Parker Poe
Attorneys & Counselors at Law

DEVELOPMENT SERVICES

PROJECT SPOTLIGHT: YEAR IN REVIEW

2020 was a year like no other in the real estate and development industry. Despite intermittent shutdowns, economic struggles, and many other challenges tied to COVID-19, development in our region has accelerated during the pandemic. The success of our clients – developers, investors, companies, and individuals – has proven that Parker Poe's key markets across the Carolinas and Georgia continue to be top destinations for housing, jobs, and business.

The shift to remote work and increased demand on delivery services spurred an already strong industrial development market. Clients turned to us for manufacturing, warehouse, and distribution projects, as well as for additional laboratory and research space. Mixed-use developers took advantage of new virtual processes and relatively short entitlement time frames to gain approvals, seeking delivery aligned with a post-pandemic world. The Southeast's climate and fundamentals kept the demand for housing high, and we enjoyed helping our clients deliver more housing options and inventory.

A sample of projects Parker Poe advised on this past year follows. We look forward to partnering with you to help make your deals a success in 2021. Most importantly, we are incredibly grateful for the hard work of so many in our society to keep showing up for each other despite all the challenges of this past year.

CENTENNIAL CAMPUS

Location: Raleigh, N.C.

Lead Attorneys: Jamie Schwedler & Mark Frederick

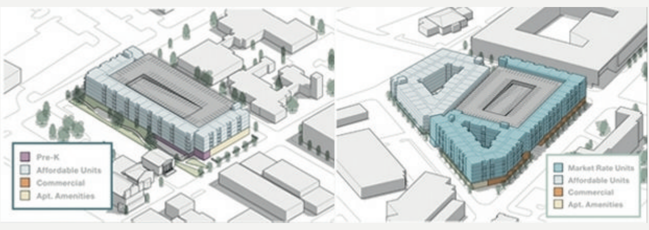
We are advising North Carolina State University on a large-scale project that includes modernizing the zoning of Centennial Campus to create a more user-friendly framework for future development. The rezoning to a Campus Master Plan district includes more than 900 acres of land in southwest Raleigh, including some parcels owned by the State of North Carolina and allocated for use by the university. The project will support existing university operations and create future opportunities for innovative development. The zoning application establishes a framework for an urban learn/live/work/play environment that aligns with NC State's mission focused on teaching, research, and statewide outreach.

See coverage in **WRAL TechWire** and the **Triangle Business Journal**.

EAST MAIN STREET REDEVELOPMENT

Location: Durham, N.C.

Lead Attorneys: Nicholle Allen-Steele & Anthony Fox



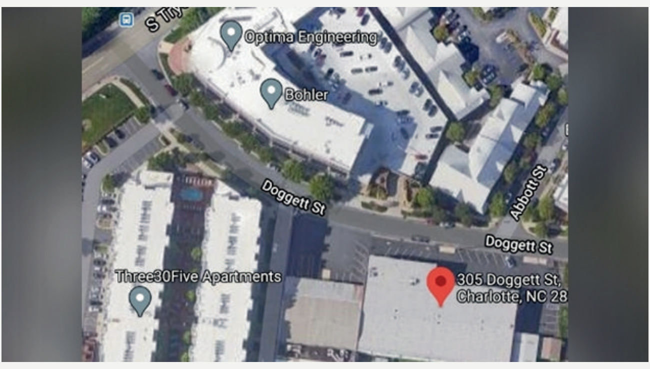
We are advising a municipality as a party to a public-private partnership (P3) in an important downtown revitalization project that includes two private developers and three subprojects, including commercial space, affordable housing, and an educational facility. We have structured and negotiated all agreements, including the master development agreement, purchase and sales agreement, and ground lease agreement for affordable housing. We are also advising on the land use and zoning. In later phases, we will be negotiating leasing space for a preschool and retail use. We are also working on financing for the project, which will combine traditional municipal financing options with developer-driven tax credit financing.

See coverage in **Building Bull City**.

FACTORY RELOCATION & BUILD-TO-SUIT EXCHANGE

Location: Charlotte, N.C.

Lead Attorneys: Brent Milgrom & Tim Logan



We represented a manufacturer relocating one of the last operating factories from the redeveloped portion of Charlotte's South End. The deal included sale of the existing property to a national developer and the acquisition and upfit of a replacement facility utilizing a build-to-suit 1031 exchange. We also assisted the client in performing due diligence with respect to multiple potential replacement properties within a very tight time frame in order to synchronize the sale and acquisition.

See coverage in the **Charlotte Business Journal**.

ECHOPARK AUTOMOTIVE EXPANSION

Location: Atlanta, Ga. & Other Sites

Lead Attorneys: Craig Lynch, Ellen Smith, & Collier McLeod

Take a spin
EchoPark
Keep me runn

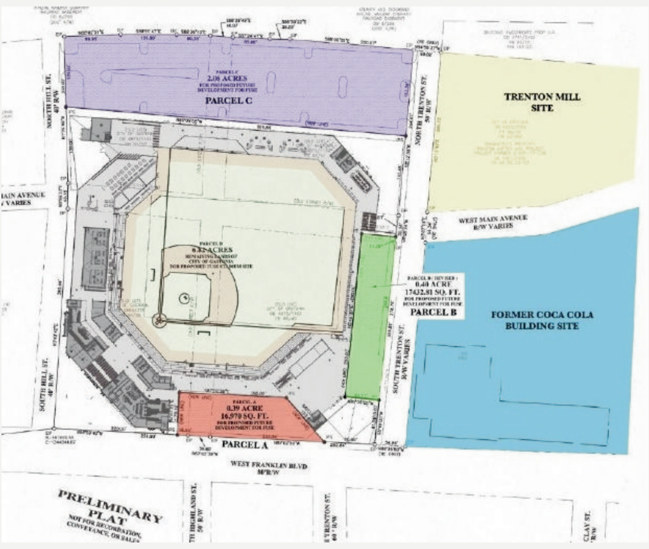
We represented Sonic Automotive in the acquisition of several sites across the country to expand its EchoPark brand and footprint, including in Atlanta, Tampa, Nashville, and Houston. One of these transactions involved the redevelopment of commercial property to allow for a new regional headquarters, showroom, and customer experience center. This particular acquisition included a 12-acre parcel that involved the conveyance of a retail store for repurposing, as well as land use and zoning counsel required to allow this conveyance. We handled negotiations with the seller and the Georgia Department of Transportation regarding an issue with respect to an adjacent highway interchange, and we secured approval of a change in conditions application from a county board of commissioners.

See coverage in **Forbes** and the **Atlanta Business Chronicle**.

FUSE DISTRICT REDEVELOPMENT

Location: Gastonia, N.C.

Lead Attorneys: Mac McCarley & Laura Goode



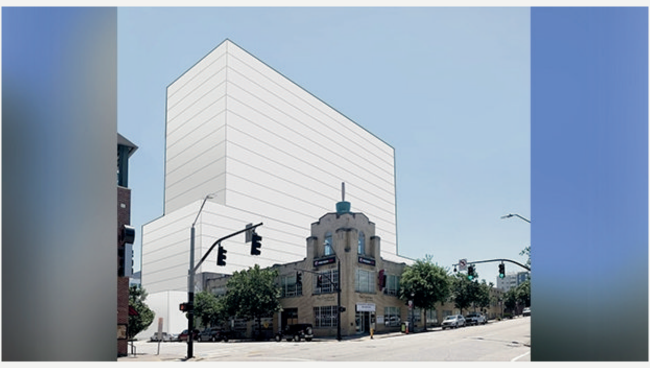
We represented the City of Gastonia in a redevelopment project in the FUSE district of downtown. The project was structured as a public-private partnership (P3) with three individual parties. The redevelopment involved underutilized parcels that had previously held a factory, warehouses, and mills. As part of the plan, the city had acquired multiple properties in this district, one of which is now the FUSE minor league ballpark, currently under construction. Our advice included negotiating the economic development agreement with the developer/team owner to develop the parcels surrounding the ballpark, as well as the use and operating agreement for the ballpark and team office space lease agreements. As part of the economic development agreement, the city will convey city-owned parcels to the developer/team owner for other development. We advised on all the legal aspects of the project.

See coverage in the **Charlotte Business Journal** and **Business North Carolina**.

THE CREAMERY

Location: Raleigh, N.C.

Lead Attorneys: Jamie Schwedler & Collier Marsh



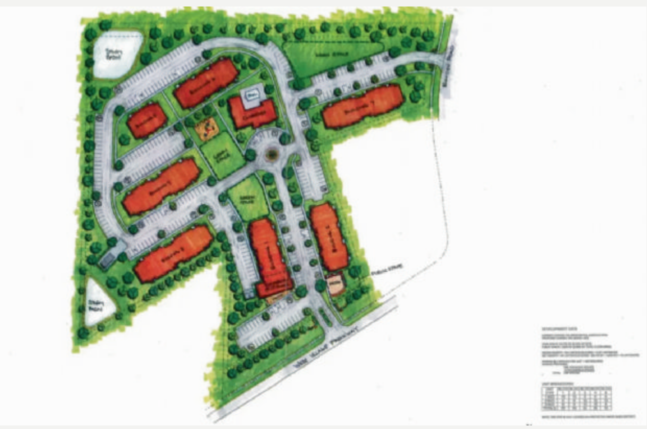
We represented the developer in securing approvals for the redevelopment of a historic building site on the Glenwood South corridor of downtown Raleigh. The Pine State Creamery was first built as a dairy plant around 1920 and was later designated a Raleigh Landmark. Plans for this revitalization project include preservation of the historic building and development of existing surface parking into two 20- and 40-story mixed-use towers, separated from the Creamery building by a pedestrian plaza and woonerf, a Dutch concept that reimagines a street as a social space. Our involvement included handling the rezoning process, coordinating the certificate of appropriateness process for historic entitlement approvals, and acting as local counsel for related real estate transactional matters.

See coverage in the **Triangle Business Journal**.

WORKFORCE HOUSING PROJECT

Location: Henry County, Ga.

Lead Attorneys: Ellen Smith & Collier McLeod



We represent KCG Companies as land use and zoning counsel with respect to the development of a new multifamily, mixed-use project in South Metro Atlanta in Henry County. We lead the rezoning process for this affordable housing project, successfully introduced KCG Companies to Henry County, and are working with planning and zoning staff, county commissioners, and neighboring property owners primarily through Zoom because of the pandemic. Showing flexibility to meet county and stakeholder demand, our team of attorneys, engineers, and KCG as the developer, all of whom connected through CREW Network, changed architects midstream to ensure an innovative design that will be the cornerstone for future development along the West Village Parkway corridor into Ellenwood. Approval of this rezoning application marked the first approval for a multifamily development in unincorporated Henry County in nearly two decades and is believed to be a foundational housing development as other large employers and commercial businesses expand in the area.

See coverage in **Moving Henry Forward**.

HIGH HAMPTON RESORT REVITALIZATION

Location: Cashiers, N.C.

Lead Attorneys: Richard Few & Olivia Daly

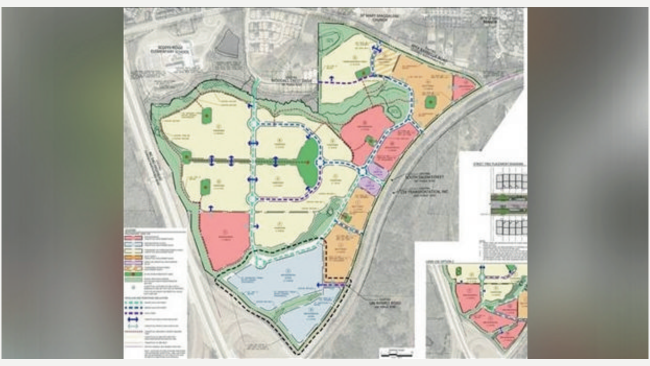
We represented the joint venture established by an out-of-state developer and Blackberry Farm, a historic property in one of North Carolina's mountain resort communities, in rehabilitating this historic inn, related cottages, and a golf club. The inn and cottages' rehabilitation is being structured to qualify for federal and North Carolina historic tax credits. Our team handled the historic tax credits, joint venture agreements, development agreement, and other related legal services for this redevelopment. Additional transactional legal considerations will include agreements to assign operating responsibility to Blackberry Farm, who will be responsible for daily operations of the inn and other amenities once completed.

See coverage in **Town & Country** and **Plateau Magazine**.

DEPOT 499

Location: Apex, N.C.

Lead Attorney: Jamie Schwedler & Collier Marsh



We secured zoning approval for a new mixed-use center on more than 200 acres in Apex, North Carolina. We represented Lennar in the entitlements, with plans to develop 150 acres of the overall project. The planned development will have up to 650,000 square feet of commercial/office space, 850 apartments, 650 townhomes, and a public elementary school. The project will complete offsite traffic and pedestrian connections in the area to provide a fully walkable mixed-use center, while still preserving a significant number of trees and open space, and it incorporates a contribution towards 45 affordable housing units.

See coverage in the **Triangle Business Journal** and **Our Town, Apex**.

INDUSTRIAL DEVELOPMENT: MANUFACTURING & DISTRIBUTION FACILITY

Location: Kings Mountain, N.C.

Lead Attorneys: Sam Moses & Tim Logan

We represented Evans Food Group, a food manufacturer, in its recent expansion just outside of Charlotte. Our attorneys partnered with Parker Poe Consulting on site selection and incentives services. We also advised on the land assemblage of more than 20 acres of greenfield space for development of a new manufacturing and distribution facility. Our team handled the drafting and negotiations of purchase agreements for acquiring the land from two separate owners and advised on all title and survey review, which included addressing issues that would have encumbered the title.

See coverage in the **Charlotte Business Journal**.

INDUSTRIAL EXPANSION: PRODUCTION FACILITY

Location: Gastonia, N.C.

Lead Attorneys: Sam Moses & Tim Logan

Apple Creek | Conceptual Master Plan
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We represented GNT, a foreign-owned, food processing company, in an expansion of its U.S. operations. Along with representing the company as site selection and incentives counsel, we advised on the acquisition of 49 acres of land for new development. Our client was the first company to select the site in a newly developed commercial business park. Our representation included negotiating the purchase agreement with the county, reviewing and commenting on the subdivision plat and declaration for the park, having terms of the declaration waived or amended in our client's favor, and securing approval for our client's plans for construction. Our Development Services Team also advised on the construction contracts.

See coverage in **Gaston Gazette** and the **Charlotte Business Journal**.

OPPORTUNITY ZONE DEVELOPMENT

Location: Clinton, S.C.

Lead Attorney: Richard Few, Scott Manning, & Tyler Smith

We are representing the developer on a project involving an old hotel that will be torn down for redevelopment and will qualify for abandoned building credits. We have worked with the developer in creating the owner entity for the project and will be assisting in forming the opportunity fund entity. The project is in demolition phase and we are working with the developer to assess the proposed project budget. The anticipated project will include multiple apartment buildings.

Jamie Schwedler
Leader
Development Services

Jamie Schwedler leads Parker Poe's Development Services Industry Team. With more than 60 dedicated attorneys across the Carolinas, Georgia, and D.C., our deep bench of experience helps us achieve desired results for our clients at any stage of the development life cycle. We represent residential, commercial and multi-use developers, owners, buyers, sellers, landlords, tenants, and lenders – we have seen every side of a deal.

Learn more about the team **here**.

Visit us online at **www.parkerpoe.com**

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