

**ZONING BRIEFING**

The City Council of the City of Charlotte, North Carolina convened for a Zoning Briefing on Monday, April 15, 2019 at 12:00 p.m. in the Eighth Floor Conference Room of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Ed Driggs, Larken Egleston, LaWana Mayfield, and Greg Phipps.

**ABSENT:** Mayor Vi Lyles, Dimple Ajmera, Tariq Bokhari, Justin Harlow, James Mitchell and Matt Newton.

**ABSENT UNTIL NOTED:** Councilmember Braxton Winston.

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Councilmembers made comments or raised questions on the various rezoning petitions that are on the agenda for decision or public hearing. Planning staff provided information and answered questions.

**Councilmember Winston arrived at 12:13 p.m.**

The meeting recessed at 12:27 p.m.

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**DINNER MEETING**

The City Council of the City of Charlotte, North Carolina convened for a Dinner Meeting on Monday, April 15, 2019 at 5:00 p.m. in CH-14 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Ed Driggs, Larken Egleston, Julie Eiselt, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston.

**ABSENT:** Councilmember Tariq Bokhari

**ABSENT UNTIL NOTED:** Councilmember Justin Harlow

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| Motion was made by Councilmember Mitchell, seconded by Councilmember Egleston, and carried unanimously to go into closed session pursuant to North Carolina General Statute § 143-318.11(a)(5) to instruct the public body's staff concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. |
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**Councilmember Harlow arrived at 5:01 p.m.**

The meeting returned to open session at 5:15 p.m. in CH-14 and immediately recessed to move to the Meeting Chamber for the regularly schedule Zoning meeting.

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**ZONING MEETING**

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, April 15, 2019, at 5:17 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston, II.

**ABSENT:** Councilmember Tariq Bokhari

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### INVOCATION AND PLEDGE

Mayor Lyles said to begin tonight's meeting, I want to open by addressing a significant event that took place in our City today. Many of the residents and the people that live in our viewing area have now seen body worn camera footage of the police involved shooting from March 25, 2019. Now, I can say to all of you that all of us have watched it, and it was absolutely very, very difficult. I've lived here a long time and care greatly about this City, and I know from that visual image on social media and our regular media that I just can't imagine what Ms. Franklin is thinking and how she has to get through all of this. That family has suffered a lot. It is really bad when we lose a young man too early and where his mother and his children are now forced to not have them in their lives.

We are encouraged by our community conversations and want to continue to do those. We've set up several listening sessions, meaning we want to listen and here what the community is saying about this incident and how we operate as a City to be a safe City. So, we will do that and what we are also going to do at the same time is try to have a Zoning Meeting and you say well, why have one? Most of our zoning is prescriptive by law and we have to follow advertisements and dates and processes, and so we will try to maintain a quorum with all of our time here around the dais, but I also wanted to let you know that several Councilmembers will be going in and out as appropriate so that they can attend to hearing from our community because we know that we are elected to do this zoning, but more importantly we are elected to listen and serve this community. I will not be leaving; I'm going to preside and we are going to try to do it in a way that keeps everyone and keeps both processes moving, with both of those being very important to our City right now.

Mayor Lyles asked those in the audience to stand for a moment of silence, where we not only think about the Franklin Family, but we think about each citizen that is impacted today by violence and what this community can do to make sure that this is a place where everyone can live in a great neighborhood that is safe, that is clean and healthy and one that we all be proud of. So, if you would just bow for a moment with me and then we will have the Pledge of Allegiance to the Flag.

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### DEFERRALS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer the following items to May 20, 2019: a decision on Item No. 4, Petition No. 2018-012 by Harrison Tucker & John Perovich; a decision on Item No. 5, Petition No. 2018-147 by Laurel Street Residential; a decision on Item No. 6, Petition No. 2018-165 by NRP Properties; a decision on Item No. 7, Petition No. 2019-004 by C4 Investments, LLC; decision on Item No. 8, Petition No. 2017-186 by The Drakeford Company and a hearing on Item No. 21, Petition No. 2018-128 by James Pouitier; Item No. 22, Petition No. 2018-167 by Verde Homes, LLC; Item No. 23, Petition No. 2019-002 by Laurel Street Residential, LLC; Item No. 24, Petition No. 2019-003 by Laurel Street Residential, LLC; Item No. 25, Petition No. 2019-013 by Andrew Klenk; Item No. 26, Petition No. 2019-021 by McKinney Holdings NC II, LLC; Item No. 27, Petition No. 2019-24 by Investicore, LLC.; Item No. 33, Petition No. 2019-008 by CoHab, LLC; Item No. 37, Petition No. 2018-145 by Brendan Mylton; and Item No. 46, Petition No. 2019-014 by Mission Properties.

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## DECISIONS

**ITEM NO. 9: ORDINANCE NO. 9541-Z, PETITION NO. 2018-097 BY STAMATIS TSILIMOS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.04 ACRES LOCATED ON THE NORTH SIDE OF CENTRAL AVENUE BETWEEN TIPPDAH PARK COURT AND LANDIS AVENUE FROM B-1 (NEIGHBORHOOD BUSINESS) AND O-2 (OFFICE) TO NIS (NEIGHBORHOOD SERVICES).**

The Zoning Committee voted 6-1 (motion by McClung, seconded by Samuel) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan for the proposed nonresidential/commercial uses but inconsistent for the residential use for the front portion of the site; for the back portion of the site, the petition is inconsistent with the plan, based on the information from the post hearing staff analysis and the public hearing and because the area plan recommends retail uses for the front portion of the property along Central Avenue and multi-family uses for the rear portion along Tippah Park Court. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposal for a mixture of residential and nonresidential uses in a single building, with appropriate urban design elements, is compatible with the surrounding context and the evolving character of this portion of Central Avenue and the subject site is located on Central Avenue, which is a commercial corridor, and along a future phase of the proposed LYNX Gold Line Streetcar alignment and this site's location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment opportunities, and Veteran's Park and the site is walkable from surrounding residences including new residences in the Morningside neighborhood area and this project proposes buildings that are sensitive in scale to the surrounding neighborhood. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from retail for a portion and multifamily residential for a portion, mixed use multifamily residential/office/retail for the full site.

The following changes were made after the Zoning Committee's recommendation:

- Reduced the number of proposed dwelling units in a single three-story building from 30 units to 28 units.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously not to send this item back to the Zoning Committee for further review.

Motion was made by Councilmember Egleston and seconded by Councilmember Harlow, to approve Petition No. 2018 by Stamatis Tsilimos and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan for the proposed nonresidential/commercial uses but inconsistent for the residential use for the front portion of the site; for the back portion of the site, the petition is inconsistent with the plan, based on the information from the final staff analysis and the public hearing and because the area plan recommends retail uses for the front portion of the property along Central Avenue and multi-family uses for the rear portion along Tippah Park Court. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposal for a mixture of residential and nonresidential uses in a single building, with appropriate urban design elements, is compatible with the surrounding context and the evolving character of this portion of Central Avenue and the subject site is located on Central Avenue, which is a commercial corridor, and along a future phase of the proposed LYNX Gold Line Streetcar alignment and this site's location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment

opportunities, and Veteran's Park and the site is walkable from surrounding residences including new residences in the Morningside neighborhood area and this project proposes buildings that are sensitive in scale to the surrounding neighborhood. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from retail for a portion and multifamily residential for a portion, mixed use multifamily residential/office/retail for the full site.

**Councilmember Egleston** said since we deferred this last month the petitioner worked with me and the neighbors to lower the unit count and I appreciate their willingness to do that.

The vote was taken on the motion and was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 158-159.

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**ITEM NO. 10: ORDINANCE NO. 9542-Z, PETITION NO. 2018-121 BY STEELE CREEK (1997) LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 264-93 ACRES LOCATED OFF WEST ARROWOOD ROAD, EAST OF I-485 FROM R-3 AIR (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY), O-1(CD) AIR (OFFICE, CONDITIONAL, AIRPORT NOISE OVERLAY), AND I-1(CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY) TO MUDD-O AIR (MIXED USE DEVELOPMENT, CONDITIONAL, AIRPORT NOISE OVERLAY) AND I-1(CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY), WITH FIVE-YEAR VESTED RIGHTS.**

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: the petition is found to be consistent with the Steele Creek Area Plan for a portion of the site and inconsistent with the adopted plan for the remainder of the site, based on the information from the post hearing staff analysis and the public hearing and because the adopted plan recommends office/industrial land use for much of the site, single family up to three dwelling units per acre for a small portion of the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed industrial and mixed-use land uses are consistent with most of the land use recommendations for the site, and are compatible with the surrounding industrial developments in the area. The proposed site plan provides a 100-foot Class A buffer and 11.23 acres of tree save area between the industrial development and existing single family. The proposed mixed-use area is consistent with the land use recommendation for the site, and is located across the street from similar mixed-use development. The site is located within the Whitehall Mixed Use Activity Center, as per the Centers Corridors and Wedges Growth Framework. The uses proposed in this site plan are consistent with the uses recommended for these types of activity centers. The approval of this petition will revise the adopted future land uses as specified by the Steele Creek Area Plan, from office/industrial-warehouse-distribution to mixed residential/office/retail for the portion of the site adjacent to Interstate 485 just north of Arrowood Road; and from residential/office to industrial for the eastern and northern portion of the site adjacent to the tree save area and the 100-foot class A buffer.

The following changes were made after the Zoning Committee's recommendation:

- Modified note changes to Transportation items to handle CDOT items.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously not to send this item back to the Zoning Committee for further review.

Motion was made by Councilmember Mayfield and seconded by Councilmember Mitchell, to approve Petition No. 2018-121 by Steele Creek (1997) LLC and adopt the following Statement of Consistency: the petition is found to be consistent with the Steele Creek Area Plan for a portion of the site and inconsistent with the adopted plan for the remainder of the site, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends office/industrial land use for much of the site, single family up to three dwelling units per acre for a small portion of the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed industrial and mixed-use land uses are consistent with most of the land use recommendations for the site, and are compatible with the surrounding industrial developments in the area. The proposed site plan provides a 100-foot Class A buffer and 11.23 acres of tree save area between the industrial development and existing single family. The proposed mixed-use area is consistent with the land use recommendation for the site, and is located across the street from similar mixed-use development. The site is located within the Whitehall Mixed Use Activity Center, as per the Centers Corridors and Wedges Growth Framework. The uses proposed in this site plan are consistent with the uses recommended for these types of activity centers. The approval of this petition will revise the adopted future land uses as specified by the Steele Creek Area Plan, from office/industrial-warehouse-distribution to mixed residential/office/retail for the portion of the site adjacent to Interstate 485 just north of Arrowood Road; and from residential/office to industrial for the eastern and northern portion of the site adjacent to the tree save area and the 100-foot class A buffer.

**Councilmember Mayfield** said I do want to acknowledge that with this project the full 264.93 acres, just short of 265 acres is given the opportunity for not only business development, but also, I want to thank the Steele Creek Residents Association, because they were very active with reviewing this and making sure that there were improvements to roads and traffic signals, and I appreciate the commitment to those roads and infrastructure.

The vote was taken on the motion and was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 160-161.

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**ITEM NO. 11: ORDINANCE NO. 9543-Z, PETITION NO. 2018-143 BY LIV DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.5 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET, ACROSS FROM ORCHARD TRACE LANE, SOUTH OF SANDY AVENUE FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) AND B-2 (GENERAL BUSINESS) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Blue Line Extension Transit Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the adopted area plan recommends transit oriented development. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: the site is within a ¼ mile of the Tom Hunter Transit Station, and the proposed 250 multi-family dwelling units add to the mix of transit supportive land uses within the transit station area. The scale and massing of the development is consistent with the desired streetscape in proximity to transit. The proposed development provides new streets that extend Orchard Trace Lane across N. Tryon Street into the site, and a southern connection off this extension toward Gloryland Avenue, and as a result will increase area connectivity. Building setback of 24 feet from existing back of curb along N. Tryon Street

is consistent with the street cross-section set forth in the adopted Blue Line Extension Transit Station Area Plan. The building height of five stories, in excess of 50 feet, will read as four stories from N. Tryon Street, reducing its visual impact.

**Mayor Lyles** said is the resolution of outstanding issues required?

**David Pettine** said there is one outstanding issue and that is 11-a, the petitioner mentioned that they would not be able to accommodate that. That does not have any significant concerns and the petition can move forward as is.

Motion was made by Councilmember Phipps, seconded by Councilmember Harlow, and carried unanimously to approve Petition No. 2018-143 by LIV Development, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Blue Line Extension Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted area plan recommends transit oriented development. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: the site is within a ¼ mile of the Tom Hunter Transit Station, and the proposed 250 multi-family dwelling units add to the mix of transit supportive land uses within the transit station area. The scale and massing of the development is consistent with the desired streetscape in proximity to transit. The proposed development provides new streets that extend Orchard Trace Lane across N. Tryon Street into the site, and a southern connection off this extension toward Gloryland Avenue, and as a result will increase area connectivity. Building setback of 24 feet from existing back of curb along N. Tryon Street is consistent with the street cross-section set forth in the adopted Blue Line Extension Transit Station Area Plan. The building height of five stories, in excess of 50 feet, will read as four stories from N. Tryon Street, reducing its visual impact.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 162-163.

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**ITEM NO. 12: ORDINANCE NO. 9544-Z, PETITION NO. 2018-144 BY PORTMAN HOLDINGS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATE 2.21 ACRES LOCATED ON THE EAST SIDE OF HAWKINS STREET, SOUTH OF WEST TREMONT AVENUE FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT – MIXED USE, OPTIONAL).**

The Zoning Committee vote 7-0 (motion by Gussman, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area Plan and the South End Vision Plan, based on the information from the post hearing staff analysis and the public hearing and because the plans recommend mixed-use transit supportive uses and design guidelines for the subject site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within a ¼ mile walk of the East/West Transit Station on the LYNX Blue Line. The petition will include a mixture of uses, with a minimum of two land uses permitted by ordinance standards, consistent with the South End Vision Plan recommendation to expand the mix of uses in the district. The optional request to construct a 250-foot building will allow a building that is 130 feet higher than what is allowed by ordinance standards. However, the site is separated from single family neighborhoods by some distance and will not have a negative impact on established neighborhoods. The petition will enhance the pedestrian environment along the rail corridor by widening the 12-foot rail trail to 16 feet and installing trees in tree grates. The petition eliminates existing parking between the building and the street and consolidates two primary driveways into one driveway. The proposed development also includes ground floor active uses on all public streets and open space areas along the

multi-use path. Together, these improvements will significantly enhance the pedestrian environment on the subject site.

Motion was made by Councilmember Mayfield and seconded by Councilmember Mitchell, to approve Petition 2018-144 by Portman Holdings and adopt the following Statement of Consistency: this petition is found to be consistent with the South End Transit Station Area Plan and the South End Vision Plan, based on the information from the final staff analysis and the public hearing and because the plans recommend mixed-use transit supportive uses and design guidelines for the subject site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within a ¼ mile walk of the East/West Transit Station on the LYNX Blue Line. The petition will include a mixture of uses, with a minimum of two land uses permitted by ordinance standards, consistent with the South End Vision Plan recommendation to expand the mix of uses in the district. The optional request to construct a 250-foot building will allow a building that is 130 feet higher than what is allowed by ordinance standards. However, the site is separated from single family neighborhoods by some distance and will not have a negative impact on established neighborhoods. The petition will enhance the pedestrian environment along the rail corridor by widening the 12-foot rail trail to 16 feet and installing trees in tree grates. The petition eliminates existing parking between the building and the street and consolidates two primary driveways into one driveway. The proposed development also includes ground floor active uses on all public streets and open space areas along the multi-use path. Together, these improvements will significantly enhance the pedestrian environment on the subject

**Councilmember Mayfield** said I want to acknowledge that we did received an e-mail and I believe a number of my colleagues were copied on it back on March 4, 2019 from Mr. Henderson, who is a nearby property owner. I would also like to acknowledge that there were a number of outstanding issues that staff was able to work with the developer, including height and a number of other concerns regarding transportation as well as the frontage along Hawkins Street and all of the outstanding issues have been addressed.

The vote was taken on the motion and was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 164-165.

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**ITEM NO. 13: ORDINANCE NO. 9545-Z, PETITION NO. 2018-149 BY WEST END INVESTMENTS, LLC/MOSAIC VILLAGE HOLDINGS, LLC/PAUL EDWIN CLOUER AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.13 ACRES LOCATED ON THE WEST SIDE OF WEST TRADE STREET, SOUTH OF SOUTH BRUNS AVENUE FROM R-8 (SINGLE FAMILY RESIDENTIAL), R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL) B-1 (NEIGHBORHOOD BUSINESS) B-1 PED (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY) TO MUDD-O PED (MIXED USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY), WITH FIVE-YER VESTED RIGHTS.**

The Zoning Committee voted 7-0 (motion by Ham, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the West End Land Use and Pedscape Plan for a portion of the site and inconsistent with the adopted plan for the remainder of the site, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends mixed use for a portion of the site, and single family residential up to eight dwelling units per acre for the remaining portion of the site. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed development is consistent with the mixed-use recommendation for a portion of the site. The portion of the site that is inconsistent with the single-family land use recommendation is proposed

to be used for future development expansion. The site is located along the Lynx Gold Line, which is currently under construction. The proposal supports the Plan's vision for this area as an urban/cultural/arts district with a mix of higher intensity uses. The proposal will rezone all the properties under one consistent zoning district that supports a mix of higher intensity uses. The proposed development supports pedestrian access and circulation via design guidelines that will provide a network linking buildings, parking areas and areas of interest, along with abutting rights-of-way and multi-use pedestrian path. Pedestrian scale lighting, plazas, and open space areas will enhance this experience.

Motion was made by Councilmember Harlow, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2018-149 by West End Investments, LLC/Mosaic Village Holdings, LLC/Paul Edwin Clouer and adopt the following Statement of Consistency: this petition is found to be consistent with the West End Land Use and Pedscape Plan for a portion of the site and inconsistent with the adopted plan for the remainder of the site, based on the information from the final staff analysis and the public hearing and because the plan recommends mixed use for a portion of the site, and single family residential up to eight dwelling units per acre for the remaining portion of the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed development is consistent with the mixed-use recommendation for a portion of the site. The portion of the site that is inconsistent with the single-family land use recommendation is proposed to be used for future development expansion. The site is located along the Lynx Gold Line, which is currently under construction. The proposal supports the Plan's vision for this area as an urban/cultural/arts district with a mix of higher intensity uses. The proposal will rezone all the properties under one consistent zoning district that supports a mix of higher intensity uses. The proposed development supports pedestrian access and circulation via design guidelines that will provide a network linking buildings, parking areas and areas of interest, along with abutting rights-of-way and multi-use pedestrian path. Pedestrian scale lighting, plazas, and open space areas will enhance this experience.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 166-167.

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**ITEM NO. 14: ORDINANCE NO. 9546-Z, PETITION NO. 2018-154 BY CHARLOTTE MECKLENBURG HOUSING PARTNERSHIP, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.48 ACRES LOCATED ON THE EAST SIDE OF WEST SUGAR CREEK ROAD, SOUTH OF MUNSEE STREET AND WEST OF YUMA STREET FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND MUDD(O) (MIXED USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: The petition is found to be consistent with the land use in the Northeast District Plan, and inconsistent with the General Development Policies, slightly exceeding the recommended density, based on the information from the post hearing staff analysis and the public hearing, and because the adopted area plan recommends residential land use, and the General Development Policies support a density of up to 12 dwellings per acre. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is located on a major thoroughfare, with properties zoned for office, institutional, business and multi-family residential to the south and west, across W. Sugar Creek Road. The proposed density of 12.28 units per acre slightly exceeds the density of 12 units per acre supported by the General Development Policies. Proposed development fronting Yuma Street provides a front or side façade to existing single family detached dwellings fronting Yuma Street. The requested zoning district, and proposed density and residential type, are



generally consistent with the characteristics in the immediate area. Apartments to the north are zoned R-17MF (multi-family residential), and townhomes directly to the west are zoned R-8MF(CD) (multi-family residential, conditional). The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from single family residential to multi-family residential at up to 17 dwellings per acre for the site.

Motion was made by Councilmember Phipps and seconded by Councilmember Egleston, to approve Petition No. 2018-154 by Charlotte Mecklenburg Housing Partnership, Inc. and adopt the following Statement of Consistency: the petition is found to be consistent with the land use in the Northeast District Plan, and inconsistent with the General Development Policies, slightly exceeding the recommended density, based on the information from the final staff analysis and the public hearing, and because the adopted area plan recommends residential land use, and the General Development Policies support a density of up to 12 dwellings per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is located on a major thoroughfare, with properties zoned for office, institutional, business and multi-family residential to the south and west, across W. Sugar Creek Road. The proposed density of 12.28 units per acre slightly exceeds the density of 12 units per acre supported by the General Development Policies. Proposed development fronting Yuma Street provides a front or side façade to existing single family detached dwellings fronting Yuma Street. The requested zoning district, and proposed density and residential type, are generally consistent with the characteristics in the immediate area. Apartments to the north are zoned R-17MF (multi-family residential), and townhomes directly to the west are zoned R-8MF(CD) (multi-family residential, conditional). The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from single family residential to multi-family residential at up to 17 dwellings per acre for the site.

**Councilmember Phipps** said I just wanted to thank the petitioner as well as Pastor Weary for organizing a bus tour last week that went to selected properties around the City to just show residents who had concerns of what kind of vision Mr. Weary had for his property over there on Sugar Creek Road in the Hidden Valley Neighborhood and what I'm told when everybody got off the bus everybody was in one accord in terms of what we were trying to do with that property. I'm pleased that we can move forward with this, and I'm glad to support it and thank you very much for your efforts in making this a fruition. Thank you very much.

**Mayor Lyles** said I think we appreciate the comments we are being shown by the support in the audience.

The vote was taken on the motion and was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 168-169.

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**ITEM NO. 15: ORDINANCE NO. 9547-Z, PETITION NO. 2018-156 BY DOUG DUNAWAY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.66 ACRES LOCATED ON THE SOUTH SIDE OF THE INTERSECTION OF RANDOLPH ROAD, SOUTH DOTGER AVENUE AND MONTROSE COURT FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan, and the General Development Polices, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential land uses. Therefore, we find this

petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed density of 4.5 units per acre is slightly higher than what is allowed under the current zoning and is slightly higher than the adopted plan recommendation of four dwelling units per acre. The proposed development is consistent with the development pattern and residential land use recommendation for the site and surrounding area. The new development will upgrade the existing pedestrian network along the site's frontage. A single-family structure and duplex is a use allowed under the existing zoning district and the proposed district. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from single family residential use at four dwellings per acre to residential use at up to six dwellings per acre for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to approve Petition No. 2019-156 by Doug Dunaway and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan, and the General Development Policies, based on the information from the final staff analysis and the public hearing and because the plan recommends residential land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed density of 4.5 units per acre is slightly higher than what is allowed under the current zoning and is slightly higher than the adopted plan recommendation of four dwelling units per acre. The proposed development is consistent with the development pattern and residential land use recommendation for the site and surrounding area. The new development will upgrade the existing pedestrian network along the site's frontage. A single-family structure and duplex is a use allowed under the existing zoning district and the proposed district. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from single family residential use at four dwellings per acre to residential use at up to six dwellings per acre for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 170-171.

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**ITEM NO. 16: ORDINANCE NO. 9548-Z, PETITION NO. 2018-157 BY O'LEARY GROUP BUSINESS PARK, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.05 ACRES LOCATED AT THE INTERSECTION OF ODUM AVENUE AND CENTRE STREET, SOUTHEAST OF BROOKSHIRE BOULEVARD FROM I-1 (LIGHT INDUSTRIAL), I-2 (GENERAL INDUSTRIAL, I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) AND B-2 (GENERAL BUSINESS TO I-2 (GENERAL INDUSTRIAL).**

The Zoning Committee voted 7-0 (motion by Ham, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan based on the information from the post staff analysis and the public hearing and because: the adopted plan recommends industrial land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post staff analysis and the public hearing and because: the proposed I-2 zoning is consistent with the recommended land use for this site and surrounding area. The site is bounded by the Brookshire Freeway on the northeast side and the CSX railway on the southwest side. The previous I-2(CD) rezoning involved adjacent single-family structures no longer in place, which was the reason for the conditional rezoning.

Motion was made by Councilmember Harlow, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2018-157 by O'Leary Group Business Park, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan based on the information from the final staff analysis and the public hearing and because: the adopted plan recommends industrial

land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: the proposed I-2 zoning is consistent with the recommended land use for this site and surrounding area. The site is bounded by the Brookshire Freeway on the northeast side and the CSX railway on the southwest side. The previous I-2(CD) rezoning involved adjacent single-family structures no longer in place, which was the reason for the conditional rezoning.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 172-173.

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**ITEM NO. 17: ORDINANCE NO. 9549-Z, PETITION NO. 2018-159 BY MARY ANN & CHARLES MAULDWIN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.85 ACRES LOCATED ON THE SOUTHWEST CORNER OF DERITA AVENUE AND MAPLE STREET, WEST OF WEST SUGAR CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO INST(CD) (INSTITUTIONAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential up to three units per acre for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed use, while inconsistent with the adopted land use for the site, is considered compatible with the surrounding area. The site is located across the street from the U.S. Post Office, Derita Station, and the Derita neighborhood commercial activity node. The site plan proposes that the existing single-family structure remains, and be used only for meetings, conferences and events. The proposed site plan accommodates on-site parking for one space per 300 square feet of usable area four attendees/seats to be used for events, including outdoor areas. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from single family residential use to institutional use for the site.

Motion was made by Councilmember Phipps, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2018-159 by Mary Ann & Charles Mauldwin and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential up to three units per acre for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed use, while inconsistent with the adopted land use for the site, is considered compatible with the surrounding area. The site is located across the street from the U.S. Post Office, Derita Station, and the Derita neighborhood commercial activity node. The site plan proposes that the existing single-family structure remains, and be used only for meetings, conferences and events. The proposed site plan accommodates on-site parking for one space per 300 square feet of usable area four attendees/seats to be used for events, including outdoor areas. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from single family residential use to institutional use for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 174-175.

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**ITEM NO. 18: ORDINANCE NO. 9550-Z, PETITION NO. 2018-166 BY CAMDEN DEVELOPMENT, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.43 ACRES LOCATED ON THE SOUTH SIDE OF CHARLES AVENUE, WEST OF MATHESON AVENUE FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT – MIXED USE).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Blue Line Extension Transit Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the adopted area plan recommends transit oriented development. Therefore, we find this petition to Choose an item. public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within 1/4-mile walk of the 25th Street transit station. The proposed transit oriented development zoning is more consistent with the vision for the area than the current general industrial zoning. Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations consistent with the form and intensity of transit supportive development. If approved, the requested TOD-M zoning will translate to the new TOD-CC zoning district after the new districts are approved by City Council. The TOD-CC zoning district includes enhanced standards for the desired transit oriented development.

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to approve Petition No. 2018-166 by Camden Development, Inc. and adopt the following Statement of Consistency: this petition is found to be consistent with the Blue Line Extension Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted area plan recommends transit oriented development. Therefore, we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because the subject site is within 1/4-mile walk of the 25th Street transit station. The proposed transit oriented development zoning is more consistent with the vision for the area than the current general industrial zoning. Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations consistent with the form and intensity of transit supportive development. If approved, the requested TOD-M zoning will translate to the new TOD-CC zoning district after the new districts are approved by City Council. The TOD-CC zoning district includes enhanced standards for the desired transit oriented development.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 176-177.

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**ITEM NO. 19: ORDINANCE NO. 9551, PETITION NO. 2018-169 BY CHARLOTTE PLANNING, DESIGN AND DEVELOPMENT DEPARTMENT FOR A TEXT AMENDMENT TO (1) CREATE FOUR NEW TRANSIT ORIENTED DEVELOPMENT (TOD) ZONING DISTRICTS THAT ARE CONTEXT BASED. (2) TRANSLATE THE THREE EXISTING, CONVENTIONAL TRANSIT ORIENTED DEVELOPMENT DISTRICTS TO THE NEW ZONING DISTRICT DESIGNATION OF TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER (TOD-CC) UPON ADOPTION OF THIS TEXT AMENDMENT. (3) ENHANCE THE DESIGN AND DEVELOPMENT STANDARDS FOR TOD TO SUPPORT PEDESTRIAN FRIENDLY DEVELOPMENT, (4) ESTABLISH AN ALTERNATIVE COMPLIANCE REVIEW BOARD AND (5) REFLECT CITY COUNCIL'S PRIORITIES RELATED TO AFFORDABLE HOUSING, INFRASTRUCTURE, SUSTAINABILITY AND JOBS THROUGH A VOLUNTARY DEVELOPMENT BONUS SYSTEM.**

The Planning Commission voted 5-0 (motion by Spencer, seconded by Nelson) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with City Council adopted transit station area plans

along the LYNX Blue Line and LYNX Blue Line Extension, based on the information from the post hearing staff analysis and the public hearing, and because the text amendment creates new transit oriented development districts and regulations to enable the development of moderate to high-intensity, compact, mixed-use neighborhoods near transit stations, where people can live, work, shop, dine and pursue cultural and recreational opportunities utilizing a range of mobility choices and emphasizes design and development standards for pedestrian friendly development with limits on auto-oriented uses to create vibrant neighborhoods with a robust network of streets, sidewalks, and bicycle paths, providing safe and convenient access to transit stations. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the text amendment provides flexibility in uses by creating broader categories of uses, with fewer prescribed conditions improves functionality by creating more by-right entitlements in the new transit districts, with less process and more predictability reflects City Council's priorities related to affordable housing, infrastructure, sustainability and jobs through a voluntary development bonus point system and provides clear criteria and processes for considering alternative designs, with an alternative review process. The text amendment represents thousands of hours of work from a diverse group of community members, stakeholders and Planning staff that reflects the priorities and aspirations of the City of Charlotte.

The following staff revisions to the Transit Oriented Development Ordinance following Planning Committee recommendations were made after the Zoning Committee recommendations:

- To simplify standards and clarify that there are not active uses where there is no pedestrian access: Page No. 10, Section 15.1.7.6.b: Freight Corridor is considered limited-access: Add "any frontage abutting a freight-only rail corridor and/or a transit corridor that does not have pedestrian access is designated a limited access frontage."
- To simplify and incorporate into limited access standards per direction above: Page No. 10, Section 15.1.7.5.b: Frontage along a transit corridor... is deleted from ordinance.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously not to send this item back to the Zoning Committee for further review.

Motion was made by Councilmember Eiselt and seconded by Councilmember Egleston, to approve Petition No. 2018-169 by Charlotte Planning, Design and Development Department and adopt the following Statement of Consistency: This petition is found to be consistent with City Council adopted transit station area plans along the LYNX Blue Line and LYNX Blue Line Extension, based on the information from the final staff analysis and the public hearing, and because the text amendment creates new transit oriented development districts and regulations to enable the development of moderate to high-intensity, compact, mixed-use neighborhoods near transit stations, where people can live, work, shop, dine and pursue cultural and recreational opportunities utilizing a range of mobility choices and emphasizes design and development standards for pedestrian friendly development with limits on auto-oriented uses to create vibrant neighborhoods with a robust network of streets, sidewalks, and bicycle paths, providing safe and convenient access to transit stations. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the text amendment provides flexibility in uses by creating broader categories of uses, with fewer prescribed conditions improves functionality by creating more by-right entitlements in the new transit districts, with less process and more predictability reflects City Council's priorities related to affordable housing, infrastructure,

sustainability and jobs through a voluntary development bonus point system and provides clear criteria and processes for considering alternative designs, with an alternative review process. The text amendment represents thousands of hours of work from a diverse group of community members, stakeholders and Planning staff that reflects the priorities and aspirations of the City of Charlotte.

**Councilmember Mayfield** said as we are moving forward with TOD, as of right now I've seen the greatest impact in South End neighborhoods, and hopefully some of the challenges will be avoided in the future but I do also want to acknowledge that I do have some concerns regarding our building height bonus, how we identify bonuses, but I also know that there is, even with the adoption tonight, the ability for us to have move conversation in order to have greater input from the diverse community, not those that can attend the meetings of the impact, especially in residential neighborhoods. I did want to acknowledge that as we are attempting to move forward we can just reflect on the last three years alone the way the City has grown as we have additional growth we may have the opportunity to be a little more nimble in making updates and adjustments opposed to a three to five-year time period.

**Councilmember Eiselt** said I would like to comment and say thank you to the community and everybody who got involved in the stakeholders group around this effort as well as the staff. A tremendous amount of work was put into it. A lot of us tried to attend and just sort of be a fly on the wall to listen to the process, and it was very thorough. I think it is a huge step for Charlotte to give us some predictability and the ability to be able to visualize what our City is going to look like as we grow because often we approve deals one-by-one, and we don't really understand what the overall plan is. I'm excited about that, and I just want to thank everybody who was so involved in this process, the citizens who gave their time and the staff as well. So, thank you.

**David Pettine, Planning** said I just wanted to confirm that the changes that were made to this TOD after the public hearing is coming now to you all for consideration, just to acknowledge that they were not substantial enough to warrant a rereview by the Planning Committee prior to your actions.

The vote was taken on the motion and was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 178-197.

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**ITEM NO. 20: ORDINANCE NO. 9552-Z, PETITION NO. 2019-010 BY JDSI, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 33.48 ACRES LOCATED ON THE EAST SIDE OF BROOKSHIRE BOULEVARD AT THE INTERSECTION OF OLD PLANK ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREAS) AND I-1 LWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA TO R-6 LWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) AND R-8 LWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA).**

The Zoning Committee voted 6-1 (motion by Watkins, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Northwest District Plan for most of the site and inconsistent for a portion of the site based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends residential use for most of the site, with multi-family development for the western portion and single family at four dwellings per acre for the eastern portion of the site. The plan recommends industrial use for a small portion of the site at the southwest corner. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the R-6 zoning district is a single-family district that only permits detached dwellings by-right. The R-8 district is also a single-family district;

however, it permits detached and attached dwellings (duplex, triplex, and quadplex) by-right. The rezoning of the northwest portion of the site for single family use at eight dwellings per acre represents a reduction in intensity from the plan recommendation of multi-family residential. Single family residential use at the east end at six dwellings per acre is an increase over the plan recommendation of four dwellings per acre, however, this is compensated by the reduced density to the west. The southwest portion of the site is recommended for industrial development. However, the adjacent area zoned for and expected to remain in industrial use is separated from the site by a proposed greenway and water quality buffer. This natural buffer will provide separation between residential use and the remaining industrial land use. The overall development unifies contiguous property with multiple land use recommendations into a single development. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from multi-family residential, single family residential up to 4 dwellings per acre, and industrial, to single family residential use, with portions at 6 and 8 dwellings per acre for the site.

Motion was made by Councilmember Harlow, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-010 by JDSI, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Northwest District Plan for most of the site and inconsistent for a portion of the site based on the information from the final staff analysis and the public hearing, and because the plan recommends residential use for most of the site, with multi-family development for the western portion and single family at four dwellings per acre for the eastern portion of the site. The plan recommends industrial use for a small portion of the site at the southwest corner. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the R-6 zoning district is a single-family district that only permits detached dwellings by-right. The R-8 district is also a single-family district; however, it permits detached and attached dwellings (duplex, triplex, and quadplex) by-right. The rezoning of the northwest portion of the site for single family use at eight dwellings per acre represents a reduction in intensity from the plan recommendation of multi-family residential. Single family residential use at the east end at six dwellings per acre is an increase over the plan recommendation of four dwellings per acre, however, this is compensated by the reduced density to the west. The southwest portion of the site is recommended for industrial development. However, the adjacent area zoned for and expected to remain in industrial use is separated from the site by a proposed greenway and water quality buffer. This natural buffer will provide separation between residential use and the remaining industrial land use. The overall development unifies contiguous property with multiple land use recommendations into a single development. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from multi-family residential, single family residential up to 4 dwellings per acre, and industrial, to single family residential use, with portions at 6 and 8 dwellings per acre for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 198-199.

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### **EXPLANATION OF ZONING HEARINGS**

**Mayor Lyles** explained the rules and regulations for zoning public hearings.

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### **INTRODUCTION OF THE ZONING COMMITTEE**

**John Fryday, Zoning Committee Chairperson** introduced members of the zoning Committee. The Committee will meet on Tuesday, April 30, 2019 at 5:30 p.m. to make recommendations on the petitions heard in the public hearings tonight. The public is

invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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## HEARINGS

**ITEM NO. 28: HEARING ON PETITION NO. 2018-110 BY MATTAMY HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 38.40 ACRES LOCATED ON THE EAST SIDE OF SHOPTON ROAD WEST, NORTH OF SOUTH TRYON STREET FROM R-3 (SINGLY FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL), WITH FIVE-YEAR VESTED RIGHTS.**

Mayor Lyles declared the hearing open.

David Pettine, Planning said the context for this site is down on Shopton Road West in the Steele Creek Community. It is zoned R-3 and the request is to go to R-8MF(CD) for a townhome project that has approximately 6.25 dwelling units per acre. The proposal from a staff standpoint, staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. As we have mentioned, the plan that is being proposed is consistent with the Steele Creek Area Plan for residential land uses; however, it does exceed the recommendation of up to four dwelling units per acre, and their request is 6.25 dwelling units per acre.

We do feel that it is still compatible with the existing development, particular a townhome development that is adjacent to it and that it will connect to through a public road, and it does provide several substantial road connections onto to Shopton Road West, and again, it is compatible with some surrounding residential uses we seen in the area.

Colin Brown, 214 North Tryon Street said I am with the Law Firm of K and L Gates on behalf of the petitioner Mattamy Homes. I will start out by just mentioning the State of the Housing Report; we have a number of petitions that we are handling tonight that involve increasing density to add housing, and I know that you hear the same as we do. We go out to communities, and there is a lot of frustration in community meetings, why are we building so much housing? Where is the infrastructure? So, I did want to point out, I know that some of you are familiar with this report but for the benefit of some in the audience to let everyone know that UNC-C has done a pretty exhaustive study on the State of our Housing Market and just to touch on what I think we all know, Charlotte is growing very, very quickly, and the pace of our population growth is ahead of the pace of our housing.

We have a shortage of supply so that is creating an affordability crisis and we talk about it a great deal at the lowest level of affordability, but what we are seeing now is that affordability at every level is affected. We are seeing that, and we will show you a variety of petitions tonight from rental housing to for sale townhomes to very high-level housing, but we are seeing a supply issue at every level and that is why folks in the community see us so many times a week talking about development in areas where we have land to be developed. I know that is frustrating for some, but we are very excited about the growth Charlotte is seeing; we announce all these wonderful jobs that we have coming to the City of Charlotte and it is only understandable that residents will follow those and need places to live.

I'm here tonight to talk to you about the site on Shopton Road; thank you staff for the overview. Just a few things to point out; the proposal here is for 240 for sale townhome units, we are requesting an R-3 rezoning to R-8MF, but we are not going up to eight dwelling units per acre, we are at about 6.25. I think that is a very reasonable density on the site. As David mentioned, we have three access points to Shopton Road and there is an internal drive here that connects from Tamarack through to Tryon Street. So, one of the most frustrating intersections in this area of Charlotte is Tryon Street and Shopton Road; this does provide an alternate access that we don't want. We've got to sell these homes too, but we don't want everyone using this, but it does give an outlet if you are driving south on Tryon Street you could turn through Tamarack, come through this



development or proceed through and get out to Shopton Road. So, it does provide some new network connectivity that we are not seeing, and that will hopefully take some pressure off some of these intersections.

I've inverted this. Here is Shopton Road. Again, this is a color rendering of the site. As David mentioned, we think this is a very good fit, and I should also mention this property is currently owned by Sarah Belk Gambrell, who is one of the major property owners in this part of Charlotte. Chris Thomas is here tonight on her behalf if you have any questions for him, but I think the property owner has been very intentional about what would happen with this property. Across the street is the McDowell Nature Preserve, so this land will never be developed. This parcel here is already zoned for commercial, going out to the Tryon Street intersection, so there is commercial there. Here is the townhome community, and here is the single-family community, so we think the nice transition from this commercial. We think it matches up nicely with the townhome community; we will connect to and you may hear from some single-family homeowners that had some concerns. What I want to point out to you here is we did a great deal of buffering. This purple line, that is a 50-foot buffer that will be in that area then beyond that you see basically we are putting our tree save; we are putting our storm water there to buffer those single-family homes as much as possible. Though our zoning district I mentioned is R-8, our density is only 6.25, which means Mattamy is not here just squeezing every inch out of this property. That is why you can see there is a good amount of open space, also internally to the site, Ms. Mayfield early on indicated that she wanted to see a mixture of pocket parks throughout. So, you will see that. We think that provides an amenity for the residents as well as some traffic calming because we do think there will be some connections through the site. We are committing to a pedestrian trail feature that will go through the substantial open space on the site.

Community concerns won't be a surprise to you; we typically in this area hear about school impacts. That is a CMS issue but I wanted to point out one of the positives we think is when CMS prepares their memo they estimate the townhomes would generate less students than single-family homes, and so here CMS is estimating if someone were to develop by right and just do single-family homes under the existing zoning they would estimate a yield of 65 students. The townhomes if we do the 240 they are estimating 23, so CMS estimates that by rezoning this to townhomes, because it is a different type of housing, it will yield fewer students than if someone develops single-family homes by right.

Traffic similar but not exactly the same answer. Here, as I mentioned we are all aware there is frustration with traffic. C-DOT's memo shows you if someone were to develop single family homes by right, 115 of those, looking at about 1,200 trips and under the proposed townhome zoning those would generate fewer trips so, the new number will be 1,380; that is an increase of less than 200. So, this is not a major traffic impact, but we acknowledge there is an increase. Parking adequacy, I don't know if you will hear about that. We think we are fully parking here; every unit would have two garages and space for two cars in the driveway as well as a significant amount of on-site parking spaces; so, this may please you or frustrate you but 3.75 spaces per unit.

The design some folks have asked about. Mattamy's product is very similar to the townhome development they have done at Berewick which has been a very, very successful townhome community. Price points in that development start in the upper \$200,000; that would be their goal here. That is a look at those in the Berewick community, here are some designs for this site. These aren't in our rezoning package but I think Mattamy would be pleased to include them if someone would like them to do that.

The only issue that we've had outstanding, and I've mentioned traffic being a major concern; because of the way our ordinances are written C-DOT can request on the site; here is our site, and what you see is this long and narrow, so we have a lot of frontage on Shopton Road. One of the requirements that C-DOT can request is that we set new curb and so in asking where do we set new curb, one of the request is there is a long-term plan by NC-DOT to widen Shopton Road here to a five-lane section, so they have asked

that when we set our curb that we go ahead and put in the new lanes, which would create two and a half lanes on our frontage. That cost is about \$1.5 million, and it will create two lanes that go to nowhere, so that has been a frustration for us. We talked to City staff about it; we are talking through it. Certainly, something we could do, it dramatically increases the housing prices, and it doesn't do really anything to improve the transportation issues out there. So, C-DOT has been working with us; I think what we are trying to do is find something different, another project in the area that would not have such a financial impact on the project and could actually provide some relief or some transportation improvements in the area. So, that is the one issue that I think is ongoing. We are continuing to work with C-DOT, and our hope is that we can find something else that we can take either the dollars we are going to spend, spend them on a project that actually makes a difference for people's commutes.

**Lynne Ingersoll, 15148 Birling Road** said I have a few pictures. Six miles, 45-minutes this is the traffic issue. It is great to have affordable housing; it is a problem when you can't get to it. Forty-five minutes to go six miles and it took me another 45-minutes to go the other six miles. This is a picture almost way out at Berewick going on Highway 160 that also is the road this development goes right by. This is 2:00 in the afternoon; it is backed up all the way from Berewick attempting to get onto Shopton Road.

This is South Tryon Street heading towards Steele Creek; so, it is a jam. This is the road where I come out of; I'll take a right getting behind this white car; up here on the left is the area that they just talked about developing. This is going to the stop light at Shopton Road and Highway 49. Again, it is jammed up; I think we've already outstripped the infrastructure the development that has been approved and to your point earlier. We approve these things one thing at a time and what has happened over time is not we've just got way too much on the road. I've lived here for 26-years and part of what attracted me here was it is easy; I love North Carolina. I'm a native here. I also came because of the wonderful wildlife. I can sit on my dock and listen to the whip-poor-will; there is no more whippoorwill. All I want to do is make you aware of this; I'm not against development. I'm just for doing it mindfully and thoughtfully, and if DOT and the City is not aligned in the way we do that then. It does mean we will need to lean and depend on our developers, and the folks that are moving here to keep our quality of life high and our accessibility.

**Daniel Knoblauch, 16052 Stuarts Draft Court** said I am directly affected by this proposal, as my property is right up next to it. In addition, I'm also the President of the Homeowners Association for McDowell, which is the biggest impacted, because it is adjacent to our homeowners. To reiterate what Ms. Ingersoll said, I brought pictures that were similar to that today as well, but where she took those pictures is already 2.5 miles from the light, and that is not a joke. It even goes back further another 3.5 miles. I left the house today at 3:00 p.m., and it was already stopped past that point where she showed the light. Right there where it says Millers Creek, that is where she basically got close to that picture, because I'm familiar with that turn-in and Shopton Road. All of our homeowners come out of Millers Creek, because there is no way you can get out of South Tryon Street and get over two lanes within a quarter mile to try and get that left light to turn around and do a U-turn to go north. It is impossible. So, the traffic is horrendous; by them adding some turn lanes in there, that might help with their development, but it doesn't help anybody trying to get out of these homes.

Stuarts Draft Court and Millers Creek Lane right there is one of the highest used; a lot of people use that as a short-cut to get back just because of that traffic. Most of the time my wife takes the kids to a private school, and she has to take a right, because she can't take a left. Unless you find someone that is really nice and you wave at them, they might let you in; there is not a chance you are going to be able to take a left there. Everybody has to take a right, go an additional six or seven miles all the way around. In addition, one of the things besides traffic I'm concerned about is the planning for the buffering for all of the residents that are there. It is 50-feet; in the original presentation, I wrote down it was 100-feet, so I'm not sure why it was cut back. They are talking about putting a walking trail; a lot of that area is flood zone area. We can't remove our berms or anything right up against that because of that water that comes in there. I know they are putting a water recollimation right in the middle there, but we are still not quite sure how that is going to

work out and how is going to impact everybody else that lives there, especially those that are at the bottom of that hill following that road. Where it says amenity area we had one person just take out the berm on Stuart Draft Court, and their yard got flooded with eight inches of water last year. So, it is a big concern with traffic as well as the impact of them being right up there on the border, and the 50-foot, we thought it was a 100-foot buffer, not a 50-foot buffer between homes, and that is our biggest concern and why we are saying no.

**Natalie Rutzell, 10829 Green Heron Court** said my sentiments are going to kind of follow suit here, but last week my six-year old daughter told me about the evacuation drill they had at school. On April 10, 2019, Catawba Nuclear Station had its testing, and it made me think, what would happen in a real emergency? With all of this growth of the last few years, roads are congested. NC-DOT just delayed the widening of Highway 160, which is the emergency evacuation route for my neighborhood and the proposed neighborhood. Like those, I currently crawl in commuter traffic in the morning, crawling inch by inch from Chapel Cove all the way to I-485. I highly doubt that my daughter's evacuation plan would be enacted in case of an emergency. We are seeing rezoning after rezoning to accommodate development. Each project is evaluated on a stand-alone basis and not considered on a higher level or community level and its impact on the whole. So, I'm urging City Council to do a better job of being a master planner and consider how these developments impact our community and the evacuation plan.

In rebuttal Mr. Brown said I don't think anything you have heard is a surprise to us. We've traveled through Steele Creek also; we know about the transportation challenges there. We are hopeful that what we do provide through this connectivity there will be connection from Tryon Street through to Shopton Road, so there will be another network connection to take a little pressure off that intersection. I wish that we had a great response on what can we do. I think we are frustrated also with the ask that we are being asked to widen this street, which will provide no relief for the community. I would love to, if we can work with C-DOT and come back with something next month that we've been able to do, maybe a small something that makes an improvement out here.

I think the site is going to develop regardless. If it is developed single family, there will be more trips; if we develop towns there is a 200-trip impact. That is an increase, so we would love to see if we can work with C-DOT and find something that does provide some relief. Happy to follow up with Mr. Knoblauch; I think his home is here, and we have a 50-foot buffer, which is the required buffer, but as you can see, we are not bringing the homes anywhere close to that. We will be happy to provide some dimensions, so they could know where that is. If this is the property line, that is the 50-foot buffer; you can see we don't start homes for probably hundreds of feet, but that won't be a buffer we can have a lot of tree save, but we could have storm water in that area and we do expect to have trails in that area, so we don't want that to be a total no go zone.

**Councilmember Mayfield** said I want to acknowledge that just since 2013, out of 11 projects that were proposed, 10 of them have been approved. We've had a lot of conversation regarding the growth in Steele Creek. I also received an e-mail earlier today from Lynne Holder, as well as a couple other residents, that I copied our Planning Director Taiwo on, of which I've sent a map to Dave Wiggins who manages the Steele Creek Residents Association's website as well as the Facebook page to give an update on all of the active transportation projects. For some residents they were able to attend the townhall meeting where we talked about it a little but this map is also available on line and it is going out to the community. I hear the concerns when I drive out to Steele Creek, just like everyone it is back to back traffic.

I will also acknowledge that I support the idea from the petitioner of creating a road that will actually be a usable road and help alleviate some of the traffic concerns. Our C-DOT is having conversations with NC-DOT, because if a lot of the residents remember there was a conversation where there was an approved plan that would have brought the widening a lot sooner. It really would have been started by 2021 and then NC-DOT came back and that has been pushed out more than five-years. So, we are trying to see what we can do on our end. We are working with our Representatives; the biggest challenge

is the challenge that I share and that is there is a lot of growth and development that is happening, but I want to make sure that everyone knows that even as early as an hour and a half ago Taiwo, we were having very specific conversations regarding the growth that is happening in Steele Creek and the road widenings and what needs to happen. Here is the reality; the Steele Creek Residence Association came up with a plan and it was approved by the community in 2012. The Charlotte Premium Outlet came. I did that; I own it. We moved forward; there was no way that we could have anticipated the growth that would then be triggered after the Charlotte Premium Outlet came and how quickly it would come. The City is in the process of trying to look at a specific plan regarding future growth and land.

Question for staff, because there were in the staff recommendation in, which it was mentioned a little that we recognize that the proposed 6.25 dwelling units per acre is inconsistent with the density which is recommended for up to four dwelling units and then we later site three bullets down that while the proposed density of 6.25 dwelling units per acre exceeds the recommended density of 4 dwelling units per acre the project is compatible with existing development in the area. The site is adjacent to an existing townhome development, which was also zoned R-8 at a density of 6.7 dwelling units per acre. The proposed site plan includes the required road connections along Shopton Road and connects to Tamarack Drive providing four points of ingress/egress into the development. Help me understand that the recent sites fall into recent approvals that have happened between 2013 and 2018 period in terms of what we identified, since we said that it is adjacent to an existing townhome development that is at 6.7 and this one is coming out a little less at 6.25. That recent site that we note in here; this was one of our sites that I believe we approved back in 2016.

Mr. Pettine said the adjacent townhome property looks like it would have gone through a rezoning prior to January 2014, because it is not showing up on our rezoning history map so, that one came in prior to 2014.

Ms. Mayfield said okay, that would be probably the 2013 project or it might have come in in 2012. Also, as we try to figure out how we are managing growth, it would be helpful. Every time we approve a project there is a potential that we are setting new precedents. So, if we are saying that based on a recent project that this is acceptable, if it is because of a project that we've approved in recent years, having a better understanding of the impact, because a number of these projects that are also going to be coming up are from previous years, but they are just now coming out of the ground. So, it helps to understand that this project staff was comfortable with it, because it is actually a little less than the adjacent townhome project?

Mr. Pettine said yes and that it is compatible in terms of you are looking at some like development from adjacent properties. It does have that frontage along Shopton Road, and they've got a good transition between the townhomes and open space back to the single-family residential, so we felt like it was still compatible with not just the townhomes but also the single family that is out there because it does provide some transition space back from a little bit higher density to the single-family project.

Ms. Mayfield said if you are able to go back through the slides to look at the overview of where the proposed roads would be, can you point out to help give an understanding of; we've heard the concerns. We've seen the pictures of the back-up, how potentially could this positively impact the area or are we looking at additional congestion on those main streets? I want to understand these additional roads; how could that help with the congestion?

Mr. Pettine said I think the main one that would help is that connection back through Tamarack that runs back from where they would come out back to Tamarack Drive to South Tryon Street. That kind of gives you another route around your main intersection that is causing a lot of the congestion. Are there other off site things that we can work with the petitioner to maybe identify that wouldn't involve the lane widening along Shopton Road like is being talked about and maybe they look at another intersection that could use some improvements or some other ways we could provide some traffic impacts

results? I think that is something that we've got the opportunity to do through this petition rather than if we went through a by right project we wouldn't have that opportunity to maybe look outside of just this general development area and say we need some help at this intersection, would you be willing to provide some of that relief for us. The main one would be this one off of Tamarack Drive. The other is off of Shopton; those would tie back into the existing road network of course there, but the opportunity to come back here to South Tryon Street certainly is one that we saw as a positive benefit.

Ms. Mayfield said we are hearing from residents in the community and looking at the pictures regarding the traffic congestion and the fact that you can only make a right turn and they are having to come up and make a U-turn, what was the consideration with Tamarack Drive? Is that going to be a right in/right out?

Mr. Brown said I believe there is a median here; so, this is correct if you are going this way our residents are not coming this way to make a left. Where we are proving the relief is in the afternoon, you are able to come this way, make a right, get here and bypass this intersection. For the afternoon traffic coming home, you are able to take a right, go to Tamarack Drive and either come home here or take a right and go up Shopton Road without going through the main intersection.

Ms. Mayfield said as tonight is the hearing I'm hoping that there is room for Planning staff as well as the petitioner to really hear from the constituents with thinking about how do we create true traffic mitigation? Is there space for a left turn, and is there room to create a more accessible route? What I did hear is that you are going to allocate for the land for when the road widening happens, but right now it looking to be potentially eight to 10-years before that happens, but we don't really know a time; it could be five-years or more? So, you are agreeing to set aside the land for the road widening and start your setback there.

Mr. Brown said all the land would be dedicated for that widening.

Ms. Mayfield said I think it would be helpful to know that not only Planning and the petitioner would have further conversation, but we also can identify some of the residents in the Steele Creek Residents Association either through the Board or some of the residents to help look at potential opportunities with road connection.

**Councilmember Eiselt** said this is just my pet peeve, not just on this project but in general on all of our rezonings, when we say the proposed density exceeds the recommended density of the area plan, and this area plan was done in 2012. So, it exceeds the proposed, but there is already another project that has a density of 6.7 dwelling units per acre. We do this, and that Reese Road one where I said we have this one where we've never done neighborhood services before and then we do neighborhood services, and we have excuses for doing it and then we forget the next time and someone says well, there is already an NS there, so let's just approve the next one. We are doing that again, and we are saying it doesn't fit the area plan that a bunch of people put a ton of time into, and it exceeds the area plan but don't worry about it, because that was already exceeded before. I guess that is more of a comment than a question, but when was that other property? The site adjacent to the existing townhome development was zoned at a density of 6.7 dwelling units per acre; was that done before or after the area plan was developed? Do we know?

Mr. Pettine said I would have to go back and look; I know it is before 2014, but we would have to go back and check the exact date on that.

Ms. Eiselt said that is just something that I hope when we do our Comprehensive Vision Plan that we addressed this, because we justify it by saying well, just this one property is okay and then we do it again and say well, look it is already there. Just a correction Mr. Brown, I think you had said I do want to point out that the entitlement is 1190 and that the proposed zoning would be more trips per day. I think you said the other way around the second time.

Mr. Brown said it is an increase of just under 200 trips per day.

Ms. Eiselt said I guess that was really my point that we can't keep saying that and look at these things in isolation, because that is when we get to the deal making and not the planning. My point was that we come up with these excuses and say this one project and then we forget all about that one project when we come up with the other one.

Ms. Mayfield said 10 out of the 11.

Mayor Lyles said I have to say this project when I look at it as four units, and I don't know how much billable it would be with the residential, single family, but I think the idea of putting more traffic on that street is just something that I can't even imagine. Even if NC-DOT says it is five years out, it is five years out. That is just the reality of it; we've built so much in there, and it is growing so fast. I don't know who said it but quality of life, we will actually hurt the people living there now, because our quality of life standards will go down because we can't move anybody around.

I would like to see, while it is only 200, "only" compared to what is existing there is just not an "only" to me. There is no gridding of this; there are three outlets, but I don't know how many units, and I would really like to ask our transportation people to look at this property and grid it out for the existing zoning, and let's see what it looks like there. I just cannot imagine that we have the capacity or that we should put more cars on that state road without it being changed.

Ms. Mayfield said Mayor, are we ready to start talking moratorium?

Mayor Lyles said it is not a moratorium; it is just the fact of consideration just like we consider where density is occurring, where housing is going? This isn't any more than looking at housing for the density of the number of vehicles that are out there, and I will say this thing about four cars and two car garages and two car pads. That just means two more cars on the street. Nobody ever parks behind, well I buy the house; they better not park behind my car in the garage, because they get out of bed first thing in the morning to move the car. I just feel like this area has really been going through a lot of change without the accompanying infrastructure for it. Now, maybe you can say that belongs to us, but let's see what it looks like as is versus the projection.

Mr. Pettine said just to give you a quick count, it would be 115 units at three units per acre and it would be 153 units at four units per acre, and they are looking at 240 under this petition. Just to give you an idea of what the difference is between those two.

Mayor Lyles said that is a big difference and look at the communities that are there now.

**Councilmember Driggs** said I first wanted to say I agree with Ms. Eiselt about the idea that there are 6.7 next door means that it is fine to do that here. It sort of implies a principle that when you do something you are creating some sort of expectation or entitlement nearby, and I have this issue in my District a lot also, where we are looking at a situation maybe it is an infill or something like that, certain circumstances, and we say no that is not binding on Council, that doesn't constitute a precedent that gives rights to anybody, but now we are talking about maybe it does.

So, I would certainly not regard that as a good reason to make an exception to an area play by itself. On the other hand, on the traffic issue I'm really worried, and I have talked about congestion in my District often, and the issues that we have developing there. My fear is though that we end up in an arbitrary environment where we kind of go this congestion is okay, that is not okay, and so, we really need to establish clarity about what we are going to tolerate and what we aren't so that people who are looking at development know early and don't find out tonight that they have crossed a line in the minds of people. I hope we can, and I've been calling for this for a couple years, have a better policy about congestion. We have rules on traffic now, but they are not sufficient.

Mayor Lyles said I have to agree with Mr. Driggs; there might be something we need to take to a committee, because if congestion is 10%, what is the tipping point for it? There are metrics in this world of transportation to measure that, and it just something that I think would be a policy. So, we have good guidance for people that are asking for new rezonings as well as some understanding that this really does move our quality of life as a result of not being able to move people around the City for work particularly.

**Councilmember Winston** said I do agree that we need to have some type of work group or have something in Committee where we can discuss this more in depth. I think we can't forget this is a state maintained road, and we have to find some way to continue to have somebody from the State at the table. I've talked to this group, and they seem open to the idea of doing something to take into account the future widening of this road, but it wouldn't make any sense if we do this piece by piece if the State is not going to be a good partner in getting our infrastructure projects down the road. So, on top of the discussion and hammering we need to do we have to find a way to compel the State to be at the table and be serious and make amendments to the work that needs to be done, because we can talk about it all we want, but if they are a willing and working partner in this what can we do?

Mayor Lyles said I have to say Mr. Winston, the State funding for roads here in Charlotte has been greater in the last three years than it has in the last history of 10 years. I do think they are a good partner, but I also think the development has a lot to do with it as well, because a lot of it came about- they do a 10-year plan like everybody else. If you look at the rezonings on the history list, we've put a lot out there, and I think they are willing do to all of that. It is just the matter of can we even stay in front of it.

Mr. Winston said get them at the table, maybe even if it is not just them putting us up on the list is having some type of working understanding that we can't wait for them to physically do the work. If we can step in a head of time in lieu of any action that they are going to do and somehow make some type of MOU or something like that where we recoup the investment that the State should have made in the first place but can't because of time and maybe, because they have a whole state to deal with.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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**ITEM NO. 29: HEARING ON PETITION NO. 2018-132 BY ALLIANCE RESIDENTIAL HOLDINGS, LLC FOR A CHANGE INN ZONING FOR APPROXIMATELY 10.50 ACRES LOCATED ON THE NORTH SIDE OF RIDGE ROAD, WEST OF PROSPERITY RIDGE ROAD, EAST OF PROSPERITY CHURCH ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL), WITH FIVE-YEAR VESTED RIGHTS.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this petition is requesting R-3 to MUDD-O, mixed use development, optional with five-year vested rights. It is located on Ridge Road with Prosperity Ridge Road also to the east of Prosperity Church Road. The petition is asking for the development of 260 residential units including single family and multifamily. They do have a density throughout the site of about 24.8 units per acre. The maximum building height is 65-feet, four stories. They do have two mixed use buildings along the frontage on Ridge Road, both of those meet the general intent of the area plan that talks about multifamily having integrated buildings, so you have two out of the four residential buildings integrated with a mix of uses. You have also the transition up on Prosperity Ridge Road to townhomes. The petition is also providing public road connection that would open up this property to the west for potential public road again for future development. We also have some lane allotments for bike improvements as well as some of the lane width needed for an NC-DOT project. So, again we do feel that the general

intent of the area plan was met throughout the design of the site. The density is greater than what is being recommended; we feel like overall they have disbursed that density across the site in a meaningful way that allows not just for this site to have a mix of uses but also if we go back and look at the general area for this mixed-use node. We are looking a mix of uses on this particular property but also the opportunity to continue this mixed use project on here and really fill out this mixed use area which is noted as C-2 in the area plan for a mix of uses and through that development and through those public road connections we do feel like they have done a good job of meeting the intent of the plan. We do support this petition and recommend approval upon resolution of outstanding issues.

**Colin Brown, 214 North Tryon Street** said I'm happy to be here on behalf of Alliance Residential, the developer on the site and the Optimist Club, the owners of the site. As Mr. Pettine has said, I think we've come a long way with this plan to really have brought into conformity with the Prosperity Village Plan. This is a part of town that has really been clamoring for an active mixed-use center. A lot of folks up there spent a lot of time with the Hucks Area Plan. Land use recommendation calls for residential, office, retail, and I think we've come a long way with the plan and show you that these will have some apartment units but on these buildings, that front on Ridge Road, they will have active ground floor commercial uses, so creating some activity along Ridge Road. Alliance, the team, has tried to move their density away from the single family and towns to the north of the site; they have created a townhome style product there to lower the density, move the buildings away, and I think you can see this become an important piece of the puzzle and really creating the downtown of Prosperity Village. The shopping center is right here across the street; this is the new Chick-Fil-A retail site going in, so we think this fills in nicely, thought the density is a little higher than the plan recommended. As we talked about last time, we have a supply problem, and we do need more supply to keep housing affordable, and so this is an example of that which coupled with a good site plan and a mixture of uses I think is very appropriate for this site. I'm happy to have staff's support and some community support as well.

**Councilmember Phipps** said I'm quite familiar with the Prosperity/Hucks Plan and the activity surrounding this particular petition. In the interest of transparency, I do want to say that I did ask our City Attorney if it was appropriate for me to participate in these discussions inasmuch as that I'm a proud loyal member of the Hidden Valley Optimist Club of which the Mallard Creek Optimist Club is an umbrella unit of Optimist International in which I am an officer of the Optimist Club. I just wanted to make sure everything was above board and he assured me that I can participate inasmuch as I wasn't receiving any direct financial benefit from any of these activities here tonight, but what I wanted to get a feel for is, I read in the staff analysis that other adjoining parcels were still amenable to doing what they could to facilitate the road network and other infrastructure. Is that still the case? I know Chick-Fil-A had indicated that they would be willing at some point, once those other parcels developed, that they would be amenable to adjusting some of their street infrastructure to help facilitate the overall network.

Mr. Brown said I think staff looked at this entire area here and wanted to make sure that the street infrastructure for this site keyed up to accommodate future development. We spent a lot of time with the C-DOT staff lining this intersection up well. In the future I think staff would love to see Old Ridge Road go away, and if that happens our site plan has been set up to accommodate that. This is a public street going right through the middle of our site and connecting here so when and if this property develops in the future you can have a street connection through, and so you have a way through for these major streets without going through the intersection.

Mayor Lyles said we are trying to find the Chick-Fil-A on the map.

Mr. Brown said it is right here; it is open, but it is not reflected on the image.

Mayor Lyles said I thought when we did that, we were talking about straightening out a road there.



Mr. Brown said we have provided for that. I think when that will happen Ma'am Mayor is when this parcel happens. We are not dependent at all on Old Ridge Road; our site plan provides a street connection through our site and over to this parcel, so when that develops that can happen.

Mayor Lyles said okay, I'm sure someone will remind me of how that is supposed to work. I thought that it was supposed to be across the entire parcel from one end to the other.

**Councilmember Eiselt** said why do you need five-year vested rights?

Mr. Brown said this is a fairly complex project as you can see, and that is really to allow them to respond to the market is case we have a turn tomorrow. We've committed to a lot of mixed-use elements that cannot be done by just any multi-family developer. This is not a simple multifamily; if the marker were to change tomorrow you can't just go plopping apartment units here. It's got to be a developer willing to do the mixed use on the bottom and the townhome style up there.

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| Motion was made by Councilmember Phipps, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing. |
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**ITEM NO. 30: HEARING ON PETITION NO. 2018-146 BY NORTHSTATE DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.39 ACRES LOCATED ON THE EAST SIDE OF SHOPTON ROAD WEST, NORTH OF SLEDGE ROAD ACROSS FROM PINE HARBOR ROAD FROM R-3 LLWWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE WATERSHED PROTECTED AREA) TO MX-1 LLWWPA (MIXED USE, LOWER LAKE WYLIE WATERSHED PROTECTED AREA).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is located on Shopton Road West looking to rezone to an MX-1 District. Just some things to note about this petition, it is consistent with the area plan both for residential uses and for density. The site is really being developed primarily under a by right type of zoning; they are allowed up to 55 units per acre under the current zoning, and that is what they are proposing with this petition. Some of the innovative features that they are looking at do have some smaller lot sizes; they also need a provision to deal with an existing cellphone tower that is on the site. We have provisions in the ordinance that prevent lots from being within 200-feet of that cell tower, so they are asking if we can accommodate that staying in place and just having open space and tree save around it, which staff doesn't take any exception to at this point, but again, we are recommending approval of this petition. It is for the most part a by right type of development, and they are just looking to do the innovation option to allow some different streetscape potential, as well as have some different lot sizes that we would typically allow in that zoning district.

**Sonny Crater, 200 Hillside Avenue** said I am representing NorthState Development who is the applicant, and the owners of NorthState Development are also partners with me Madison Simmons Homes and Communities who is the proposed builder should we be approved for the site. Mr. Pettine went over some of the items pertaining to the site, but as he mentioned, we are under the three units per acre with the product that we are proposing at 2.77, and that number may go down a little bit too, and 50 is probably the maximum that we will have. There are some specific reasons that we are asking for this as it accommodates a product that allows us to reduce the impact on schools and reduce the impact on traffic compared to your typical R-3, and I will show you why. We have what we call our cottage-series homes, which are a collection of really attractive two-bedroom ranch plans or two-bedroom ranch plans with a bonus room above or we also have plans that are slightly larger. The owner suite on the main floor and two bedrooms on the second floor and these are basically patio homes with full common maintenance of the years

which is a strong selling point for our homes. That includes all the common areas, front yards and the individual private court yards, which I will show you.

Our target market is the baby boomer market; there are 10,000 people per day turning 65 every day in the United States, and we've got about 17 more years left of that to go, and that is our target; however, with our maintenance of the lawns our fees are less than \$100 per month, and it is substantially different when you compare it to the Epicons or the Sun Cities where the dues are quite high. This is an alternative to that with high quality materials and high-quality homes.

The architectural standards; we use James Hardy. We typically use color plus, which last longer, no vinyl, no aluminum, architectural shingles, very well pointed outside and inside. Here is one of our ranch plans, the original version of this had a bonus room that is basically a third bedroom towards the back above the garage, but I had people coming and saying I don't want the stairs. I only need the two bedrooms, so we created two-bedrooms, and we've ended with up with three different ranch plans that are two-bedrooms and have an option for the bonus room. They run from 1,300 to about 1,750 on the ranch plan. This is one of my newer plans, and we keep introducing new plans and I think now we've got about eight different plans and some alternate elevations to that so we are keeping the produce fresh.

Something I've been wanting to achieve for some time is to turn some of our ranches so they are ADA accessible. This is the first one that I've done, and that is the magnolia plan and I plan to implement that into my other ranch plans as well. Here are some of our master on the main plans that have two-bedroom on the main floor, again, the size range of this particular one is almost 2,000, and it will range from \$300,000 to \$325,000 at this location. This is again one of our original plan, the Rose; it is similar to that, and that is your bedroom on the main, two-bedrooms up and then some elements about the site that are especially important to me are parks. We've got a really nice park here and a nice park here. There will be sidewalks that run in front of the houses there, but my new urban roots make me want to create usable open spaces, and these fit that extremely well there and inviting the residents to use them. They are not pushed to the back of the property somewhere, so they are highly useful.

The photograph below is from River Walk, which some of you have maybe seen in Rock Hill. Originally, I had this set up but we ended up with a little bit different arrangement, but it is a gorgeous feature of the site. All of streets have inset on-street parking on at least one side of the street. Our homes all have a two-car garage at the back, and they are on the allies that are right here and right here, so they each have a two-car garage at the back plus the on-street parking. So, we've got a tremendous amount of parking that is well protected. This demonstrates each lot and the separation between the houses is 14 to 20-feet; each of the houses will have stone columns and an aluminum gate that offers the privacy in their courtyard. Again, all of this area is maintained in the front by the association and the separation just to give an example of how that relates an R-6 12-foot is requires separation, and we are exceeding that.

**Eben Rawls, 14200 Fountain Lane** said I live in Steele Creek, and I've lived there for 37-years, 32-years on Fountain Lane, which abuts this proposed property. I did attend the public hearing at Pleasant Hill Presbyterian Church, at which time they proposed a different map than what is proposed here now. What I was concerned about was a number of things; one is the impact on traffic, the configuration of Sledge Road, Shopton Road West, Pine Harbor with the Y intersection is particular dangerous and with increased traffic there is going to be problems there.

Secondly, I agree with the Council about Steele Creek; I've watched it for 37-years. There is a tsunami of traffic out there that is basically gridlock from 6:30 in the morning until 7:00 at night. What we haven't calculated on is the South Carolina traffic, the refugees from South Carolina that are just racing up Shopton Road West, Highway 49, Highway 160, and let me tell you there is more road rage per capita from South Carolina residents than there are from North Carolina residents, and I see it all the time. I see dangerous situations. I see accidents, but what I want to talk about is the runoff in this watershed

area. The Planning Commission has circled number six, the environmental concerns. I went out this morning and walked that creek and the watershed area, submitted pictures over here to the Zoning people with nine exhibits. I did not have copies; I hope they make copies. The developer has probably, and if they haven't they will, hire some expert that will say that the stream back there is an occasional stream. It is not; it is either a perennial or an intermittent stream with a lot of runoff. The photographs that I have provided show an eight to 10-foot chasm of the creek; water runs in that creek most of year. Even in dry occasions it is wet; it is watershed protected area. This extra add on the six lots on the back use to be tree save, and the plan they presented at Pleasant Hill Church. They are cutting down those threes, and it is going to just overwhelm the watershed area leading up to Fountain Lane, where there is a bridge. That bridge is going to be washed out there; there are six people that are landlocked by that bridge, including a Charlotte Mecklenburg Police Officer and my neighbor here who is going to speak. The watershed area is just going to be overwhelmed and they are not protecting it because they moved all the impervious surfaces over draining into the creek.

**Merrill Kubak, 14020 Fountain Lane** said my partner and I have been living on Fountain Lane for five-years now. We moved from Chicago, and we have invested up around \$300,000 on improving our home and the property. The change in proposals is putting a road to the back of my property. There is no buffer; there will be no trees left. We have paid for permits; we've done everything by the book. We've employed many people in Charlotte and we need to protect our property and no-one else is winning. The residents of Fountain Lane are not gaining anything by this continuous growth. It is not safe, and it is not attractive, and it is not good for our quality of life.

**Yvette Wilson, 11227 Whimbrel Court** said I too am a Chapel Cove resident and have similar concerns. One of my concerns is the overstressed infrastructure; the other concern I have is that when it comes times for emergency and we have to evacuate, how do we get out? On January 17th, there was a gas leak in that area between the Shopton Road West bridge that goes over Lake Wylie and Sledge Road, and during that time kids were caught on the school bus and could not leave. They were stuck on the school bus; they did not have food. They didn't have water; they didn't have toilets. They did not get home until after 7:00 p.m., because they were stuck right between Sledge Road and Shopton Road, which is where this development plans to put another road coming out but it will just dump right into that same space, either north or south of that.

I live in Chapel Cove on Whimbrel Court and my whole neighborhood was one big gridlock, no-one could leave. Again, there was another time on November 17th there was an accident on the bridge leading out of Shopton Road West going north over to the two lanes going over the lake; it took us an hour and 20 minutes to get to Westinghouse Boulevard, which is probably about a half mile. We could not even back out of our driveway. So, our concern is the accelerated growth; what it is going to do to the emergency services, Police, garbage, hospital? There are seniors moving in that area and they are concerned, because they are trying to get emergency relief or they may need to get to doctors or whatever. Also, the overall well-being of the community and for us that live in that community and pay our taxes, our constituents, we feel like we are not being heard. Developers are just coming in, dumping new development, and we are stuck so what is going to happen in 10-years is going to be a mass exit out of that beautiful area. We are just really concerned, and I for one would like to see a moratorium talked about until it is figured out.

**Samantha Hines, 11226 Black Brant Lane** said Ms. Wilson is my neighbor; I live in the Chapel Cove Neighborhood, and I reiterate all of the concerns so that we feel like we are being heard as citizens who want quality of life, wellbeing and want to feel safe and protected. We ask for these things: we request that a traffic study or a traffic count along Shopton Road West be done by the Department of Transportation over a period of at least 30-days, and once that traffic count is complete we ask that it is used to conduct a study that will clearly determine the impact of traffic patterns in this area over time. The street on the map there, Laughing Gull Drive will be a cut-through and all of that traffic that is coming across that Lake Wylie bridge along Shopton Road West to get to this new development will cut-through the Chapel Cove Community. The third thing we are asking

for is that this traffic pattern study be used to determine if the current infrastructure can handle all of this accelerated growth along with the many other proposals. I think No. 28 was one tonight that we looked at, but there as many as eight other active proposals for the Steele Creek area. If the current infrastructure cannot support these active proposals, what can be done to mitigate the impact on this area? Next, we are asking that if this study does prove that this proposed growth will not negatively impact the area, we are asking for these concessions for the Chapel Cove Community residents, and this will be specific to the developer. We ask for a buffering condition put on the plans of the developer that is above and beyond the minimal City requirement; we ask that buffering be consistent with the current 100-foot natural buffer and the current aesthetic continuity of the Chapel Cove Development be maintained. We are asking that the development housing square footage at least be comparable to the existing norm for the Chapel Cove Community, which begins a minimum of 2,400 square feet, and next we ask for proper signage that indicates this new development is not at all connected to Chapel Cove, so that residents who may buy in this new area, if this new area is approved will not believe that they will be a part of the Chapel Cove Community with access to the community's amenities. This would overstress the community's amenities for the Chapel Cove Neighborhood.

**Paul Pennell, 1318 Central Avenue** said I would like to address some of the concerns that the community has brought to us today. We do acknowledge that rowdy South Carolina drivers can be a problem; luckily we can rest assured that North Carolina drivers will be living at this location. Also, to address Mr. Rawls' concerning the intermittent stream on site, yes, we have hired a professional to come and look at that and there is in fact a stream on site, but what is in question is where the intermittent stream begins, and it is a little shorter than what is shown on plans currently. Also, just a reminder that the site from general design guidelines is shown as up to four dwelling units per acre, and I believe we are currently proposing 2.8 dwelling units per acre.

Mr. Crater said I just want to reiterate a couple points; we certainly could do an R-3. We are proposing a product that is appealing to folks that do not generally have children, so they are not going to soccer and baseball and whatever. The trips per day are drastically reduced. Out of 38 homes that are just completed, I think we had three that were under 50. So, the traffic, the school impacts and I just think it makes a lot of sense, particularly compared to a previous proposal that we heard because of the product that it offers and the impacts on the infrastructure.

**Councilmember Mayfield** said I have a question for Ms. Hines; in your presentation that you were reading to us, and you can e-mail that to the Clerk and she can get all that information to us as well just so that you know, I was trying to capture some of the items that you were requesting, and I believe it was the last two, if you can just repeat those last two for me please.

Ms. Hines said the last two would be a request that the housing square footage be comparable to the existing norm for that community, which begins at 2,400 square feet.

Ms. Mayfield said you also mentioned about signage to clearly delineate?

Ms. Hines said that is correct, because the new proposed development would go directly behind the red line of Laughing Gull Drive, on the map there, and there would be a cut-through street which would give any resident maybe the idea that those communities are connected, especially if that community is named something similar to Chapel Cove. I think Crescent Cove and other names like that were being thrown around. So, we would like for the signage to be clear and that in no way the community be named something that would infer that those communities are connected.

Ms. Mayfield said I just wanted clarification on that, because we don't have authority over the name, but I wanted clarification on what you were sharing. Ms. Wilson, if you will, please go back to the podium. You were mentioning at the end, but I know you were also running out of time, and you mentioned that you would like to see us do a study or you were mentioning a moratorium?

Ms. Wilson said I would like to see a moratorium on the projects until we can do some kind of traffic study and impact on the community, the quality of life. There is enough building going on in the Steele Creek area that we do not have to continue to approve project after project. I'm not understanding why this is happening, so I would like to see someone stand up and say, you know what, let's just hold up and see what we can do about maybe widening the roads, maybe talking to the developers that are involved. The developers have money; why can't they help with the roads? I know that is a political thing or there are rules about who handles this road, and I'm not into all of that but I do know there needs to be something done.

Ms. Mayfield said I just wanted to clarify, because I have to ask a specific question so I wanted to get the specific information about the moratorium. A question for staff. I heard a question regarding a significant traffic study in the area; do we have any record of when the last, if ever, a traffic study was done in the Steele Creek Area? I mentioned earlier on the previous petition in the District that 10 out of 11 projects between 2013 and 2018 were approved; when was our last traffic study done, and was it for a specific area based on the growth that we are seeing now?

**Felix Obregon, Transportation** said I can't recall the last time we did a specific traffic study, but we can definitely provide that in the follow-up report.

Ms. Mayfield said it would also be helpful, and I think I mentioned this at our last meeting, that when we are looking at multiple projects impact area, not just the individual project, it will be helpful to have that information as it come to hearing in order to give us a better idea of the structural impact that we are seeing.

Mr. Pettine said if I could answer one more quick question on traffic for you; we are 610 trips proposed under this plan. Development by right, as we stated earlier, would be the same 610 trips. So, there is really no traffic increase over what is being proposed or what could be built by right without coming through a rezoning. I just wanted to make sure we clarified that.

Ms. Mayfield said another clarification to help me because again, the Steele Creek Area Plan was first adopted in 2012. Again, take full responsibility, Charlotte Premium Outlet came along and that changed a lot of the plan. When we are seeing what it is based on by right, is this by right based on the 2012 Steele Creek Area Plan, or it is by right based on today's reality?

Mr. Pettine said it is by right based on the current zoning of the property, which the current zoning would allow for up to 55 units, and they are proposing up to 55 units. What they have in place right now is R-3; at 18.39 acres they can get upwards of 55 lots; they are proposing 55 lots. Really, what the proposal in front of us is tonight is to design those lots a little bit differently than what the R-3 standards are. They are a little bit smaller. They provide a little bit of a different product; so, the end result doesn't net or have us gain any additional lots from what it is currently zoned. It doesn't provide any additional trips; we are looking at really the same outcome for development of this property; we are just looking at development of this property being a little bit different than what the R-3 standards are.

Ms. Mayfield said I will encourage us to think of it a little differently. I've had, along with those that attended, thank you, because that is quite a distance coming from Steele Creek into uptown. I have met with the petitioner; we have had a number of conversations. I have also talked to residents that live in the area as well as received an e-mail earlier today that all of my colleagues were copied on. I want to acknowledge for full transparency the Steele Creek Resident Land Use Committee met last night, and they did submit a position letter; it wasn't a letter in support of denial based on just the language. They submitted a letter giving their statement on the position. I'm hoping that what was just stated, you said based on the language we have today what it can be, that really didn't answer my question, because my question was a question regarding based on the growth that we've seen are we looking at it differently, because I had a resident reach out and

their concern is that there are small pockets of land that is in between larger developments and there is a possibility of, even though we would say it is infill by definition, but that we would allow for a concentration of a development to go in that is in between that doesn't fit the character of a community.

Somewhere in here there is a possibility or opportunity for us to have a different conversation regarding the plan and the growth. This is in unincorporated Charlotte, but it would have to come through the City for a rezoning. When we are looking at the impact study all of tonight every conversation that has come in regarding Steele Creek has had a reoccurring theme regarding traffic and access. We have to take this into consideration; even though I know we are afraid of the "M" word, there is a way for us to look at a pause to give time to make sure that impact studies instead of just looking at traffic studies, if we change our thought process on it and look at an impact study, that may help us to identify greater opportunity in our language so that we don't have a developer that when they come here they are bombarded with additional questions, because according to our language they have done everything they were supposed to do.

Mr. Pettine said let me answer your question directly; you asked what the plan would suggest. The plan goes up to four units per acre; that would yield them 73 and a half lots, so it is an increase over what they are proposing right now. So, the plan actually recommends more than what we are looking at right now.

Ms. Mayfield said but that plan is based on an approval from the 2012; that plan is not based on a reality of 2015 to 2019.

Mr. Pettine said right, and the reason I was clarifying that was the issue is, if they walked away without the rezoning they would still be able to do the 55 lots we are looking at this evening. That was the only reason for clarification.

Ms. Mayfield said is the clarification for all of us as to what they can today. I'm just asking as we are working on the UDO and looking at additional language if we can consider how we re-thing and look at impact areas opposed to just individual projects.

**Councilmember Ajmera** said I see the theme here in the Steele Creek area, just the traffic and road widening, and there were several other requests that had come in around signage. I know Ms. Ladd, you did not get an opportunity to speak. Is there anything specific that you would like us to consider?

Mayor Lyles said by our rules of procedure on this- we have that time limit and so when we don't get to someone we ask them to send us something in writing, an e-mail or something like that, because our rules are that 10-minutes then we would have to go back to the person for as well as the person against, so we've been fairly strict on those rules.

Ms. Mayfield said Ms. Ladd is speaking on another petition, and that is why she said it is a general, and she can address it there.

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to close the public hearing.

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**ITEM NO. 31: HEARING ON PETITION NO. 2018-163 BY SUNCAP PROPERTY GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.75 ACRES LOCATED ON THE EASTSIDE OF WAVERLY AVENUE, WEST SIDE OF KENILWORTH AVENUE, SOUTH OF ROMANY ROAD FROM R-8 (SINGLE FAMILY RESIDENTIAL) AND R-22MF (MULTIFAMILY RESIDENTIAL) TO R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL) & MUDD(CD) (MIXED USE DEVELOPMENT, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said we are looking at a rezoning from R-8 to an R-8(CD) and MUDD(CD). The development area is actually broken up into two particular spots along Kenilworth Avenue where the MUDD(CD) is being proposed and then you have the R-8(CD) that is being proposed along Waverly Avenue on the backside of the project. To go through the residential land use to Dilworth Land Use and Streetscape Plan which was adopted in 2006 recommends residential uses at up to 22 units per acre. They also have some height language in there; capping buildings at a 50-foot height limit along Kenilworth Avenue. This proposal as we stated is split into two functional development areas; you've got a development area back here along Waverly Avenue which is R-8 for more of a single family detached product and then you've got the MUDD area here for the multifamily four-story apartment building. As you can see you've got up to 56 residential units being proposed in this area combined, 50 along the front side with the apartments and then six along the back on Waverly Avenue. The streetscape requirements are eight and eight on Kenilworth Avenue and Waverly Avenue so we do get some of those streetscape improvements that the plan looked for. Some things to keep in mind for this proposal is Kenilworth Avenue does have a different grade from where the project boundaries start which is this end closer to the intersection with Romany Road. You've got what was being proposed is a 65-foot building height here next to some three-story condos; as that grade travels up Kenilworth Avenue next to some existing single family here you've got a 49-foot height, average grade of 58-feet altogether for the building.

Some things to keep in mind for this proposal the R-22 zoning district right now that the property is zoned would allow a building upwards of 100-feet if they were able to meet all the other requirements of the zoning ordinance but we do have a building height allotment by right that would allow a higher building than what is being proposed. Again, some of the building areas that we've seen along Kenilworth Avenue have also put in some four and three-story products. You've got four and three-story product here at Pierce Street and Scott Avenue and Kenilworth Avenue; that is about 60-units per acre. These building units here, the three-story townhomes next door came out at 40-feet in height and that is about 30 units per acre and then also you've got some at Pierce Street and Kenilworth Avenue that are 20 dwelling units per acre and those are 45-feet in height and then you've got some down at the Harris-Teeter that came out at around 45-feet in height as well. So, we have seen some increases in height and density along this Kenilworth Avenue corridor; we do feel that it is in character with some of those changes in transitions that we've seen. We do recommend approval of the petition upon resolution of some outstanding issues.

**Collin Brown, 214 North Tryon Street** said I said in the first petition that we presented we showed the State of the Housing Report and despite what you may hear from the audience we are not building enough housing to keep up with our population growth. So, we need more units; if we want to press pause and put in a moratorium that is going to greatly exacerbate our affordability crisis. We are in need of units and the density has got to go somewhere and I know no-one wants it in their backyard but we have to find appropriate places for density. I think this is an ideal place for one; David has gone over the location so, here is Kenilworth Avenue. This site right here on Kenilworth Avenue is already zoned R-22MF; that is an apartment zoning, the back portion of the site is zoned R-8. This is a look at this site in context with what is around it so, here is the Atrium Medical Center, right up here would be East Boulevard; there is a public park right behind it so, this is facing a major thoroughfare; there is a high-powered line; I think this is an ideal location for more density. As I mentioned the current zoning on the frontage is R-22, the back is R-8. David went through and showed you the densities adjacent to us; here is 32 units per acre, across the street from us is 60 units per acre and a little bit up the high is another site at 20 units per acre and David went through those heights as well.

Community outreach and feedback; as with any rezoning in the Dilworth area there is going to be a lot of community involvement. This is just a record of some of the community outreach that has been done. I know there are lots of speakers in opposition; I hope there is an acknowledgement of the progress that has been made because this has come a long way. This is a fantastic site; we are talking about almost two acres in Dilworth, walking distance to the largest employer in Mecklenburg County, connecting to a park

and walkable to office and retail, so this is a prime site. These are some initial plans; I've been working with different developers for a couple of years. Everyone on the site when they look at it, great location, very valuable property so, most of the early development plans that I saw were your typical multifamily apartments like we've seen throughout the City. Densities on that site, we are looking to put at least 150 units on this site; our discussions with the community were a lot of resistance to that density and really concerns I feel like, and speakers may tell you otherwise, I feel like there is some comfort with increasing density on Kenilworth Avenue but really a concern that that intensity not bleed back onto the Waverly frontage and into that single family zoning.

The first plan that we proposed when we filed was a significant lower density; I'm here on behalf of SunCap. SunCap has a really unique development type. They don't develop the apartments we are seeing throughout the City; they develop very high end large square footage units. So, on sites like this they can do fewer units than most others because they have large very nice units. Initially, this is the first site plan we filed; we had 70 multifamily units on Kenilworth Avenue; 12 townhomes back on Waverly Avenue, that is where we started. Community feedback on the plan, there were concerns with height and density. The community felt like there is importance to prevent the intensity; I think there is an acknowledgement there is intensity on Kenilworth Avenue but that we didn't want to see that bleed back into the core of the neighborhood. There was an emphasis of maintaining the integrity of Waverly Avenue and concerns about traffic and parking on Waverly Avenue. This is how the plan developed and we then reduced the number of units to 55 units on the Kenilworth Avenue side, reduced to eight townhomes on the backside and the important thing here is that there is no connection between these two properties. Most developers when they get a site like this they will have a connection through so you can have access from Waverly Avenue to Kenilworth Avenue. If that happens that puts a lot of trips onto Kenilworth Avenue routing through the site. So, what we've done is bifurcate the site; we've put the intensity on Kenilworth Avenue where we think it belongs, have separated from Waverly Avenue and have kept Waverly Avenue low intensity. This plan which we are seeing now was down to a density of about 36 dwelling units per acre and I should say that density is spreading across the entirety of this 1.75 acres so we are looking at that as a whole.

Changes made since the official community meeting, we continued to get concerns about Waverly Avenue, about changing that from the R-8 zoning which I think the community felt was very important, and then concerns about height and density. So, one of the main changes you are seeing with this plan from where we started is to maintain the R-8 zoning, so these parcels here are currently zoned R-8; we've revised our plan so we are no longer seeking UR-2; we are committing that will stay R-8. Additionally, within the R-8 we are going to go with an R-8(CD). We think that by right on Waverly Avenue, someone could develop seven to eight townhomes; we are committing to have no more than six townhomes. We've committed to less development than allowed under the current zoning on the Waverly Avenue portion of the site; we have again reduced our density everywhere so, we've taken the front portion of the site down to 50 units, the back part of the site is at six units; that is a total if you look at all of this together, that is 31 dwelling units per acre. Now, if you only calculated the Kenilworth Avenue frontage that is about an acre, that is 50 units, that would be about 50 units per acre. We have reduced the building height, that is something that we've heard from the start as David said the current zoning would allow someone to do a building that is 100-feet tall. We started at 70-feet and we are now down to the way you measure under our ordinance is the height from the average grade so, this is site slopes downhill so, our max height that you will see on our plan is 58-feet. Again, by right you can go up to 100-feet; I think the greatest concern is on this site where there is a single family home adjacent. We have lowered that height down to 49-feet. We are also notching out with some architectural features an area there on the corner to take the corner down a little so I think it will be around 40-feet or lower. We've committed to screening adjacent to the property; we are setting our building back further than the existing building sitting in that location. Another thing that we've done, the earlier plan had a courtyard here; we are reorienting the building to flip it so the courtyard faces Kenilworth Avenue and there is less of a mass on the street. We've provided some architectural concepts; these are not in the zoning document and these are not meant to say the building will look exactly like that. The purpose of these images is to show you we



are committing to a courtyard in the middle and when you put the courtyard in the middle that brakes up the size of these buildings. You can see here this is approximate to the townhomes down the hill, then if we flip and look up the hill here is an existing single family home up the hill from us. This is showing the lower height so this is about 49-feet and this is illustrating a notch that has come out of the corner so that is actually a little bit lower. The point of this conceptual is to illustrate some of the commitments we are making. On the back side of the site; this is Waverly Avenue so, this is where there would be six townhomes and again no connectivity between the sites so you don't have people driving down Waverly Avenue, cutting through the townhomes and going to the large portion of the site. This is an aerial showing you how they will relate so, six townhomes on Waverly Avenue and this is the larger development on Kenilworth Avenue.

Again, the challenge for us and for you is we have an affordability crisis in Charlotte; these are certainly not affordable housing units and I'm not going to tell you they are, but we have a supply shortage at every level. We are not delivering enough units and we've got to figure out where to put our density. Again, no-one loves that in our backyard, but if you look in the context of this location when we think of Charlotte and where does density go, it cannot all go on the transit corridors. Look at the location of this site; here we are, we have the largest employer in Mecklenburg County here; we have the Dilworth Commercial District here and we have this site that goes from Kenilworth Avenue through and connects to a public park. So, if we are deciding where density is appropriate I think this is an appropriate spot for it. This team has worked very, very hard to make all the changes that I've shown you to get our density down as low as we can, to reduce the impact on Waverly Avenue, to leave our existing zoning on Waverly Avenue at R-8 and put conditions that make it more restrictive than development by right.

**Ellen Citarella, 522 Kingston Avenue** said I am on the Dilworth Community Association Land Use Committee and tonight you are being asked to consider the rezoning of a project that at first glance may seem reasonable; it is not and here are the specific reasons why. This project is a sweeping violation of the Dilworth Small Area Plan; this project is accompanied by a site plan that is insufficient, incorrect and to some degree an entitlement request. This project is, surprisingly recommended by Planning staff with both contradicting and incorrect supporting details. Let me explain further these three points. One, the Dilworth Small Area Plan has served our neighborhood well, even though it has some age on it. We've increased our density while maintaining the character of the neighborhood. On this side of Kenilworth all the properties back up to single family residential. The Dilworth Plan treats this side as a transition to these homes by allowing for greater, but reasonable, density. That density is R-22 that is both appropriate and that is what the City Council approved. The two projects approved by City Council on this side of Kenilworth in 2015 had densities of 21 and 20; those are and continue to be good densities for lots like these that are in transitional locations. Just to clarify; these are two separate properties, the R-8 on Waverly Avenue remains R-8 but on Kenilworth Avenue the request is MUDD zoning to capture a whopping density of 52. That is two and a half times the density called for in the Dilworth Plan. The precedent this might set will have a domino effect that is irreversible. Height; the Dilworth Plan calls for a 40-foot height on this side of the street. This project topped out at 65-feet; that is not a transition, that is a travesty. It is 60% higher than the plan allows. Nothing on this side of the street comes close to that. Pedestrian interface; this project is 250-feet in length. Remember, it is displacing five lots that already have duplexes and other rental units on it. This 250-foot span is nothing but parking deck wall, fences and additional walls shielding a courtyard and everything inside from all pedestrians.

Two, the site plan, we've had two community meetings with all of the developers. The site plan is missing one very important aspect, how it relates to the homes around it. We are not able to see its height, setback, how the scale and massing relates to the neighbors. The sheer size of this proposal has not been shown in context to anything. While the sketches they present are very pretty; at this point they are meaningless. Other site plan issues relate to setback discrepancies and the fact that the petitioner is showing a 10-foot public alley as a part of their property. In fact, it is not and I want to point out, talking about the Waverly that Mr. Brown mentioned, that is 0.8 of an acre so, that would allow for 6.4 units if you do the math.

Three, the staff analysis; staff expressed support for this project, but in their analysis, there are multiple contradictions. Regarding the plan consistency; staff states “the proposed residential use is consistent for both development areas”, but the density of 51-units per acre and a proposed height of 58-feet are inconsistent. So, what does that mean? It is either consistent or it is inconsistent with our plan and I should point out that the height is 65-feet versus the plan recommendation of 40-feet and not 50-feet that was shown earlier. Staff also states in part, the petition will provide improvements that will significantly enhance the pedestrian environment. That is incorrect; the pedestrian environment will no longer be interactive with the front of the building along Kenilworth Avenue. As previously stated, this is 200-feet of what is essentially is border wall.

Dilworth is growing as intended by following the small area plan and nothing has changed about this inner-City neighborhood to diminish the relevance of the plan. Just as the TOD ordinance you are approving tonight is meant to be transparent and predictable, the Dilworth Plan has and continues promote transparency and predictability and growth for the neighborhood. The DCEA has not been in front of Council in years because the small area plan has been followed and has provided for the growth and transition that the neighborhood needs. Simply stated, this project has not followed the small area plan and should be denied to make way for a project that will transition to the neighborhood like others we have supported on that side of Kenilworth.

**Kristine Woodhouse, 1408 Kenilworth Avenue** said I am the abutting single family property owner at 1408 Kenilworth Avenue. I just a have a couple things to mention as far as we have really not been provided a true and accurate depiction of how absolutely mass of this building is going to be. My home is approximately 18-feet tall at the roofline and this is building is 49-feet. The one illustration that they have seems like it is a bigger decline than it is and it is really not, it is pretty flat. So, this building is going to be 2.5 times the height of my building and it is going to be three-stories taller than my single family home. My side yard is about 172-feet; I will bear the brunt of the entire depth of that building which means I’m going to have a multitude of windows and balconies that I will be exposed to at all times. At no point do I get any reprieve from this, not in the backyard and not in the front yard because as you can see they intend to decrease the setback from the road which means that building will extent far out past the front of my home. I go all over Charlotte and I’ve not seen anything in Charlotte that is currently this intrusive to a single family home. There are places that back up to it, but they are buffered with streets, larger setback, mature trees, parking lots or driveways so, there is some space in between. Otherwise these people are looking down directly into my yard. The other thing about Dilworth it is based off of large mature trees and green space. There will be none for this building. They plan to clear-cut that entire acre including the already tree line along my side yard that are very mature trees that would help block some of that second, third and fourth stories from me. I’m not against development; I just don’t think this is a reasonable building to place in the middle of a city block when most of these developments you see when you go around town actually encompasses the whole city block or they are backing up to commercial residents.

**Geoff Owen, 1134 Buchanan Avenue** said I’m going to spare you my David and Goliath speech, I think you know who is who, but I will say the small area plan, and you’ve heard this, is developed through endless hours of collaboration with planners at the taxpayer’s expense and it reflects the City and the resident’s shared mission of preserving our historic neighborhood while allowing for smart growth. I have lived in Dilworth for 17-years and I’m tired of losing this battle constantly and I hope that we can protect the mission of our neighborhood and our City versus the mission of a few individual people’s profit. In the face of threats from the developer’s attorney that a “no” on this project would likely result in affordable housing in this spot since that is the current directive of City Council. I want to remind you that Dilworth has historically welcomed affordable housing. A case in point was at the Charlotte Housing Authority spot where we in fact fought for it and we actually that the streets for affordable housing be integrated with our grid. This project displaces affordable rental units and replaces them with what the developer has already told us would be the most expensive rental property in the City of Charlotte.

**Vivek Tayal, 1427 Waverly Avenue** said I am right behind the apartments and right next to the townhouses. I would say stick to the existing zoning, stick with the current plan. My concerns, in addition to all the things that have been said is that the traffic on Kenilworth Avenue; I live right at that corner and the traffic in the mornings and evenings is just tremendously backed up all the way down to Morehead Street or even down to I-277 and then past Scott Avenue and East Boulevard. In addition, I'm not sure who is renting these apartments but there is no-one typically at Atrium; I worked at Atrium for the last 28-years and that is not true.

In rebuttal Mr. Brown said again we are going to have to place density somewhere in order to provide housing. I guess to respond to concerns about the plan; and I'm happy to go through and look at these. We looked at the approved rezonings for these sites next to us and they appear significantly higher. Here is the R-22MF rezoning here, rezoning here, rezoning here so, we've seen progress over time of intensifying density in this area. I think we can expect to see that in the future. The current plan does call for 22 units per acre and I think it calls for a height of 40-feet. We have reduced our density about as low as we can get it to spread it across that site, it would be just north of 30-units. We've brought the height down about as low as we can get it. Early on in the process we did have a lot more units. We talked about the possibility and one of our earlier offers to the community was we could potentially have an affordable component. At the density we are at now we could not do that at all. We would need significantly more density to do that. I think we've been clear that at 50 units these would be very expensive units so, not hiding that, but I think we need density in this location; if you take a look at it I think we've provided that and also, we have done a lot to try and show our comparison to the single family home next door. The current situation on that site is that single family home is about two-feet from the existing duplex next to it. Our building would be significantly further away; it is true it would be closer to the street, but we think we have designed a plan as best we can. We know we are not going to make all the people happy all the time, but we think we've worked hard to lower the density, lower the building height, break up the mass along Kenilworth Avenue by moving our courtyard.

**Councilmember Ajmera** said how did you derive at consistency with the plan when clearly it is not consistent?

Mr. Pettine said the inconsistency is the density and the height requirement so, it is definitely consistent with the overall use which is residential. It is inconsistent with some of the other standards that the plan envisioned.

Ms. Ajmera said this is where it creates confusion because whether it is consistent or it is not consistent, it could not be both. When I read this, it sounds to me that it is consistent, that is the recommendation. I guess somehow, we need to create a language whether it is consistent with the plan or it is not consistent with the plan. Currently, are there apartments at this site?

Mr. Brown said the Kenilworth Avenue frontage, the intension is that these are apartments. The back portion of the site would be townhomes.

Ms. Ajmera said what is the existing density of the apartments on this site?

Mr. Brown said currently on the site I think it is a mixture of single family homes and duplexes. This portion of Kenilworth Avenue is low density; there are single family homes, duplexes, very low and interestingly our 1993 Plan called for this to be mid-to high density. The 2006 Plan took it down to a recommendation of 22 units per acre and we are at 32 over; 50 on the front if you just look at that.

Ms. Ajmera said so, it is higher density than what is in the plan. I know that one of the concerns that a speaker had brought up was around pedestrian access. Could we go back to the design?

Mr. Brown said I will show you where I think this is coming from and it is a well-made point. This will have structured parking basically below ground and as the site moves downhill the idea is you see the parking is underneath so, at the top side of the site you

don't see parking, at the bottom you do see parking. We flipped the building to put a courtyard here. Everyone would love it if that courtyard were accessible to the street and you could walk upstairs, go into the courtyard. The architecture team is having to work on that because in order to meet ADA requirements, if we had stairs there we would also have to a ramp which would be very challenging at that location. So, this is something that came out of the last community meeting is how does that work. So, that is a conversation we are having and can continue to have.

Ms. Ajmera said what is the width of that pedestrian access and as we move up or more down what is the width that it becomes?

Mr. Brown said I will have to get back to you on that answer, but I think there is a pedestrian access point here, here and then the total length of the lot is about 240-feet so, we are breaking that up here and this is the point of how much design and engineering do you do on a plan when we are having kind of bigger questions about density and height. If we are able to move forward I think we can drill down to answer those types of questions, where are the entrance points and what do they look like.

Ms. Ajmera said that is something I think we need to understand because that is one of the concerns that Ms. Woodhouse had brought up along with Ms. Citarella; so, we need to better understand that.

**Councilmember Egleston** said a question for Mr. Tayal, we were able to speak a couple days ago about this and I know at the time you had last seen a plan of eight townhouses on the Waverly Avenue side and now it is at six as we discussed on the phone the other day. As we go forward from here and whenever the decision comes up I just wanted to clarify your comfort level with the backside of the petition now being at six townhouses, which according to the presentation is under what would be allowed by right. So, that I'm clear moving forward from now until a month from now that the focus on the changes being asked for now are really about the Kenilworth Avenue side of the project.

Mr. Tayal said I would say that we understand that is R-8. I guess one question I have is have they changed the proposal to keep that R-8? It seems like this is still a mixed-use zoning petition.

Mr. Egleston said he said it would remain R-8.

Mr. Tayal said in general I think it is probably okay, yes.

Mr. Egleston said so, there is a comfort level with the Waverly Avenue side of the project and now we are focused on concerns you have on Kenilworth Avenue side.

Mr. Tayal said so long as it meets the Dilworth Plan so to speak, in terms of height and such. I'm not party to all the details but so long as it meets the plan.

Mr. Egleston said I'm just trying to hone in on what the discussion should focus on.

Mr. Tayal said I would say it is the Kenilworth Avenue side.

Mayor Lyles said I'm going to do this for the staff; I think when we talk about what kind of streetscape and the differences we want to have in a community, actually Kenilworth Avenue represents a lot of that right now. You can walk to retail and commercial areas, there is single family next to duplexes and that is something that we are trying to consider and make that an easier path for everyone so, along the street you don't have every house single family, you have duplexes, triplexes and I think this street represents that. I have a couple concerns that I would like to have the staff think about. When we have to consider all the rezonings going on in that area and all the work that is being done right now in terms of how do you want the traffic to flow in and out of there, I'm not so sure that I've settled on what happens as we continue to look at the redevelopment going on there whether they be institutional, residential or commercial. I don't think this is a simple thing of just one project. I think it has got to be integrated into what we are aware of and what

we know and we have to begin to think about what kind of community we want that to be. I think the apartments along there are very nicely and well done. The way this looks to me the height of this one is even higher than the units that are kind of set on their own block. They've got their own town square. I've always been told the rumor was that multifamily rezoning along Scott Avenue and Kenilworth Avenue was just a result of there has got to be something there and we will call it MF22. I don't think that is good enough right now; I just don't think that is appropriate right now. I'm really serious about this; in the context of the traffic moving through the area, one of our pedestrian areas and what is going on I think this is a very difficult project to process without processing the plan and unless we move the plan then how do we move this project. That is just my thinking on it. I think it has a lot of work to be done. I think of Scott Avenue and Kenilworth Avenue as our in and out streets so how do we treat those two streets? I think Scott Avenue has pretty much gone commercial the whole way and what is our border there? It is a very tough thing to say that that is going to be a project like this one in that area with the congestion and the traffic that we have and what we anticipate having even more of. I think many of us are questioning the inconsistency; we know it is inconsistent; everything is inconsistent until we get something better, but I think the something better is that Kenilworth Avenue looks more like what we want as better.

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to close the public hearing.

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**ITEM NO. 32: HEARING ON PETITION NO. 2018-152 BY KYLE SHORT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.56 ACRES LOCATED AT THE SOUTHWEST CORNER OF NORTH SHARON AMITY ROAD AND EMORY LANE, EAST OF RANDOLPH ROAD, FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said the petition is located at North Sharon Amity Road and Emory Lane; the current zoning is R-3, the proposed rezoning is UR-1(CD). They are looking to develop a series of four individual single family lots that front on Emory Lane. The South District Plan which was adopted in 1992 does recommend single family dwellings up to three dwelling units per acre. With a District Plan within the City we also look at the General Development Policies on top of what that District Plan states, one due to the age of, to look at some other factors that have come on line since the adoption of that plan which again was in 1992. The General Development Policies do support density up to eight dwelling units per acre; this petition comes in a 7.1 units per acre so it is consistent with the General Development Policies for this area. This is the individual site on North Sharon Amity Road at Emory Lane; that home is no longer there and it is a vacant lot as of today. As you can see the petitioner is proposing four lots on Emory Lane, all individual single family lots, detached homes with proposed tree save area on the back side and maintaining a consistent setback along Emory Lane for those first three lots that would be in line with the other existing single family homes out there. Staff does recommend approval of this petition upon resolution of some outstanding issues. We do have some questions on some of the setbacks as well as accessory structures in the setbacks and to limit the building height.

**Paul Pennell, 1318 Central Avenue** said staff has previously mentioned that the home that was here previously was town down a couple years ago. This is a current picture of the site. This is general rezoning map of existing zoning districts in close proximity of the site. This is a story of working with staff, Councilmember Newton and adjacent property owners. The initial submittal for this was six single family detached residential homes. This has been reduced from six to five and it is now four. The homes are fronted along Emory Lane, a little uncommon in the UR-1 District, we are actually providing a 17-foot setback along the right-of-way of Emory Lane to maintain the existing building line along Emory Lane. There will be 50-feet of right-of-way dedication along North Sharon Amity

Road for future road improvements; 16-foot landscape strip, 6-foot sidewalk. This is a brief list of requests from the community which have been incorporated into this plan.

**Samantha Starling, 716 North Sharon Amity Road** said I know you have received a lot of reports from me that have been a compellation of lots of discussion between our residents in Sherwood Forest; we have a very active next-door group and a very active Facebook group and we've been communication back and forth so, what you saw in all the reports are a compellation of all of our feedback and discussions. I do have several members here from Sherwood Forest in opposition as well. Back in early February Mr. Short came to visit me and we met at the lot; at that time, he showed me the site plan for five homes and I told him I'm sorry, I can't get behind it and asked him if he was going to submit it. He said no, not unless I would get behind it and support it and drop the protest. I said well, our petition is for four homes; we feel like a reduction in the number of the homes would allow for the alleviation, would allow for more space, proper driveways and a lot of the aggravating factors would be resolved if he would just decrease the rooftops but without increasing the actual size of the homes. He said it was not possible at all to do anything less than five, but here we are talking about four homes. So, we feel like that we are getting closer to where we need to be. However, the purpose of all that four homes was to resolve the very unsafe intersection; C-DOT has already determined you can't even turn there for four hours out of the day. There is a school that also uses Emory Lane as pick-up and drop-off overflow and it is on a hill as well, so you can't see on either side. The street parking is a huge issue and it is also very dangerous to come in and out of. Once the home size was increased then the permeable land also is increased so, that is not really solving any run-off issues. Sherwood Forest is a very mature, established neighborhood; my house was built in 1958 and so water finds its way. Even if you tried to do whatever you can do with engineering on a site that run-off still exists and if you are only allowing 10-feet between each house with permeable ground there is going to be run-off issues. We also wanted to alleviate the street parking completely although Mr. Short has told me personally that each house now has its own individual driveway, if your home front is 10-feet from curb and you can't block the sidewalk that leaves about five-feet for a car. Unless you drive a mini or a cooper mini or a smart car you are not parking in your driveway; you are going to be on the street. That also only decreases the cut-through traffic by 20 vehicles a day. We are already identified by C-DOT for calming needs; we are just awaiting approval from the Charlotte Fire Department to put those things in place. Cut-through traffic is crazy coming through with people trying to get around the Randolph Road intersection in the morning and in the afternoon and you also can't turn onto or off of Emory Lane for certain times of the say so all those cars are cutting through as well.

There is no longer discussion about run-offs and looking at overall plans and just because we've allowed something in one spot does it mean that we should allow it in another? Giving you some details on Sherwood Forest as a whole; I've gotten these figures off of census and Zillow. There are 1,381 homes in Sherwood Forest with 1,220 acres. You can see the average lot size is almost an acre. We have two exceptions that also have the urban residential zoning at two other entrances to our neighborhood so, I've taken those 15-homes that are being used, well we allowed it here why not allow something here? So, I've taken those two areas, those 15 homes and given you some calculations to see that this proposal is even egregious from that. It is even massive reduction in lot size and setback from the already exception. If we allow an exception to an exception at what point do we even have a plan? You can see this rezoning would result in density of 7.1 homes per acres and then although the General Development Policies are met this is a well- developed neighborhood in the middle of Charlotte; of course, it has got water and sewer access, of course it connects. Everything is built that way so, whether or not it meets these General Developments means that okay, we've A, B and C in place. Well that is common sense that these things exist in the middle of Charlotte. This is not a textbook site however, because of the dangerous intersection, the cut-through and the school on the corner, it shouldn't be looked at as general.

This is to show you the two homes; that is my home on the top, I'm the property owner right next door and this is the other adjoining property. The yellow arrows are showing you where the sides of fronts of house are going to be in the proximity to these existing

properties. On the right side you will see that is my house on the top in the four-house plan, all the rest of the homes on Emory Lane are about a half-acre lot, the same size as the one Mr. Short owns. As you can see there is nothing even close to that in this whole entire neighborhood.

In closing I just wanted to show you on the left-hand side these are some of the existing residents on Emory Lane. This is what our neighborhood looks like; on the top right are some of the ones that are pre-existing from the Addison and Littleton that occur as exceptions and those also don't have any of the setbacks, the 10-foot backyard; they have a standard 30-foot backyard. They have standard distance; they are close to each other but they have separated themselves from these existing properties respectfully. On the right-hand side are some of the things I took off of Mr. Short's site at our community meeting. He showed some facades of what he was proposing to build esthetically, and as you can see esthetically they don't even match what is in Sherwood Forest at the moment. This has been called a transition lot and so we are transitioning from what to what. Transitioning from these two homes to what; to more homes just like that. There is nothing existing on Sharon Amity Road for it to transition from. I know you guys have data and pictures and everything that I've sent you and it should give you a good idea of the area. There is a lot to consider here and we just wanted to make sure that you have everyone's views from Sherwood Forest and we do have the petition still going for four homes. We have amended it once we realized that that four-home reduction would be superficial and we've reduced that to two and three so they would be similar to what is already at the existing exceptions of Addison and Littleton. Those are our other two entrances into Sherwood Forest and it would only make logical sense that we maintain that standard in the other entrance into Sherwood Forest.

In rebuttal Mr. Pennell said I believe there is a reoccurring theme tonight regarding residential density in the City of Charlotte. Initially when this petition was submitted it was six detached single family units. The DUA was coming in at approximately 12 DUA. We are working with the community and Councilmember Newton and it has been reduced to four and is currently at a 7.1 DUA. Of course, Charlotte does need density and residential options for its residents. I would like to address the unsafe intersection at Emory Lane; we can continue to work with C-DOT on that matter, but there is a 50-foot right-of-way dedication that will be occurring associated with this project along Sharon Amity Road. In addition, there is a signalized intersection one block away at Addison Drive. Driveway length; that is actually something that is set by the City of Charlotte Land Development. A minimum driveway length here would be a minimum of 20-feet or less than five, but in this case with garages and cars can be parked within the home. Also, one other interesting item here; UR-1 setback is generally located 14-feet measured from back of curb. In this case to maintain the existing building line and character along Emory Lane it is being located 17-feet from back of right-of-way to help maintain that character of the neighborhood.

**Councilmember Newton** said I do appreciate the petitioner working with the community and working with myself in this process. We are down from six units to four and having said that I still have some concerns pertaining to the density. I wanted to ask Mr. Pettine about our General Development Policies and are these unique to each site plan or are they separate? I think you had said it is on top of the District Plan; how does this work?

**Kent Main, Planning** said the General Development Policies are Citywide and they are a series of policies that were adopted by City Council by your predecessors in times past and they do overlay most of our older District Plan Areas and they apply more or less Citywide except to particular areas where we have other policies in place. For example, if we've got a policy or a particular plan for Dilworth or for any other neighborhood that has a specific density recommendation and that supersedes, but they are basically a mathematical computation that takes into account a locations ability to absorb additional density such as it takes into account how close you got. If you are within a quarter or half-mile of schools, of churches, of libraries, or post offices, of retail uses, of medical facilities it takes account of all of those as well as its proximity to major thoroughfares and the street network and how well the area connects in so it is sort of a measurement of how all those things work. We can run a score on any property in the City and that is the

system that we use to look at appropriate density for areas. There are also a number of other issues that we take into consideration on a broader basis as to whether or not there are other issues that take effect and we don't have any particular of those here. The scoring here would produce up to eight units per acre and that is the same thing that we use on other areas and other districts as well when we are looking at densities for townhouses or other things.

Mr. Newton said what it sounds like to me and you explained that; this is something that is general to the entire City, it is not anything embedded in any specific plan and I just wanted to clarify a point so in the material as we have it says that the proposed single family detached land use is consistent with the South District Plan, I believe it is actually inconsistent, right. Inconsistent with the South District Plan which would call for an R-3 so three units per acre, but for these General Development Policies, it is otherwise inconsistent.

Mr. Main said it is inconsistent with the base mapped area but the plan also specifically does reference the General Development Policies because they've been in place since 1992 and 1993 when these plans were in place and have been used; they've been modified and tweaked over that period of time but they are codified in the District Plan.

Mr. Newton said I bring up the point because when I look at the Plan the Plan calls for three units per acre. I think when we are talking about acreage like this we are talking about literally 1.5 units being acceptable under the Plan but what we are seeing right now is upwards of four units which I think would more than double what the Plan calls for and I harbor concerns right there. I look at our material and I see how it is broken down and I think that Ms. Starling makes a really great point here. Some of these amenities that could get a developer right over the top and we are talking about really a razor thin margin here so 12 over the 11 thresholds to fall within this category of General Development Policies I really question whether it is wise for us to look at this and allow more than a doubling of density. So, I will pose that particular question, but I had additional questions for the petitioner. I'm looking at how close and we are looking at buffers of five-feet at the southern-most border and I think that is going to end up needing to be extended as per the recommendations of staff. Then a 10-foot rear yard; I'm questioning the privacy of folks neighboring this property and we don't have anything to suggest what the height of these buildings are going to be. We don't have renderings here either and I'm wondering what kind of height are we looking at on these? We are talking about multi-level buildings here.

Mr. Pennell said right now we are following the general guidelines within the zoning district for UR-1. I believe the maximum allowable height on UR-1 is 40-feet, but you are right there is no reference to height directly within this rezoning petition currently.

Mr. Newton said three-stories; 40-feet is that the three-stories we are talking about?

Mr. Pennell said it could be up to three-stories, that is correct.

Mr. Newson said so it could be up to three-stories and what I noticed in some of the pictures we saw earlier was a lot of ranch so, one story houses and I question the consistency or the character of the neighborhood if we are talking about something that could be as high as three-stories.

Mr. Pennell said we definitely hear your concerns and it is something that we can work with adjacent homeowners in-regards to that concern., but as far as specific scope for what does the character and elevations of what these homes would look like, that has not been determined, but we have incorporated in a set standard of building materials that would be used on these lots.

Mr. Newton said I'm assuming we are going to have to vote on this in a month; are we going to have more definitive answers and ideas of what we would be approving if and when we vote on this?



Mr. Pennell said I believe single family homes and the character of single family homes; I'm not sure if that is something that is a requirement for us to provide. David can you help me out with that?

Mr. Pettine said that would be able to be volunteered by the petitioner but staff cannot request any kind of specifications on building materials, architectural design guidelines. All we can dictate is the location of the building envelopes on that property.

Mr. Newton said I guess I'm a little spoiled because it seems often times in a conditional rezoning we see those type of renderings. I don't know if you would be willing to provide that; I think it would be helpful. I'm looking at this layout here and I'm noticing it appears slightly awkward so, would it be the building footprints or these envelopes, I think it is what they are called, for each of these buildings. They are different; the bottom two seem to have larger envelopes; the one at the top is wider. Is that by design; are we talking about buildings being different and being kind of Hodge podge here?

Mr. Pennell said you are correct; those are building envelopes and those dimensions are sets by the UR-1 standards within the zoning district. This lot closest to the corner; there is additional setback that is required for this particular lot and since it is on a corner more lot area was provided to that potential future homeowners just to make them comfortable on that corner. Just to answer one of your previous concerns and that was regarding privacy; there is tree save and a landscaped area associated with this to help alleviate and to provide that buffer to help provide some of that privacy.

Mr. Newton said just down to kind of a point, right so, not for the full extent of the property. When it comes to these building envelopes are we talking about the entire envelope being comprised of the building or will it not meet the full-fledged envelope or not meet the back?

Mr. Pennell said from a design standpoint, theoretically yes, the building could encompass the entire building envelope, but from a practical standpoint likely not, just because from a building standpoint, squaring off corners and things of that nature.

Mr. Newton said we heard something about driveways and you were saying that each of these is going to require a 20-foot driveway.

Mr. Pennell said correct.

Mr. Newton said what about garages? A lot of questions I'm hearing from the community is where are cars going to park. Emory Lane can be a dangerous street particularly early in the morning and a little bit later at night with more cars coming in and if the only area for them to part is right there on the street itself that could create a pretty dangerous propensity that we don't want to create. I'm wondering what kind of parking does 20-feet of driveway provide and at the same time are there going to be garages in this and if so to what extent. Are we talking one, two-car garages? How many bedrooms are these?

**Kyle Short, 2328 Bay Street** said I am the petitioner and property owner. Basically, when we started out with this we started out with six lots and we presented that at the community meeting and we went through that and the feedback we got was that the density was too high. They were worried about parking; they were worried about the intersection on Emory Lane that is not signalized. What I've done is work with the neighbors to try to decrease that to five units and I presented that to Ms. Starling who kind of led the opposition and she said she still wouldn't accept the five and would still be opposed to the petition at that time but wanted four units. I went back and went all the way down to four units to try to alleviate the concerns and work with the neighbors for what they wanted. That is where we are now so, these are more of a traditional lot configuration where each lot would have its own driveway. It could have a garage that would be more in keeping with the lots across the street on Emory Lane or some of the other recent developments on Sharon Amity Road that would have smaller lot sizes.

Mr. Newton said what does the ordinance require; is there a specific number of spots or spaces; is that encapsulated in garages as well when it comes to numbers of bedrooms or unit development?

Mr. Pettine said for a single family home that being proposed would be two parking spaces.

Mr. Newton said would that include driveways or is that two-garage and then driveway?

Mr. Pettine said it could be a combination of both.

Mr. Newton said I noticed that you had a list of items there that were addressing community concerns and one had a big red X over it and I want to ask about that. That immediately drew my attention and I wanted to ask; I think it was something about traffic or road improvements so, would that X mean no or was that like a typo?

Mr. Short said I believe they are asking for a traffic light at Emory Lane which is not feasible for something like this, a development of this small which is a small project.

Mr. Newton said staff is asking that the southern border the buffer be increased also, that the front edge off back of curb being increased by about a foot. I think that is going to impact theoretically if you were to keep this kind of layout it is going to compact some of these envelopes; so, if that is the case how is that going to impact the tree save at the top.

Mr. Shot said the tree save would stay in the same area that it is and that will provide a buffer to Ms. Starling's house. As far as the additional foot in the front we've already brought the front setback back to 17-feet to kind of keep in line with other houses on Emory Lane and I think the other setback was for the lot on the corner that is shown at less than 17-feet so we would be bringing that back to the 17-feet to match the other three lots.

Mr. Newton said there was a slide that we had seen where it was a much grander scale, the general area showing that the overall area and you can see where we have this kind of small block; you've got R-8 across the street and I believe that might be around 24 units but we had this really fantastic discussion earlier about how we start to look at an area, we make an exception to a general rule and then we start to assume that that is the character or the identity of the area as whole and the reality is that that is the exception to the rule and the rule really is in this case I think more of an R-3 designation. I wanted to ask about this impervious surface and how this development of these four units will impact. Do we have any idea or has there been an analysis on water and sewer on how this; because this is kind of up on a hill. How this type of development and the run-off and how that might affect surrounding properties?

Mr. Pettine said they would likely do that more at the time of permitting when they would go through construction and get permits for development rather than through the entitlement process at this point. We can certainly look and see if there would be any challenges to meeting any requirements in regards to storm water run-off. I would have to provide that in a follow-up report, but typically those kinds of calculations and studies are done at the time of permitting when they have a more concrete understanding about where the homes are going to go and where the impervious surfaces are going to be.

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| Motion was made by Councilmember Driggs, seconded by Councilmember Mitchell, and carried unanimously to close the public hearing. |
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**ITEM NO. 34: HEARING ON PETITION NO. 2019-016 BY LENNAR CAROLINAS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 42.13 ACRES LOCATED ON THE SOUTH SIDE OF HAMILTON ROAD, EAST OF STEELE CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is an R-3 to an UR-2(CD) request for residential development of an attached townhome product. We are looking about 206 single family attached units; that is 4.9 dwelling units per acre. The maximum building height is 40-feet. They are providing several connections on to Hamilton Road as well as mid-block crossing down towards Smith Boyd Road that will allow folks to get across the street in a little bit more of a safe manner. There is a school in close proximity, also providing some existing connections down through Wandering Brook Drive as well as a point of ingress/egress on Smith Boyd Road. There are pedestrian trails throughout the site and the petition is consistent generally with the Steele Creek Area Plan. We are looking at four dwelling units per acre and this is at 4.9 so, we have consistent uses, inconsistent slightly with the density but overall the petition is recommended for approval by staff with the outstanding issues being addressed related to infrastructure, site and building design and some technical items involving the notes on the conditional plan.

**Collin Brown, 214 North Tryon Street** said I'm here on behalf of Lennar Homes and I have not spoken with Ms. Ladd; I was not anticipating opposition so I will give you a little more than I anticipated, but I'd be interested in her comments and happy to follow-up. This is the project just south of Hamilton Road in the Steele Creek area. To give you a larger context, here is the site, here is the Rivergate Shopping Center. The developer is Lennar Homes and they have developed a very large piece of land north of this site; this will simply be another phase, another extension of that. This shows the zoning proposal; we are under five dwelling units per acre; right about 4.9. The land use plan calls for up to four so we are slightly higher than that. There is an elementary school here; essentially Lennar is developing a large single family home community in this area called Chatto. They were teed up to do this as single family; they felt if they sold through Chatto there was a demand in the market for a little bit different product type so, as with some of the petitioners you've seen tonight, this would be a different offering for them so, it is a townhome, a little more affordable price point. Instead of spreading the density out through the site you've got more open space, less upkeep. We've got some pocket parks; this would have its own amenity. Community concerns in the area; I'm happy to report the Steele Creek Residents Association, which is very involved down in this area, has written a letter of support. They said based on the proposed development of the site plan they feel it is appropriate and it is consistent with the area plan. I'm very happy to have the endorsement of the umbrella group down there that is very busy. There has been a lot of discussion tonight and I will take this opportunity to address it, about transportation and transportation deficiencies in the Steele Creek Area so, I'm happy to tell you there is a plan and the private sector developers are providing a lot of that. This is what we showed at the community meeting and these improvements related to the development that Lennar is already doing so, everything you see in green is an improvement that Lennar has already installed. The yellow ones are improvements that are on the way. I drive that area a lot and when I see improvements being made I did not know that some of these were done by Lennar so, I wanted to point them out. If you make that commute like Mr. Harlow probably does we come down Carowinds and he will probably remember that Carowinds was expanded to have two turn-lanes on Choate Circle so it is a second left-turn lane. That was done by Lennar on their dime; if you follow Choate Circle down there is Smith Road which carries a lot of traffic through down to Hamilton Road. Prior this was just a two-lane street so, if someone was turning left and they couldn't make it traffic backed up. Lennar has expanded that to insert a left-turn lane there which is really helping move traffic through that area. Smith Road improvements; they've done a good bit of that; streetscapes have been improved greatly increasing their capacity as well as their bicycle and pedestrian mobility in the area. Lennar has installed a traffic circle at Smith Road and Hamilton Road that has really improved transportation in that area right by the school and another project on the radar are future bridge connections to the

Rivergate Shopping Center. These connections will be made in part with Lennar and in part to an apartment rezoning that you guys approved about a year and a half ago. I know everyone is complaining about traffic and the way the City is trying to solve this; we can only widen our main thoroughfares so far. So, this is a quadrant here; here is Rivergate Shopping Center and there is no way through this quadrant currently. We have undeveloped land and neighborhoods that have some connections but it is not completed so, if you want to go from this side of the quadrant to Rivergate Shopping Center you've got to go through some of the most congested intersections in Charlotte here and here. Additionally, if you want to come from these areas to Rivergate Elementary School you've got to go around so, one of the things, give credit to your staff and the City, is the forward thinking and trying to develop a more robust street network through some of these mega blocks. These were some lines that were just drawn on a plan years ago but now we are seeing that come to fruition so, what will happen when Lennar brings their development on the apartment community that is under construction there, there will be bridge connections here and here and then there will be a street network that connects all of this to Rivergate and we are developing down here and allows residents here to travel through to get to the commercial core of Steele Creek without going through some of our most congested intersections. I know some of the people that are upset about transportation in the area are not here now but I just wanted to share that with you all that your Planning staff and your C-DOT staff is getting these improvements when they can. As you know NC-DOT does not have the funding so they are trying to make ask of developers to set up this transportation network, build the streets and build the stubs and then get the improvements as private development comes along. So, on this site that is a lot that Lennar has done already; the site we are talking about, David mentioned, we are here, the elementary school is here working with C-DOT to have a hawk signal so that we can slow traffic down, get folks from one side of the street to the other so they can get to the elementary school and other amenities in that area and then link up with that connection. We talk about CMS all the time; this is another one of those that CMS is estimating student's generation would drop from 71 to 20 going from a single family product type to a townhome product type.

**Christina Ladd, 11303 Laurel View Drive** said I'm not necessarily against this project in particular; I has signed up to speak for all projects that were concerning the Steele Creek area which I want to address. In the Steele Creek area, we would just like basically a hold on all rezoning project to take a look and step back on the amount of development that is going on in that area. As other people have said, we are losing our quality of life there; the abundance of trees and the havens for wildlife that are drawing residents there are quickly disappearing. We are losing the birdsong and the crocking of frogs and now we hear loud vehicles racing up and down the street at night instead. The developers in all of these pictures, they tell us that they have set land aside as recreational common areas for parks but they are only accessible to the residents of the development. These plans do not address the dearth of open space and natural areas available to the public for recreation throughout the Steele Creek Area. There is really only Wingate, [inaudible] Park and then there is McDowell Preserve and that is pretty much it for any open area for any kind of walking trail or playing basketball or anything like that in that area.

You mentioned the Steele Creek Area Plan; it was adopted in 2012 and I know a lot of development plans have strayed from that so I wanted to ask the Council to adhere to that plan already in place regarding new rezoning which this project, as Mr. Brown had mentioned does in the letter from the Steele Creek Residents Association. As far as traffic, yes there is gridlock; there is also a lot of accidents along our road particularly turning into my neighborhood. They seemed to be caused by people turning left from Tryon Street getting into their neighborhoods. I think sometimes maybe the left-turn lights are inadequate and they only let one or two cars through and other people try to run the yellow and then get hit by other cars. It seems there are terrible accidents every day. Another thing about Highway 49 or South Tryon Street as we know it, has long been a major artery for Lake Wylie residents to get to Charlotte for work. Now, as Lake Wylie and Tega Cay have grown they are seeing development as well, this is added traffic on South Tryon Street and now we have growth in Steele Creek which is also putting traffic on Highway 49 and South Tryon Street. Highway 49 is what I consider my neighborhood street; it is how I get to the grocery store and to the library and how parents get their kids

to schools and whatnot. I want to ask does the Council recognize this and do you have any idea or plan to get some sort of mass transit to get these commuters off of Highway 49?

In rebuttal Mr. Brown said I don't think those comments were directed to this petition; general concerns about the Steele Creek area. We've got a balance and this is as I've mentioned several times tonight we have an affordability issue, we've got to increase supply. Steele Creek is one of the areas of town where there is still land developable so we are seeing pressure. I get it; I go to these meetings every night and hear about traffic. I wish you all could put a toll on the bridge from South Carolina and we could use those dollars to fund our infrastructure. I hate to stand here every time and not have answers but I know that we talk about affordability a lot. These are prime locations; the people are coming to Charlotte for the jobs and for our dynamic economy and I think we need to capture those people in the City of Charlotte and Mecklenburg County because they are coming one way or the other and they are going to drive through our roads one way or the other. So, I think it is important that we capture them with good infrastructure and do what I showed you here where we do partner with developers to get some improvements made that address some issues.

**Councilmember Phipps** said Mr. Brown; is this a project that is going to be done in phases?

Mr. Brown said that is a great question for the Lennar Team. I imagine they will not come in and build all of this at once if that is your question so, I think it will probably be phased.

Mr. Phipps said this potential amenity area; I noticed this is the only area and a project this large it seems to me would have to have a little bit more open space than what I see on this depiction here.

Mr. Brown said there is a great deal of open space. There is a trail network which I did not highlight that runs through the open spaces. I think I've got a detail; there will be some pocket parks throughout, here is the detail of what the amenity area could be. I do think the Lennar Team wants to look at it and see what the market is whether it is a swimming pool or not a swimming pool. There is a cost to those that would raise the cost of housing so, that is being looked at, but there is a good bit through the natural area and then again, this is kind of the next phase of this overall master development that they are doing which includes many hundred acres. We think it will be an amenity to that and will connect to that trail network also.

Mr. Phipps said is it your intention to open up for connectivity onto Wandering Brook Drive?

Mr. Brown said yes, your subdivision ordinance will require a street connection here so that will be provided. We had a pretty good turnout at the community meeting for that so, we will be required to do that with or without a rezoning, but what you can see here is we've really tried to buffer that and so, we are not putting homes right on the property line. Some folks I think might appreciate another access point as well as a pedestrian connection to the crosswalk that we are working on which will then connect over to the school complex.

Mr. Phipps said is this another entryway that I see on Smith Boyd Road?

Mr. Brown said access points here, here, here and here so correct if that is where you are asking.

Mayor Lyles said in the tree save area, when the portion on Hamilton Road closest to Superior Street; on the opposite side of Smith Boyd Road on the other side where the tree save is; when I look at this you have an opening on the street that is not a street and I wonder why not connect at that opening where there would be a four-way intersection instead.

Mr. Brown said we could look at that; I think probably the answer is the distance doesn't qualify, but we could look at the potential for doing a stub in that direction if that is where you are asking about.

Mayor Lyles said I am, but I guess this would be for the staff or the transportation. It seems to me the parcel that is vacant on the other end where the street that says Wondering Brook Drive, but this is where we get into not creating the grid. It seems to me that if we approve this then we ought to require a street alignment across there and I don't know if that is possible because if we don't have any drawings or whatever, but it seems to me that this is the time that if this is approved then it almost impacts immediately what goes across the street so, why wouldn't we go ahead because we would have to say somewhere in case that happens when none of us are here that there should be a street aligned there on whatever development occurs. It is just one of those things we've been talking about all this traffic gridding and I don't understand why we wouldn't do this. The other thing I've heard a lot about today and I was wondering about this; do we do accident data in zoning studies; do we do rear-end collisions, intersection collisions when we are looking at existing? You don't have to do it now; we can do a follow-up but I would like to know how we use accident data when looking on these long intersections and long roads.

Motion was made by Councilmember Mitchell, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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**ITEM NO. 45: HEARING ON PETITION NO. 2019-012 BY LIDL US OPERATIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.84 ACRES LOCATED ON THE SOUTHWEST CORNER OF SOUTH TRYON STREET AND MOSS ROAD FROM NS (NEIGHBORHOOD SERVICES) TO NS(SPA) (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said we are looking at a rezoning from neighborhood services to neighborhood services, site plan amendment. Essentially this request before us is to amend the currently approve site plan for this property; currently it allows 6,000 square feet of automotive building and 20,000 square feet of office. This petition is requesting to do away with the 6,000 square feet of auto and 20,000 square feet of office and replace that with an allotment of 30,500 square feet for grocery, retail, personnel service, eating, drinking establishments and other uses allowed under the NS District. Again, essentially, we are taking the previously approved site plan making an amendment to that to change from about 2,600 square feet of both auto and office uses to one individual building at 30,500 square feet. Actually, this plan amendment also would eliminate the ability for automotive uses to be established there, provide some other general buffering and site design standards for this property. Staff does recommend approval of this petition; it is consistent with the Steele Creek Area Plan recommendations which were amended by the previous rezoning in 2014-042 for office and retail land uses.

**Bridget Grant, 100 North Tryon Street** said I am a land use consultant with Moore and Van Allen and I'm here tonight with Don Kim and Michael Solvitinic with Lidl and Rod Hudson with Bowler Engineering. This is a site plan amendment; the site is already approved for commercial uses. It is a 2.84-acre site, currently vacant. It is zoned NS and the proposed rezoning to amend it just allows a different use on the site. The proposed plan will amend what was done in 2014. The primate difference between the two sites, what was approved before and now is that this site actually includes a number of off-site roadway improvements that were not anticipated with the earlier rezoning. Access will be from South Tryon Street and Moss Road. We are doing streetscape improvements along both. Tryon Street will include a 12-foot multi-use path and they are going to be turn-lanes and improvements to the overall intersection. In addition, we are maintaining open space at the corner. There are a number of improvements listed; I won't go into

detail given our time tonight. I can answer any questions about those when the opportunity arises.

This is a view from the intersection of South Tryon Street and Moss Road that is intended to reflect the quality and level of development that is anticipated for the site and with that I'm happy to answer any questions.

**Tray Daniel, 13247 Savannah Point Drive** said I am a homeowner basically right next to where this Lidl is going and I guess I just had a couple questions about light pollution and I know you guys close at 10:00 so there is going to be a lot of people in and out in that area. Couple other things regarding the buffer zone and what trees are going to be left. In that picture you saw a ton of trees that are still going to I guess get cut down, but if there are going to be homes affected in the neighborhood that is still being built out. I am not against the building being there but I just wanted some answers because I hadn't really heard anything about it except for a couple mailers that I got.

Mayor Lyles said what were the questions that you wanted answered?

Mr. Daniel said light pollution like you guys having the street lights on 24/7; am I going to be affected negatively? My house backs up right next to the parking lot that is going up. If you are open until 10:00 that is pretty late. Lack of privacy is another concern; trees being left of what have you. I've seen the map so I know where all the traffic is going.

**Christina Ladd, 11303 Laurel View Drive** said the trees buffer that they are showing in the picture I think is a little inadequate [inaudible] you do want your building to be seen but we don't need another grocery store in that area. There are two Publix, there is a Harris Teeter, an Audi and the Food Lion. There is a Target a Walmart and all of these are selling food items there, so the last thing we need is another grocery store. There is going to be light pollution; there is going to be so much more traffic in and out and there is a neighborhood right next to all of that. Right across South Tryon Street it backed up to a neighborhood so I think it is an ill-suited spot I think to put a grocery store and I think they are planning to put some [inaudible] and I think it is a poor spot to put that sort of development there.

In rebuttal Ms. Grant said as I previously mentioned the site was already approved for commercial and with this redevelopment and with this option comes the opportunity to offer additional transportation improvements in the area. We will of course welcome the opportunity to sit down with any of the adjacent neighbors and address concerns related to buffers. We are showing that there is a buffer to the south side of the property and we are maintaining the required buffers along the periphery of the site. Again, we are happy to sit down and discuss any of these outstanding issues with any of the adjacent residents. As for the light pollution we are not far enough into the development of the site to speak to the specifics but we would have to meet the standards that we allow on all of our commercial developments.

**Councilmember Harlow** said you said you didn't want to get into the transportation improvements; I'm actually kind of curious about that.

Ms. Grant said there is a lengthy slide here; on Tryon Street and Moss Road we are constructing a northbound right-turn lane onto Moss Road and we are trying to get it constructed the full width until reaching the Founder's Federal Credit Union. We are modifying the signal as necessary to accommodate these new movements. On Tryon Street with access A we are also constructing an eastbound right-hand turn lane with 75-feet of storage and we are constructing access A with one egress lane and one egress lane that is right only. On Moss Road we are constructing a southbound right-turn lane with 75-feet of storage and a taper and constructing a northbound left-turn lane with 100-feet of storage. Access B will only have one ingress and one egress; it is a shared left right. The previous rezoning didn't have any of the off-site improvements associated with it.

Mr. Harlow said this is good; I make that U-turn almost every day so that is more of a personal question.

**Councilmember Phipps** said is the 30,500 square foot Lidl the typical size of Lidl grocery stores?

Ms. Grant said it is their stand prototype, yes.

Mayor Lyles said can you address the question about lighting and buffering? I think I heard a little bit of a buffer, but I did not hear lighting in the parking lot and how it impacts an adjoining residential unit.

Ms. Grant said they typically have downcast lighting in the parking lots and I don't know if we are prepared to answer that at this point, because we are still very early on in the design. There is a buffer and some existing trees that we would like to take advantage of on south side of the property. The width of the buffer is 25-feet.

Mayor Lyles said I think if you could get with Mr. Daniel and just know; I used to live over by Cotswold and they have a brick wall and some plantings to buffer some of the noise, but I'm sure that was because that was back when. I don't know what people are using now but I think it would be appropriate to talk about that with Mr. Daniel regarding buffering because I believe he said his house adjoins the lot where the parking is and the lighting.

Ms. Grant said great; some of it is the opportunity for us to maintain the existing buffer because it typically offers better buffer than planting new or replacing it to tear down and put a wall, but we will look into it.

Mayor Lyles said it would be responses to those houses along the side there; I believe it would be important.

**Councilmember Eiselt** said you said the lighting would be on until 10:00.

Ms. Grant said I think the gentlemen mentioned that the stores are open until 10:00.

Ms. Eiselt said the stores are open until 10:00 so how long is the parking lot lit up?

Ms. Grant said we believe it shuts down around 10:00 or 11:00.

Ms. Eiselt said what stops you all from deciding that you want to keep it open until midnight or 24-hours?

Ms. Grant said that is nothing that currently prevents them from operating the store beyond; there is nothing in the rezoning that limits the hours of operation.

Ms. Eiselt said neighborhood services is one that always has been really nebulous to me because it seems it is supposed to be sort of a transitional category when you do have residential, but I'm not sure why this is neighborhood services.

Mr. Pettine said what we are taking from this petition is the neighborhood service that was approved back in 2014 and taking that plan and making an amendment to it. So, why it was zoned neighborhood services back in 2014 I would have to go back and take a look as to what necessitated that or what the recommendations were at that point. I'm not as familiar with the 2014 petition but we are taking that petition and making an amendment to what has already been approved.

Ms. Eiselt said okay; looking back at the notes staff did not support two rezonings ago because it was inconsistent with the Southwest District Plan which recommended single family residential up to three dwelling units per acre. When was the Southwest District Plan done?

Mr. Pettine said it was in the 90's.



Ms. Eiselt said it just seems at the time the intension was that it would transition better from single family housing to commercial and in theory, to me that is what neighborhood services should do, more or less, is provide some sort of a transition but we use it a lot as sort of a catchall I think. Now we are saying it is really not neighborhood services, it is purely commercial. So, is that really the intension in an area that seems to be all residential except for the other side of the street?

Mr. Pettine said keep in mind it is currently neighborhood services and allows 20,000 square feet of office and 6,000 square feet of automotive service building. This petition is just amending that to allow for the 30,000 square feet of grocery, retail, personal service, eating drinking establishments, all of those are additional uses that are allowed in neighborhood services. This one is focused primarily on the grocery and user.

Ms. Grant said the area is actually on South Tryon Street and is not residential in nature. It is in line with a number of other commercial uses along this corridor.

Motion was made by Councilmember Mitchell, seconded by Councilmember Newton, and carried unanimously to close the public hearing.

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**ITEM NO. 35: HEARING ON PETITION NO. 2018-126 BY EXETER MEADOW OAK, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 47.46 ACRES LOCATED AT THE WEST SIDE OF THE INTERSECTION OF BILLY GRAHAM PARKWAY AND WEST TYVOLA ROAD FROM R-22MF AIR (MULTIFAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO I-1(CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is R-22MF to I-1(CD) with airport noise overlay on it. We are looking at rezoning for this property of about 47.46 acres to accommodate several different office, warehouse and industrial uses up to 500,000 square feet of those. Allow office and government buildings of over 400,000 square feet and those would be subject to some prescribed conditions in the ordinance. We do have some provisions for eating, drinking establishments for some of the areas throughout the development site. We also have prohibition on uses for automobiles, truck and utility trailer rental, automotive repair, automotive sales and repair including tractor-trailers and several other uses that may not be as conducive to supporting the desire office, warehouse and industrial outcome on this property. The petition is consistent with the Westside Strategic Plan and staff does support this proposal and does recommend approval upon resolution of some of the outstanding issues. There are several transportation commitments and we are still working with them to wrap some notes and recommendations from the traffic study that was done between the petitioner, C-DOT and NC-DOT. So, we may continue to see some things as a result of that but right now they've got several transportation commitments as a part of this petition.

**John Carmichael, 101 North Tryon Street** said I am here on behalf of the petitioner, Exeter Meadow Oak, LLC. The site contains about 47.46 acres located on the northwest quadrant of the interchange of Billy Graham Parkway and Tyvola Road. This is an aerial of the site; the site is surrounded by non-residential uses and undeveloped parcels. You can see it is in very close proximity to the Airport as well as the Intermodal. The site is currently zoned R-22MF; it is actually owned by the State. It used to be a correctional facility. It is surrounded on all sides by industrial property except toward the south you've got some business zoning. The request is to go from R-22MF to I-1(CD) to accommodate the development of an office park or an office, warehouse and distribution park on the site that could contain up to 550,000 square of gross floor area. This is the rezoning plan; there are two building and parking envelopes. All building and parking facilities will be located in one of the two building and parking envelopes. You have access from Meadow Oak Drive as well as the future stub street to the west. There will be an optional

connection to Tyvola Road. There are transportation improvements that will be associated with this development. Mr. Obregon asked me to make sure that we made you aware that there will be transportation improvements and this is a slide that depicts the transportation improvements that will be installed by the petitioner. I will tell you that if it turns out that the development is more-heavy in terms of office then the petitioner would do a supplemental TIA that would be submitted to C-DOT and NC-DOT for review and approval prior to the issuance of any building permits. We are happy to answer any questions you may; we appreciate the staff's support and it is consistent with the land use plan for the area.

Motion was made by Councilmember Driggs, seconded by Councilmember Mitchell, and carried unanimously to close the public hearing.

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**ITEM NO. 36: HEARING ON PETITION NO. 2018-137 BY LAKEWOOD APARTMENTS LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.48 ACRES LOCATED ON THE NORTH SIDE OF LAKEWOOD AVENUE, WEST OF ROZZELLES FERRY ROAD FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO B-1(CD) (GENERAL BUSINESS, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said we are going from and R-5 single family district to a B-2 (CD). Essentially the project that we are looking at with this petition is to really round out the existing B-2 zoning that is at that corner of Rozzelles Ferry Road and Lakewood Avenue. We've got existing apartments entitled for that part of the property; this would allow the completion and continuity of that site to be wrapped up to really round out what is Phase Two of a 33-unit apartment development so, the total will be 36 dwelling units in all. We've got some different buffers for the properties that are adjacent for those single family residential; we also have eight-foot sidewalks and eight-foot planting strips being installed along the frontage along Lakewood Avenue as well as some on-street parking on Lakewood Avenue as well. We also get into some specifics on building materials for the site. The petition is consistent with the Lakewood Neighborhood Plan recommendation for office, retail and residential uses. It is consistent with both use and density and we are supporting this petition upon resolution of outstanding issues.

**Jamal Kinard, 330 Lakewood Avenue** said I am the Executive Director of the Lakewood Neighborhood Alliance and also a resident in the Lakewood Community. We've worked tirelessly to engage, educate and empower the residents of the Lakewood Community formerly known as Lakeview. I came here today in full support of the rezoning petition but we are also speaking on behalf of the residents that we are aware of the intended and unintended results that could come from this. With Lakewood Apartments coming, with the Greenway on the way and the other construction projects happening in the Lakewood area we know that this can result in a very percentage of our rental community members being displaced as we are already seeing in the Lakewood Neighborhood. We come here today to ask for your support and just understanding how to go about helping Mr. Ogunrinde apply for the RFP so we can get some of the bond money passed in the 2018 November election to assist in the efforts to hoping to subsidize some of the prices of the apartments once this rezoning is approved. This will help lower the cost which also can help serve as an option of affordable housing for our residents who may be displaced from landlords choosing to sell to the highest bidder in the neighborhood.

We know that our [inaudible] Strategic Plan is engaged, educate and empower and this will help us accomplish the third ENI Strategic Plan of empowering residents to have other options and also know about how to about advocating for themselves when it comes to this affordable housing crisis in Charlotte.

**Chris Ogunrinde, 227 West 5<sup>th</sup> Street** said I have worked with Mr. Kinard over the years to try to strengthen the Lakewood Community. I believe the work is beginning to pay off.

Of course, it takes a lot of work and fighting and still trying to clean up some of the things that are happening along Rozzelles Ferry Road but I think Mr. Harlow can attest to that that the area is getting stronger but one of the things that is missing are new investments in the area. It is a small project as Mr. Kinard has just said and we need the support from the Council to help subsidize some of these units. Initially, the first was to build by right 24 units along Rozzelles Ferry Road and right in the corner of Lakewood Avenue however, when we got the initial costs it was just too expensive to make happen so we through there was a need to build maybe 12 more units to spread the costs along 36 units. That is the reason we are coming to Council.

**Councilmember Harlow** said this is great and as you mentioned Mr. Ogunrinde and Jamal, it is good to see you. When you take a grassroots community advocacy like you all have done and working with the Community Development Corporation in Lakewood and starting to incrementally to clean up what has traditionally been disinvested in I think you are spot on. There is need for new investment in this area so I applaud you on trying to make the best out of this site and I think we've got some staff resources to help with some of the other things you guys are talking about around affordability and things like that. I would love to work with you on it.

Motion was made by Councilmember Harlow, seconded by Councilmember Mitchell, and carried unanimously to close the public hearing.

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**ITEM NO. 38: HEARING ON PETITION NO. 2018-148 BY BEACON PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.84 ACRES LOCATED ON THE NORTH SIDE OF WEST BOULEVARD, EAST OF SOUTH TRYON STREET AND WEST OF HAWKINS STREET FROM B-1 (NEIGHBORHOOD BUSINESS) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said we are proposing a B-1 neighborhood business to TOD-M(O), transit oriented development, mixed use optional district for this project. The South End Vision Plan does recommend a mix of transit supportive uses and design guidelines. The Station Area Plan from 2005 recommended mixed use transit supportive development. As you can see the site fronts on South Tryon Street and West Boulevard. Just to give you some context looking at two separate development areas here we've got about 5,000 square feet of open space internal to the site, some transportation improvements, including some improvements at the intersection of South Tryon Street and West Boulevard. We do have two development areas that will allow all uses in TOD-M. Office will be at least 20% of the site. We have some optional provisions to be considered; those are fore additional building height, signage, parking, phasing as well as maneuvering between building and street for drop-off and then the three-foot encroachment and setback along West Boulevard for the upper floors. I just want to point out that staff does have general concerns about that item for parking maneuvering between the building and street so we are going to work with the petitioner to do our best to address some of that, but outside of that and some other general outstanding issues on site design staff does support this petition and recommend approval and again, it is consistent with the South End Vision Plan.

**Collin Brown, 214 North Tryon Street** said I am here on behalf of Beacon Partners to tell you about this rezoning which has been in the works for a while. This started last year; we have had a lot of community involvement and Councilmember Mayfield has been quite involved. We have a very good development team including Land Design, David Furman's group. Mr. Pettine has given a really good overview. Where we spent an awful lot of time on this project and one of the reasons we had to start so early is there has been a lot of cooperation between the development team and the County. There is a parcel here that was owned by the County; there is a plan and this is what I think everyone is calling Wilmore Centennial Park at South End. It is something the neighborhood is very

interested in seeing and so what really happened here is a collaboration between the County, the Planning staff and we see a lot of development that is mega block, like you see these that take up the block. It was to create two different development areas and create a corridor that will connect from West Boulevard to the park. So that will be protected by an easement that will be open so you can walk from one to the other. It really breaks down the size of that block, makes it much more walkable, pedestrian public friendly so, a lot of effort has gone into that. I have to tell you we have community support from the Wilmore Neighborhood, the South End Group; Ms. Mayfield who has been very involved in the project throughout. We have some neighbors across the street; Carolina Foods is here so, we've been trying to work with them and C-DOT staff on the maneuvering here and I think we've reached good accommodations with C-DOT and Planning staff on all design elements as well as the transportation elements will be providing some pedestrian improvements to make a better pedestrian connection from the heart of Wilmore over into South End so that is a safe crossing and pedestrian environment for them. I'm happy to have staff's support and the community's support.

Motion was made by Councilmember Mitchell, seconded by Councilmember Newton, and carried unanimously to close the public hearing.

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**ITEM NO. 39: HEARING ON PETITION NO. 2018-153 BY BROWDER INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.83 ACES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET, NORTH OF WEST SUMMIT AVENUE AND EAST OF WINNIFRED STREET FROM TOD-M (TRANSIT ORIENTED DEVELOPMENT, MIXED USE) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT MIXED USE, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is a TOD-M rezoning to a TOD-M optional. This one allows reuse of existing buildings on site within the TOD-M District; they have a possible outdoor patio addition that is being proposed. A 10-foot setback along Winnifred Street; they do have some optional provisions to be considered. Those are limited to the site and shall not be required to meet parking requirements for eating, drinking and entertainment establishments for uses within 800-feet of a residential use. The TOD-M District typically requires one space per 125-feet for those uses within 800-feet of a residential district. This site is 725-feet from a residential use in the R-5 zoning district so, it is 75-feet short of what that typical requirement would be, but they are asking for that optional provision to be a part of the approval for them to continue to reuse this building and move forward with the current uses that are there and opt out of some of those parking requirements.

Motion was made by Councilmember Eiselt, seconded by Councilmember Newton, and carried unanimously to close the public hearing.

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**ITEM NO. 40: HEARING ON PETITION NO. 2018-155 BY NORTH STATE DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.39 ACRES LOCATED AT THE END OF DIXIE RIVER ROAD, EAST OF STEELE CREEK ROAD, SOUTH OF I-485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MUDD(CD) (MIXED USE DEVELOPMENT, CONDITIONAL) AND I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said we have an R-3 request going to an I-1(CD) and MUDD(CD). This particular petition is broken up into four development areas; areas A,

B, C and D. Development areas A, B and D are where we are looking at the MUDD(CD) zoning that would allow for up to 140,000 square feet of uses allowed in MUDD. No more than 25,000 square feet would be devoted to retail, personal service uses, and eating, drinking and entertainment establishments. We also have a hotel provision for up to 140 rooms with some options to go up to 260 rooms with some different change outs for the allotted square footage for some of those office and retail uses. The maximum building height is six-store or 90-feet. One area outside of the MUDD that we are looking at which gives you that I-1(CD) is down here in development area C. This would be up to 30,000 square feet of various uses for a lower intensity manufacturing. It does prohibit industrial uses that are related more to automobiles, intensive manufacturing, warehousing and other uses that generally wouldn't be conducive with commercial uses and office uses on those other three development areas.

Staff is supporting this petition upon resolution of outstanding issues related to transportation and environment. It is inconsistent with the Steele Creek Area Plan for recommendation for single family residential. Again, while the petition is inconsistent it also states that development with a mix of uses would be considered for this site. The proposed development does include a mix of office, retail and hotel plus some very specific light industrial uses that are a little bit more commercial in nature than your traditional industrial manufacturing. It is in an area that experienced tremendous development pressures following the opening of the Outlets. Because of this the Planning Department initiated what we term to development response process in March 2017 to update some of the considerations for areas near the Outlet Mall. The proposed development here is generally consistent with the guidelines of the Steele Creek Development Response which call for higher intensity development with a mix of uses in a pedestrian friendly setting. This proposed plan includes a street network recommended by the Steele Creek Development Response and lays the framework for future connections as development occurs. So, again, it is inconsistent with single family residential. I think we've heard quite a bit about the concerns with single family residential in Steele Creek so, this plan does respond better to the development response update that was done in 2017 and does provide a lot of the intent from that plan that was done back in 2017 that kind of works in concert with the Steele Creek Area Plan so staff does recommend approval.

**Keith MacVean, 100 North Tryon Street** said Jeff Brown and I are assisting North State Capital Partners, LLC with this rezoning request. With me tonight representing the petitioner are Shane Segal and David Dupuy with North State Capital Partners and they will be happy to answer questions if you have any. I want to thank the staff for their support; we appreciate them working with us to get this petition to this point. As David mentioned 8.3 acres going from R-3 to MUDD(CD) and I-1(CD). This petition has been reviewed by the Steele Creek Residents Association and they have found the land uses to be appropriate. The petition does implement the vision of the Steele Creek Development Response that was done a couple of years ago for this area. The quadrant between Steele Creek Road, Brown Grier Road and Sandy Porter Road south of I-485 and this begins to bring in the road network that was part of that vision of that plan by extending Dixie River Road and also extending a north/south road but then begins to provide access to Rigsby Acres to the north and the remainder of the property to the west.

**Phyllis Furr, 3817 Smokerise Hill Drive** said I'm speaking to remind you, the Council, that this small eight-acre parcel was part of the original Freeman Family land grant that was 300-years ago. This was originally part of the first petition and was withdrawn because while this is one of the smaller pieces of this area, it is one of the key pieces. If you look at what we have up there you can see that this is the key to the connectivity and the mobility that this area is going to have. We have worked really hard to get this through so it is a win/win for everybody for the family to be proud. We feel that we've found something with these developers who are willing to work for the community and for us so, it is win/win for everybody. I ask that you please approve it so we can get it developed and have something other than a bedraggled looking piece of land to leave for the family.

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to close the public hearing.

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**ITEM NO. 41: HEARING ON PETITION NO. 2018-164 BY TZEGGAI YOHANNES FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.92 ACRES LOCATED ON THE WEST SIDE OF NORTH SHARON AMITY ROAD, NORTH OF CENTRAL AVENUE FROM O-2 (OFFICE) TO B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is O-2 to B-1(CD) request here along North Sharon Amity Road just north of the Central Avenue intersection. This is part of the Eastland Mixed Use Activity Center. The adopted future land use for this property is for O-2 for office uses which is currently zoned. This is from the 2003 Eastland Area Plan. The site sits next to some existing commercial uses as well as an office use next door and then transitions to some single family residential as you go north on Sharon Amity Road. This project is to allow for the reuse of an existing 5,000 square foot structure that would allow uses in the B-1 District. It has a maximum building height of 40-feet. They do have tree save area located to the rear of the property abutting the multifamily residential and office uses. The 25-foot Class B buffer is required along that area and is being provided along the site. Staff does recommend approval of this petition upon the resolution to some outstanding issues related to some site and building design comments. It is inconsistent with the Eastland Area Plan recommendation for office uses however, we feel that this would still allow for retail and commercial development on this site while providing that transition of office zoning towards the residential zoning that is in place. We still will have some O-2 zoning after this parcel that would provide that transition back to the single family. We still have some transition of office back to the R-17MF. A lot of the uses in this area around Sharon Amity Road and Central Avenue intersection are more either automotive related or fast food related. This would provide a little bit more of B-1 uses from what we understand are geared towards some neighborhood and personal service uses so it should provide for some options for some additional commercial uses that aren't necessarily right in this general intersection around North Sharon Amity Road and Central Avenue. Staff does recommend approval of this petition.

**Azieb Yohannes, 12009 Shasta View Way** said I would like to thank the Mayor and the Council for allowing me to speak in regards to rebuilding for property at 3717 North Sharon Amity Road. My father, who I am speaking on behalf, came to the States in '81 as refugees. We fought a 30-year civil war which was Africa's longest civil war at that time. After 40-years of working hard with family members they were able to build their businesses and move on; they opened gas stations, bought property and now have gotten to a point to where they want to reinvest in the community that we grew up. We grew up on the eastside so, we are asking you all to agree. We've already built the structure but we've had multiple applicants come in, I think it is up to 36 at this point in time, and their demands for what they would like to do for the business have varied. Most of them are catering business, bakeries, coffee shops, groceries that are catered to different communities and I feel like we would do a benefit to the community and to the area by allowing this to occur. I think this would be a fresh, bright, open area where families could come together, have coffee, have tea, have some specialty do-nuts or cakes, meet with friends and have conversation. I apologize that we don't have pictures of the existing building but you should be able to google it and see it. It is really bright, lit up with tree everywhere where people would feel comfortable as a meeting spot and also give job opportunities to folks in the community instead of traveling to go downtown or traveling away from the City. This would be a great opportunity for people to invest in their community, start a business and support people in the community that could actually walk to work or maybe take a short bus ride in order to get to work.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to close the public hearing.

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**ITEM NO. 42: HEARING ON PETITION NO. 2019-001 BY THE 6125 COMPANY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.79 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF NATIONS FORD ROAD AND TYVOLA ROAD FROM MUDD(O) (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD(O) SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is a MUDD(O) to a MUDD(O) site plan amendment so we are taking the previously approved site plan and making amendments to it. The Southwest District Plan in 1991 was actually amended by the previous rezoning 2016-081 which recommends a mix of office and retail land uses for this site. We are looking at the property at Tyvola Road and Nations Ford Road and we have a proposal for this petition of up to 95 guest rooms which will replace the current approval for retail and/or eating and drinking establishments, office and climate controlled storage. Again, we are moving away from those uses approved under Petition 2016-081 and looking solely at a 95-room hotel end use. The maximum building height is four-stories; the optional provisions that are being considered are for parking and maneuvering between the building and Tyvola Road as well as some signage optional provisions. We do have some transportation improvements being put on the table for pedestrian ramps, crosswalk markings, pedestrian signs and a refugee island as well as some architectural standards for building orientation, windows, doors, material and active entrances as well as some blank wall limitations. Staff does recommend approval upon resolution of some outstanding issues related to transportation, just a drive-way revision and some conveyance of rights-of-way as well as a gate provision for the site and building design from our Fire Department. It is consistent with the retail and office land uses recommended in the Southwest District Plan as amended by the 2016-081 petition and again staff does recommend approval.

**John Carmichael, 101 North Tryon Street** said with me tonight is Thomas [inaudible] of Design Resource Group. This is about a 1.7-acre site on the northeast corner of Tyvola Road and Nations Ford Road currently zoned MUDD(O). This is an aerial of the site and it is right by the Wingate by Wyndham Hotel and the Truiant Federal Credit Union. We are asking for a site plan amendment; the current zoning would allow a five-story building that has a height of 60-feet that could be devoted to 10,000 square feet of retail, 1,000 square feet of office uses and up to 80,000 square feet of self-storage uses. This is the currently approved rezoning plan and what is being requested is to allow a hotel to be developed on this site. That would be the only permitted use on this site if this petition is approved. There would be a maximum of 95 guest rooms and the building would have a maximum height of four-stories. There are architectural commitments; the building is located up at the corner, Tyvola Road going circle and Nations Ford Road so, it would front this street. There would be parking located between the building and Tyvola Road. There are numerous pedestrian improvements that the petitioner would implement should this petition be approved and the development move forward. It is consistent with the land use plan. There are three outstanding issues which we don't anticipate any difficulty in resolving prior to the conclusion of this week.

**Councilmember Mayfield** said we have had multiple rezonings for this location with the last rezoning being a 2018 rezoning. For this project we have had community conversations regarding a retail space that was a restaurant, potential storage on the back end and a wrap around. Those were amenities. A lot of conversations that were held with Ms. Canup and other members in the immediate community because Nations Ford Road is extremely busy. We have a lot of young people that are traveling back and forth and we've had a number of accidents at that intersection. I'm trying to get staff to help me understand when we go back and look at the types of rezonings that we have

done for this area going from commercial to B-2 to another development; help me understand how we see a hotel on this corner when we put a lot of energy and conversation around retail and mixed-use retail on this corner.

Mr. Pettine said I know there was a lot of time spent on the previous iterations of some of these plans, particularly the 2016 one. I went back and looked at some of those community conversations and certainly saw what went into to get the outcome that was generated by that rezoning petition. Outside of that; staff works with the petitioners when they come in and obviously market changes and things dictate what is going to feasibly developed on a piece of property so, when they come in and say hey, that plan didn't necessarily come to fruition; this is the plan that we are working on, this is what the market is indicating for us as a land use on this site, we then take that opportunity to work with them and try to get the best desired outcome for that opportunity that the market is presenting. It may be different from the 2016 Plan but sometimes we don't have the opportunity as a staff to really say these are the uses we envision because that is a lot of times market driven, but when we get the opportunity to sit down and have those conversations we try and get the best outcome whether it is a hotel or retail uses. So, that change is certainly something that we were aware of and I think we do see that there is multiple hotel uses out there in that area so retail would certainly be a welcome result but at this point obviously outside forces with the market are showing development for this property is more of a hotel land use and we are trying to maximize the outcome of what that would be for a hotel use rather than the previous retail uses that were approved.

Ms. Mayfield said help me understand because that corner is very busy and I don't know if my colleagues are probably familiar once you take I-77 south to Tyvola Road you take a right and you have this pull-in where you can go to the current hotels and businesses and the bank that is right there. That corner lot honestly is along with being very busy because you have the triangle right at the corner with traffic, but trying to get and out but the other side is a prime spot. We put a lot of work and had a lot of conversations around this dais and in meetings with staff regarding what the plan was for that area. I also want to acknowledge and make sure because I believe my colleagues received the information, but I want to make sure that you know there are three hotels there. One of the owner operators of one of the hotels did have concern about a concentration and I will verify with the City Attorney, but I can use in a deciding factor the fact that a current business has concerns about the impact of a similar business coming into their area.

**City Attorney, Patrick Baker** said that is correct.

Ms. Mayfield said so, knowing that I cannot use that as a factor I do want to, even though I heard you say based on market, the market said that the last project would be a good project that we rezoned for. Where does staff come into the conversation of us creating a plan and sticking to that plan versus saying well the market is calling for this because the market called for the previous iteration.

Mr. Pettine said the Plan for this property is for either retail, which originally we had retail here, and then we had office retail which became the plan recommendation based on the 2016 approval. We've always viewed this site as some type of retail or office retail use. That got a little bit further refined in 2016 through the adoption of that plan. We are looking to continue to say okay, we are looking at office and retail as an adopted future land use. This is a specific use that would fall under one of those categories so, again, we are trying to take that and move forward with it in the best possible way to get an outcome that the community can be satisfied with and try to get something that does come to fruition as a result of a potential approval of this petition.

Ms. Mayfield said Mr. Carmichael if this were to move forward what amenities would this hotel have in it? Does it have a restaurant in it; is there any entertainment that is in it; does it have meeting space in it like one of the other hotels in the immediate area?

Mr. Carmichael said the property owner is currently working with two potential inn users; I can't speak to what specifics those hotel users would have. I could venture an educated guess but I will say that the 2016 Plan that hasn't met the market and I worked on the 2018 rezoning that was ultimately withdrawn. It was going to be an office building as you



recall and then the petitioner decided that he couldn't make it work so it was withdrawn and I think they are responding to market forces and we had five individuals at the community meeting including the General Manager from the adjacent hotel.

Ms. Mayfield said going back to 2016; when we approved Petition No. 2016-081 that was looking at retail and/or eating, drinking and entertainment. I don't think I could properly answer a question of a resident that worked very closely to try to bring something they felt like would benefit the area by saying we've gone from retail, eating, drinking, entertainment to another hotel if that doesn't have any amenities. Now, we don't have any request for any amenities and I believe you believe you gave me a good answer as far as the market saying this is what will work there. I have gone through this conversation on this lot personally three different times. I'm trying to understand if there is an opportunity for us to have a little different conversation to identify some amenities if this is the project since what was called for and was worked on by the community was something that created amenities in the community because there aren't really amenities in that corner. There is further if you crossover the highway, but not in that corner. We fought to keep a gas station from there, we fought to keep certain types of businesses from that corner. Is there an opportunity potentially with your client after this hearing to have conversations to try to line this up more with what the community was thinking should come to the area?

Mr. Carmichael said we are happy to have that conversation with you. I will say at the neighborhood meeting, I didn't sense a lot of negativity except from the General Manager of the adjacent hotel. He did say, and I understand it, he would love to see a restaurant on that corner and the response of the petitioner was, we have marketed that site to all sorts of uses. I will tell you we are happy to get with you after the public hearing and have any conversations that you would like to have and see what we can accomplish.

Ms. Mayfield said I appreciate that commitment; I'll take you up on that because there is a couple of residents that I would like to get into a room with.

**Councilmember Winston** said I vaguely remember the 2018 rezoning in that area and one of the issues that came up was walkability and I think it was right before we changed our sidewalk ordinance. I'm assuming of course that if this goes through and construction happens we will have to get in line with our current ordinance and make it a bit more walkable, but I'm a little bit confused with the lines of the parcel. It looks like on the screen that is up there now, the line goes across the street to the other side of Tyvola Road.

Mr. Pettine said that would be the property boundary there; just circles back through Nations Ford Road and Tyvola Road and that kind of slip road into those hotel and bank uses.

Mr. Winston said just to be clear that piece of the sidewalk on the other side of Tyvola Road is not part of the rezoning.

Mr. Pettine said the property line looks like it is going out to the center line of Tyvola Road which is this kind of gray line here, that is the center line of Tyvola Road and that property line is out to that.

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| Motion was made by Councilmember Mitchell, seconded by Councilmember Harlow, and carried unanimously to close the public hearing. |
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**ITEM NO. 43: HEARING ON PETITION NO. 2019-005 BY ARDENT ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.58 ACRES LOCATED ON THE SOUTH SIDE OF WEST TREMONT AVENUE, WEST OF SOUTH TRYON STREET FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this request is an I-2(CD) to a UR-2(CD); we are taking an existing industrial use and moving it to a residential use. It is consistent with the Newbern Transit Station Area Plan from 2008 that recommends multifamily residential up to 22 units per acre. You can see the site as it sits along Tremont Avenue; we do have some potential road connections back to some of the adjacent properties as a result of this petition. We have 103 single family attached dwelling units at approximately 18.45 dwelling units per acre again, that is under the 22 units per acre proposed in the plan. We do provide an eight-foot planting strip and an eight-foot sidewalk along West Tremont Avenue and a new public street. There is a 16-foot building setback from back of curb, maximum building height is 48-feet with buffering to the eastern property line. There are architectural standards for building treatments as well as rear vehicular access for the internal private driveways. Again, we do have that potential road connection that could go through some existing right-of-way that would be providing an additional connection back to South Tryon Street. Staff does recommend approval upon resolution of some issues related to dimensions and water quality specifications. It is consistent with the Newbern Transit Station Area Plan, we recommend approval.

**John Carmichael, 101 North Tryon Street** said this site contains about 5.5 acres on the south side of West Tremont Avenue between Village Court and South Tryon Street. Brookhill Road is here; this is Dunavant Street. The site is currently zoned I-2(CD); the request is to rezone the site to UR-2(CD) to accommodate up to 100 single family attached dwelling units or townhomes. This is the site plan; Dunavant Street would be extended through the site. You received an e-mail I think today from Frank Horn; his company owns the property to the east. We've been working closely with Mr. Horn and his lawyer, Jonathon Croddy and we've agreed to several changes to the rezoning plan that we believe has satisfied Mr. Horn that include a 10-foot wide landscaped area that will be planted to the standards of the Class C buffer, an eight-foot privacy fence along the common boundary line and then some supplemental landscaping on Mr. Horn's property. Mr. Horn does not oppose to the petition, but I had provided Mr. Horn and his attorney a copy of the prehearing staff analysis last week and the Planning staff had requested that the height of the fence be reduced from eight-feet to six-feet and Mr. Horn prefers that it be eighth-feet even though we've added the supplemental landscaping. The petitioner is happy to do that; we just need to work with Planning staff on that. That was the concern that he expressed and once again we are happy to work with Mr. Horn and to do that. We would like to have a conversation with the Planning staff about it. Other than that, we appreciate staff's support and happy to answer any questions.

**Councilmember Phipps** said in looking at the site it looks most unimpressive to me inasmuch as it looks like a wall of units with no amenities there; where is the open space?

Mr. Carmichael said there are some open space components here and here, but where it is located it is walkable to all sorts of restaurants and entertainment attractions and to the light rail so, that is really the appeal of this location.

Mr. Phipps said is this going to be a phased in project?

**Tyson Riley, Arden Companies** said to answer your question we would develop it in one phase. I also wanted to point out some of the open space between the units that runs parallel with Tremont Avenue; you can see that they kind of back up to each other as they run parallel. The front stoops would be common area as well in addition to the other stuff that Mr. Carmichael pointed out.

Mr. Carmichael said this is an urban site.

Mr. Phipps said are these for sale units?

Mr. Riley said they are.

Mr. Phipps said we would have a lot of speck units there.

Mr. Carmichael said would you pre-sell some of the units?

Mr. Riley said we are not a builder but I suspect this project will be built out the same way that all the other similar projects are being built out, like the Rhyne project.

**Councilmember Harlow** said with reference to the adjoining property owner and the six to eight-foot buffer; why would we want the six-foot maximum in the outstanding issues?

Mr. Pettine said I don't know why we would necessarily have a concern about the six-foot versus the eight-foot if the eight-foot satisfies the neighboring property owner then, I think we would work with the petitioner to satisfy the neighboring property owner so long I'm not saying anything that is out of context from staff's standpoint, but I don't see what the general concern would be with that.

**Councilmember Mayfield** said on the same line as Mr. Harlow, hopefully everyone had a chance to see the e-mail that was sent. What was sent to us by Mr. Horn was a photo of one of his trucks pulling in and this truck happen to be coming in at 7:00 a.m. showing the headlights pointed to the site of the proposed new development which is why he was asking for the eight-foot because of the size of the truck to try to think of protection. The current site is a junkyard and automobile recycling and again, I may have missed it when I was scrolling through, but I'm thinking environment; it seems like there would be concerns for how long the junkyard and automobile recycling has been there especially when we've had other redevelopment and once we went into and did the environmental study learned that there was quite a bit of contamination from things that are buried and people just not knowing. Did I miss where we discussed that?

Mr. Pettine said mitigation would be provided by the folks that are going to develop the property. They would take on the expense and desire to do that study, do the clean-up, do any remediation. There are remediation options for sites like this; they have standards that they have to go by with testing and other things that follow-up. So, they are going to have to go through all of those guidelines for cleaning up a site like that after the fact before any development can really occur. For this part of the process just for the entitlement side, we haven't gotten into that and quite frankly the petitioner and the developer likely haven't either because it is a pretty significant expense that you wouldn't want to take on without know you can move forward with the desired outcome. Again, they will probably go through this process, should they be approved, then start that process of doing any kind of study for clean-up and remediation of the site post the industrial use that is on there now.

Mr. Riley said we are actually making our way through the brownfield process as we speak. We've hired David Franchina who is a local brownfield attorney and we are probably three or four months into that process. We've done all the environmental studies, we've made application. There is a project directly across the street that NVR Homes will be building on that is almost identical in terms of product type. They had the same issues environmentally that we will be dealing with and so, we are sort of following the path that they took to make their way through the process.

Ms. Mayfield said another question for staff; our current for vehicle trip generation; current zoning existing use is 130 trips per day and the entitlement 140. This proposed zoning 660 trips per day. With what was shared is amenities in the immediate area and the proximity to light rail. Help me understand how staff was comfortable with an entitlement of 140 trips per day supporting a proposal that goes up to 660 when we are having constant conversations about mitigation of traffic and/or traffic calming.

Mr. Pettine said I will turn it over to C-DOT staff to help us answer that question/

**Felix Obregon, Transportation** said as you can see with this site plan and the part that is being developed they are providing a street that will eventually connect to South Tryon Street so, what we are trying to do is provide better connectivity. The additional trips they are going to generate doesn't require a traffic impact study and one of the things we are trying to do in this part of town is provide better street connectivity so in the future when this area redevelops than we can have an access point right across Rampart Street.

Ms. Mayfield said okay, so, right now we currently have a building that is sitting there and we are saying eventually 10-years from now, 15-years from now or a year and a half from now, we don't know; but we are making a decision on the ideal that if this is redeveloped we are going to connect this street to Rampart Street.

Mr. Obregon said correct.

Ms. Mayfield said what I'm also going to ask is when we are having conversations right now and we are talking about the proximity of this potential development to what is currently Brookhill that we have been having challenges with for more than 30-years and there are challenges with displacement and other things and we are talking about a for sale product that I understand you've identified what you consider amenities but has very few amenities in comparison and what we have seen with for sale product in this proximity to workforce and/or housing for the chronically underemployed and we are making a decision for a potential road that may or may not happen opposed to looking at what impact it is going to have today till the next three to five-years. Help me understand that because telling me that we are going to eventually connect the road does not justify opening up the door for a proposal of up to 660 trips per day when the entitlement is 140.

Mr. Pettine said as Mr. Obregon mentioned the threshold to do an actual traffic study for this project isn't met throughout that 660 trips so, yes traffic impacts will be increased as a result of this potential proposal being approved by about 530 trips or so. So, we do have an increase in overall trips; that threshold doesn't trigger any study on behalf of the petitioner to say the known impacts, this is where we have mitigation options that we may look at so, in those situations where we know that the threshold isn't exceeded that is where staff works with the petitioner and use conditional situations to try and look at other road connectivity network options, that is where we identify the potential connection back down to Dunavant Street. There is a right-of-way that is unimproved, but is in place so potentially you could get that connection back which would provide some relief and really that would be mitigating factor for transportation but going up from 140 to 660 doesn't really trigger that study that would be required if something that goes over 2,500 trips a day or a certain square footage threshold for a commercial site. Again, it is one of those where we certainly understand there is more impact as a result of development of this site versus what is currently entitled but those impacts don't necessitate or trigger a further study of traffic impact.

Ms. Mayfield said I'm going to challenge that thought process a little because if we add up the four projects in five-years that are immediately around here as well as other projects that are not shown on this map that gives us proximity of other development that is happening nearby that will be traveling up South Tryon Street and/or Tremont Avenue will all of the development, the idea to say that this one project doesn't trigger an impact study when we are going from 140 to a proposal of over 600, when we look at the impact area I'm concerned that we are not taking into consideration that we are creating language that is helping to continue to displace and transition communities without creating a clear plan of how we plan to diversify communities. I'm concerned with what staff supports in which in looking at what you support as it makes it way to Council for review. I still didn't hear a valid answer to me to go from 140 to 660 without taking into consideration the other projects that we have approved and/or had come before us. I would like for you all to take that into consideration. Mr. Carmichael; I would like for us to have a follow-up conversation regarding this because I have a number of concerns but since it is the time that it is I'm going to be respectful of my colleague's times.

**Councilmember Winston** said how have you engaged the residents of Brookhill with this and has there been any feedback with the community meeting or whatever from the owners of that property and how this will impact the future?

Mr. Carmichael said we had a community meeting and one individual attended and that a gentleman that works for Mr. Horn, the property owner to the east. We haven't heard a word from the neighbors regarding this other than Mr. Horn. We did comply with all the requirements, we sent out the notices.

Mr. Winston said any extra effort besides what is prescribed in the rules?

Mr. Carmichael said we did reach out to the Spangler folks in Brookhill and made them aware of it.

Mr. Winston said I would like to see an effort to reach out to the community, the residents in Brookhill. Ms. Mayfield has mentioned that neighborhood along with being problematic and those residents there continue to get left out of the conversation. There is little that we can do to that but we can at least include them in conversation and maybe it will take some creative means to do that but we have the opportunity to do that right now and I would like for us to take advantage of that opportunity and talk to people that still rent and live in Brookhill.

Mr. Carmichael said we can look for a means to accomplish that.

Mr. Phipps said the conversation that we've been having tonight is not a new one when you talk about the impact of successive rezonings in the high growth area. We've been having this discussion for a long time, but as I can recall didn't the Planning Department do a special study of the Steele Creek Area an abbreviated revisit of the area plan to try to understand the direction of growth in the Steele Creek Area and if so did that look at the transportation aspects of the area as well? We've talked a lot about Steele Creek development and I read somewhere where you all had some this special study as a result of the impact of the Outlet Mall or whatever. It was an abbreviated thing but I'm wondering did it embrace everything that it should have.

Mayor Lyles said do you think we could get that as a follow-up questions?

Mr. Pettine said I would need to do so follow-up.

Mr. Phipps said this probably predates your arrival. I think Ms. Harmon would probably know about it.

Mr. Pettine said we did do a development response in March or 2017, but we can provide you some of the details of that in a follow-up report and will be happy to do that for you.

Motion was made by Councilmember Mayfield, seconded by Councilmember Eiselt, and carried unanimously to close the public hearing.

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**ITEM NO. 44: HEARING ON PETITION NO. 2019-011 BY MILESTONE INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.17 ACRES LOCATED ON THE EAST SIDE OF THE INTERSECTION OF YORKMONT ROAD AND PARKWAY PLAZA BOULEVARD FROM O-1(CD) (OFFICE, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this petition is located at Parkway Plaza and Yorkmont just parallel to Billy Graham Parkway. We have this location in the old Coliseum Mixed Use Activity Center. This is from the Southwest District Plan in 1991 and it does recommend office land use for this site and surrounding site as well as multifamily. The site is adjacent to an existing apartment project and this would really be a continuation of this apartment development that is out here along Yorkmont Road so we would be continuing that with 180 multifamily units at a density of 13.68 dwelling units per acre. Three-story buildings at 60-feet in height. There is a potential amenity in the southeast corner of that and we do have some transportation improvements for access onto Parkway Plaza as well as connection to the existing multifamily development; eight-foot planting strips and eight-foot sidewalks along both Parkway Plaza and Yorkmont and there are some architectural standards that are being committee to for the buildings. Staff does recommend approval

of this petition upon resolution of outstanding issues related to transportation, really just some labels for some curb line and speed signage. It is consistent with the Southwest District Area Plan recommendation for multifamily and office uses and we do recommend approval upon resolution of those issues.

**Bridget Grant, 100 North Tryon Street** said I am a land use consultant with Moore and Van Allen and I'm here tonight with Michael Sawyer and Jeff Goldberg with the Milestone Investment Group and Scott Tiger is the Engineer that is working on this from DRG. The site is on Yorkmont Road next to Parkway Plaza Boulevard; it is a 13.17-acre site and it is going to be an extension of the Courtney Ridge Phase I Apartment Community. We appreciate staff's support as we've moved through this project. We had a successful community meeting. The plan benefits include an additional area amenities to serve the existing units as well as the new units. The proposal is going to be half of the traffic of what is currently proposed for the site so, it is a significant decrease in the amount of traffic that is anticipated for this area. We are proposing a new public street through the site that is going to connect to the existing site. This is Phase I of Courtney Ridge, the existing apartments that are already on the site and as you can see they are anticipating a second Phase that looks substantially similar to the first Phase in terms of qualities and amenities. I'll be happy to answer any questions.

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to close the public hearing.

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**ITEM NO. 47: HEARING ON PETITION NO. 2019-041 BY EASTSIDE CONNECTIONS JV, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.18 ACRES LOCATED ON THE WEST SIDE OF EAST INDEPENDENCE BOULEVARD GENERALLY SURROUNDED BY MONROE ROAD, IDLEWILD ROAD, INDEPENDENCE BOULEVARD AND LONG AVENUE FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) AND NS (NEIGHBORHOOD SERVICES) TO MUDD-0 SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT) AND SPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT)**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is a site plan amendment from MUDD-O to MUDD-O SPA. We do have an existing site that was rezoned back in 2017 and it was for a mixed use commercial project. As we look at the site essentially the request that is in front of us this evening is to allow an increase in total square footage on the site from 68,000 square feet to 83,000 square feet. I should clarify that the Council District is Councilmember Newton District; we had that indicated as Councilmember Bokhari's District so I wanted to point out that clarification. The request is really to allow an increase in square footage; the development has been successful. All transportation improvements are in and a lot of the buildings are actually under construction now and from what staff has understood a tenant needed more square footage than what was totally allotted throughout the site so, we are working through the site plan amendment to increase that square footage allotment to allow that final end use to occupy a building that is being proposed along Long Avenue so that MUDD-O area in front of you is what is being changed. There is no change to the NS area. Again, all transportation improvements are in and staff does recommend approval of this petition and there are no outstanding issues at this time.

**Bridget Grant, 100 North Tryon Street** said thank you for letting us finish in what has been a very long day. I'm here tonight with [inaudible] with Selwyn Properties also representing the Eastside Connections. When we rezoned this site a few years ago this is the vision that we included in the rezoning at the time. As you can see today the vision is coming to fruition; it is the reality of what is happening on the site. It has been incredibly successful and with that success comes the need for us to increase the allowed square footage in a moderate level. As David mentioned; it is 15,000 square feet to allow one of

the buildings on the site to become a two-story building. We are anticipating that the additional square footage will go in this back area and we will be happy to answer any questions.

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.

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**Mayor Lyles** said just one reminder our City Attorney and I believe the Chief and the Manager will be at the Tuesday Morning Breakfast in the morning at 8:30. We would be glad to have everyone join there and then tomorrow evening, if you will recall at 6:30 p.m., there is a community conversation at East Stonewall AME Zion on Griers Grove Road and then there is a 7:30 event Love in the Park at Romer Bearden Park at 7:30. So, I would encourage Councilmembers to be present and participate where their schedule allows.

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### ADJOURNMENT

Motion was made by Councilmember Mitchell, seconded by Councilmember Newton, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 10:10 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours, 53 Minutes  
Minutes Completed: May 27, 2019