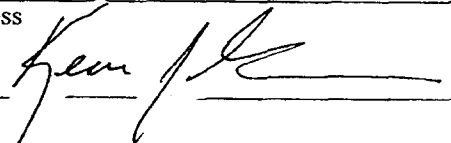
715 North Church Street #110
Address of Petitioner(s)

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Telephone Number Fax Number

kabner@boulevardmail.com
E-Mail Address

Signature



John H. Carmichael
704.331.7509
Fax: 704.353.3209
john.carmichael@klgates.com

August 18, 2008

VIA EMAIL

Ms. Tammie Keplinger
Mr. Tom Drake
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street, 8th Floor
Charlotte, NC 28202-2853

RE: Rezoning Petition No. **2008-134**
Site: Approximately 0.89 acres located on the southeast corner of Selwyn
Avenue and Queens Road West
Petitioner: The Boulevard Company
Rezoning Request: R-22MF to UR-3(CD)

Dear Tammie and Tom:

I hope this letter finds you both well. On behalf of the Petitioner under the above referenced Rezoning Petition, The Boulevard Company, please accept this letter as a revision to the conditional rezoning plan associated with the Rezoning Petition. The conditional rezoning plan is hereby revised to add the following provision to the Development Standards set out thereon.


5 YEAR VESTED RIGHT

Pursuant to Section 1.110 of the Ordinance, this Rezoning Petition shall have a 5 year vested right in the event that the Rezoning Petition is approved by City Council due to the level of investment, economic cycles and market conditions.

We will submit a revised conditional rezoning plan containing the above referenced note to your office immediately after the Public Hearing in accordance with the Ordinance. Additionally, we filed this afternoon with Solomon Fortune an Amended Rezoning Application that contains a request for 5 year statutory vested rights.

Thank you for your assistance and please contact me if you have any questions.

Very truly yours,



John H. Carmichael
For the Firm

cc: Mr. Kenny Abner (via email)