

The City Council of the City of Charlotte, North Carolina convened for a Lunch Meeting on Monday, December 16, 2019, at 12:05 p.m. In Conference Room 801 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Larken Egleston, Malcolm Graham, Renee Johnson, and Victoria Watlington.

**ABSENT UNTIL NOTED:** Councilmember Ed Driggs

**ABSENT:** Councilmembers Dimple Ajmera, Julie Eiselt, James Mitchell, Matt Newton, and Braxton Winston, II.

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**David Pettine, Planning** reviewed the list of deferrals and answered Council's questions.

**Councilmember Driggs arrived at 12:31 p.m.**

The meeting adjourned at 1:59 p.m.

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The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, December 16, 2019, at 5:02 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Malcolm Graham, Renee Johnson, James Mitchell, Matt Newton, Victoria Watlington, and Braxton Winston II.

**ABSENT UNTIL NOTED:** Councilmember Dimple Ajmera.

**ABSENT:** Councilmember Julie Eiselt.

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#### **ITEM NO. 1: MEETING AGENDA**

**David Pettine, Planning** said we have one item, Item No. 6 is a deferral to January 20<sup>th</sup>. We've also had a change after the Zoning Committee met, it is Item No. 7, Petition No. 2019-028 for a decision. The change is a note that commits to some coordination with C-DOT to provide a financial commitment to install speed humps on Sam Dee Road, if the road meets the City's policies and standards for speed humps. Those are the two changes that we've had since lunch, and I understand there have been some discussion on petitions at the last minute, and we may have some additional items but I'm not sure yet.

**Councilmember Ajmera arrived at 5:04 p.m.**

I also put down a breakdown of all the items that are up for decision that requires staff's accurate recommendation as well as the Zoning Committee. I know there were some discrepancies in the book this afternoon. I apologize for those other sites, but we did provide you with a clean list of all decision items, staff's recommendations, and Zoning Committee recommendations, so please refer to that this evening.

**Councilmember Johnson** said Item No. 21, Petition No. 2019-106 is a deferral to January 20<sup>th</sup>; I though the petitioner had asked for a deferral of 50-days.

Mr. Pettine said we will clarify.

**Councilmember Watlington** said did we ever come back on the discrepancy, or what was the discrepancy between the proposed zoning for Item No. 7, Petition No. 2019-028? Earlier we were talking about the existing use and the traffic that was allowed versus the proposed and from what I'm understanding from the noon meeting there was two different [inaudible].

Mr. Pettine said I would have to refer to C-DOT.

Mr. Pettine said one other point of clarification; we did have an item at lunch and Councilmember Winston asked a question about CATS bus stop for Item No. 4, Petition No. 2018-092. They did commit to include that bus stop as long as it is in the public right-of-way. That is something we would be comfortable with inputting that note on there.

**Councilmember Driggs** said do we need to send Petition No. 2018-092 back? It looks like there were a number of late changes.

Mr. Pettine said no, the Zoning Committee went back for another Committee meeting for a recommendation. There were no additional changes.

Mr. Driggs said so, you are saying it doesn't need to be sent back?

Mr. Pettine said yes.

The meeting was recessed at 5:08 p.m. to move to the Meeting Chamber for the regularly scheduled Zoning Meeting.

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The City Council of the City of Charlotte, North Carolina reconvened for a Zoning meeting on Monday, December 16, 2019, at 5:32 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Malcolm Graham, Renee Johnson, James Mitchell, Matt Newton, Victoria Watlington and Braxton Winston, II.

**ABSENT:** Councilmember Julie Eiselt.

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### INVOCATION AND PLEDGE

**Mayor Lyles** gave the Invocation followed by the Pledge of Allegiance to the Flag.

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### EXPLANATION OF ZONING MEETING

**Mayor Lyles** explained the Zoning Meeting Rules and Regulation. She said they have one Business item that they will include on our agenda that has been added to the agenda and we will have this item after the Decision Section of the Zoning Meeting, and this agenda item is an Interlocal Agreement for the Excelsior Club Façade Restoration. If you would like to speak on that issue, and you have not signed up please make your way over to the City Clerk; the public will be allowed to speak on that item if you choose to.

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### INTRODUCTION OF THE ZONING COMMITTEE

**Sam Spencer, Chair of the Zoning Committee** introduced the of the Zoning Committee. They will meet Thursday, January 2, 2020, 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 question or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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## DEFERRALS AND WITHDRAWALS

**David Pettine, Planning** read the list of deferrals.

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to defer: decision on Item No. 6, Petition No. 2019-009 by Joseph Rhodes; decision on Item No. 8, Petition No. 2019-030 by Continental 475 Fund, LLC; decision on Item No. 16, Petition No. 2019-094 by Andrew Parker; decision on Item No. 27, Petition No. 2019-121 by Jamario Rickenbacker; hearing on Item No. 29, Petition No. 2019-117 by Montana Drive OZ Fund, LLC; hearing on Item No. 30, Petition No. 2019-123 by Magnus Capital Partners; and Item No. 36, Petition No. 2019-111 by Hive Fitness, LLC all deferred to January 21, 2020. Decision on Item No. 21, Petition No. 2019-106 by Darren Vincent is deferred to February 17, 2020. Hearing on Item No. 28, Petition No. 2015-027 by Charlotte Housing Authority, deferred to June 15, 2020.

Mr. Pettine said the other two items of housekeeping are Item No. 17, Petition No. 2019-097 by Ardent Acquisitions, LLC and Item No. 19, Petition No. 2019-099 by Townes Mozer, were approved by Council on November 25, 2019, and those should be omitted from the agenda. Apologies for their inclusion.

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## DECISIONS

**ITEM NO. 4: ORDINANCE NO. 9701-Z, PETITION NO. 2018-092 BY CONTRAVEST DEVELOPMENT PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 14.47 ACRES LOCATED ON THE WEST SIDE OF OLD STATESVILLE ROAD, SOUTH OF WEST W. T. HARRIS BOULEVARD FROM R-MH (MANUFACTURED HOUSING, B-2 (GENERAL BUSINESS), AND I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO UR-3(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by Nwasike) 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 office/industrial land uses on a portion of the site and light industrial uses on the remainder 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 while the proposed development is inconsistent with the office/industrial and light industrial land uses recommended for this site, it would provide a reasonable transition between existing single-family uses, and possible industrial uses that could develop at the intersection of WT Harris Boulevard and Old Statesville Road. The proposed use would be compatible and complimentary to an approved mixed-use project directly across Old Statesville Road. The project will provide adequate open space amenities for residents. The project will contribute funds to the NC-DOT quad-left project including funds for sidewalks and planting strips held in escrow until 2028. The petitioner will provide a temporary access point to remain until NC-DOT's construction of the Quad Left Road (STIP U-5772) is complete, at which time the property will be provided with a permanent second access point via a public street connection to the Quad Left Road.

Motion was made by Councilmember Graham, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2018-092 by Contravest Development Partners, LLC 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 office/industrial land uses on a portion of the site and light industrial uses on the remainder 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 while the proposed development is inconsistent with the office/industrial and light industrial land uses recommended for this site, it would provide a reasonable transition between existing single family uses, and possible industrial uses that could develop at the intersection of WT Harris Boulevard and Old Statesville Road. The proposed use would be compatible and complimentary to an approved mixed-use project directly across Old Statesville Road. The project will provide adequate open space amenities for residents. The project will contribute funds to the NC-DOT quad-left project including funds for sidewalks and planting strips held in escrow until 2028. The petitioner will provide a temporary access point to remain until NC-DOT's construction of the Quad Left Road (STIP U-5772) is complete, at which time the property will be provided with a permanent second access point via a public street connection to the Quad Left Road.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 655-656.

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**ITEM NO. 5: ORDINANCE NO. 9702-Z, PETITION NO. 2018-150 BY TDC GREENVILLE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.279 ACRES LOCATE ON THE WEST SIDE OF STATESVILLE AVENUE, SOUTH OF OAKLAWN AVENUE, ALSO BOUNDED BY CALLAHAN STREET AND SPRING STREET FORM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD-0(MIXED USE DEVELOPMENT, CONDITIONAL), WITH FIVE-YEAR 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 inconsistent with the Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends retail uses for 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 residential units complement the ever-growing Camp North End redevelopment, located one block to the northeast on Statesville Avenue, and provide potential residents with opportunities for enjoying recreation, the arts, and dining options within easy walking distance. The General Development Policies (2007) provide policy guidance and locational criteria for evaluating applicable parcels previously recommended for residential uses for density. While not recommended for residential uses, the General Development Policies' locational criteria would score this site for over 17 dwelling units per acre with design guidelines. At over 17 dwelling units per acre, this petition includes adequate additional commitments to design. The petition commits to enhanced architectural details such as recognizable architectural bases, modulations of building planes, façade articulation, screened service areas and mechanical (both at-grade and rooftop units) and raised or lowered entrances for street-facing, ground-level residential units. The conditional notes recognize the importance of the existing context of the community and limit the height of proposed structures directly across from existing single-family homes along Callahan Street. The petition aligns with the Central District Plan's policy of "providing opportunities for higher density infill housing in appropriate locations throughout the district."

Motion was made by Councilmember Graham, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2018-150 by TDC Greenville, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends retail uses for 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 residential units complement the ever-growing Camp North End redevelopment, located one block to the northeast on Statesville Avenue, and provide potential residents with opportunities for enjoying recreation, the arts, and dining options within easy walking distance. The General Development Policies (2007) provide policy guidance and locational criteria for evaluating applicable parcels previously recommended for residential uses for density. While not recommended for residential uses, the General Development Policies' locational criteria would score this site for over 17 dwelling units per acre with design guidelines. At over 17 dwelling units per acre, this petition includes adequate additional commitments to design. The petition commits to enhanced architectural details such as recognizable architectural bases, modulations of building planes, façade articulation, screened service areas and mechanical (both at-grade and rooftop units) and raised or lowered entrances for street-facing, ground-level residential units. The conditional notes recognize the importance of the existing context of the community and limit the height of proposed structures directly across from existing single-family homes along Callahan Street. The petition aligns with the Central District Plan's policy of "providing opportunities for higher density infill housing in appropriate locations throughout the district."

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 657-658.

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**ITEM NO. 7: ORDINANCE NO. 9703-Z, PETITION NO. 2019-028 BY HHHUNT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 26.71 ACRES LOCATED ON HARRISBURG ROAD BETWEEN SAM DEE ROAD AND CAMBRIDGE COMMONS DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND 0-15(CD) (OFFICE, CONDITIONAL) TO R-12MF(CD) (MULTIFAMILY RESIDENTIAL CONDITIONAL) AND R-12MF (MULTIFAMILY RESIDENTIAL).**

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Rocky River Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential up to 8 dwelling units per acre on a portion of the site, and office uses on the area of Cambridge Commons Drive and Greatford 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 evaluating the site as an overall master-planned development, office (O-1 and O-2 zoning) as recommended in the Plan allows between 12-22 DUA, so considering the site as a whole, staff views the increase in density greater than 8 DUA appropriate on the overall site. The proposed development provides an appropriate street network that connects Sam Dee Road to Cambridge Commons Drive. The proposed development provides a 12-foot multi-use path and other pedestrian networks and amenities to integrate the site with surrounding uses and improve walkability. The project provides adequate buffering to adjacent uses to mitigate potential impacts. The project proposes road improvements to mitigate traffic impacts from the development.

The following change was made after the Zoning Committee's recommendation:

Added a note that commits to coordinating with CDOT and providing up to \$10,500 to install speed humps/traffic calming measures on Sam Dee Rd. if the road meets the City's policies and standards for speed humps.

Motion was made by Councilmember Newton, seconded by Councilmember Watlington, to deny Petition No. 2019-028 by HHHunt.

**Councilmember Newton** said I want to start by addressing a notion that has come up here over the past few months pertaining to affordable housing and this this proposal particularly pertains to nimbyism. I wanted to address that factual distortion upfront. This is something that didn't come to anyone's attention until the night of the hearing. Having said that, I think there was a gentleman that stood in front of us and said the community is against this proposal for that reason and that couldn't be any further from the truth. We are talking about 15 units here at 80% AMI, and I think the petitioner might be surprised to learn that many people in the community wouldn't be against that, and I think it is because many of them realize that 80% AMI basically is market rate for most of us. I think what is important and what has drawn people like me here tonight is, by the way leaving my wife in Florida who is lovingly waiting for me, very understanding of me getting on a plane to be here, but what is concerning to the community and to me as a representative of the community is the lack of infrastructure that currently does not exist to sustain the abundance of growth that we know for a fact will be occurring in the immediate area.

There is intermittent and inconsistent public transportation that would not be available to the folks in this development, a lack of infrastructure, a lack of jobs in the area, dangerous intersections; that round-a-bout at Harrisburg and Cambridge Commons is considered one of the most, if not the most dangerous intersections in all of the City of Charlotte. This proposal would completely surround an existing home. It does not have enough parking spaces for the residents. We know that basically we are looking at one to 1.5 spaces per unit, and they are going to be two and three-bedroom units here. It will take away much needed office zoning; we talk about creating areas for folks to live, work, and play. This area is basically on an island, miles away from downtown. It has limited commercial and office space, and we are talking converting the vast majority so a large portion of office space that exists right next door to residential. It would extend a density above what is allowed under our own land use plan. We talk about having expectations, stating them for our development community, and the reason why this petition is not consistent with the Rocky River Area Plan is because the density exceeds what the plan would call for.

I had the opportunity to speak with David Pettine about this earlier today; I appreciate your time Mr. Pettine when we talked about this. We broke down these numbers, and we looked at the acreage for the office space which is 4.75 acres and then we looked at the residential acreage which is somewhere in the ballpark; it is 21.96 acres that would remain. Of that, 4.75 acres under our current office zoning we could see residential upwards of R-22 there. That would amount to 104.5 units; we could see residential up to eight on our land use plan on the existing or the remaining 21.96 acres. That only amounts to 280 units. What we have been told time and time again by the developer is that they cannot go below 308. I don't know where we are left; what message do we send if we say our expectations are 280 but then concede to 308? I had an interesting conversation with the developer's attorney about a month ago; Mr. Driggs was there, and Mr. Driggs commented that it is customary for developers to come down about 10%. Now, isn't it interesting that 10% of the density on this overall project at 308 actually amounts to roughly 280. Isn't that interesting? Well, that was never conceded, never happened.

It wasn't just me; some of my colleagues on Council had reached out to our Planning staff and asked about the extent of the development on the corridor, and we found out that roughly 13 to 14 developments are currently underway on the corridor and have not been completed, 13 to 14 within two miles of where this is proposed. Now, of that 13 to 14, we were told that six of those would generate over 50,000 new trips per day. Now the remaining nine, we don't know. That was all done in permitting, but we can bet our bottom dollar that those remaining nine are going to drastically compound that overall number. The developer in this particular instance is the petitioner had provided us during the hearing an estimate for traffic, and those estimates showed that this development would

exceed the existing zoning entitlement by roughly 620 trips generated per day. I think if we are adding to a problem that we know is going to exist in the future, we are not doing our jobs, and frankly, we are going to be the ones after the fact are going to be left having to clean up the mess, and it is going to be the taxpayer's dime that is going to have to pay for it.

I think under these circumstances, we are in a situation where we have a proposal that exceeds the expectations that we ourselves have set for the development community, and I think that to ensure that we are doing our jobs, creating an area where folks can live, can work, can play, where we are creating sustainable equitable communities, we have to put our foot down, and we have to say no.

One more thing I want to point out so a clarification to be made, when we looked at the trip generation statistics and I had a good conversation with Felix Obregon from C-DOT earlier today as well, and I had asked about the formula that we apply so our City petitioners apply to assess trip generation. What I was told was it is the 10th edition Institute Transportation Engineers, Washington, DC 2017 formula, but that formula applies really much across the board. It doesn't matter if you are at Harrisburg in Cambridge Commons or Trade and Tryon; we are using the same formula with no real assessment or addressing of the needs in the rural areas where that formula is being applied so things like jobs, things like schools, things like future traffic impacts. I sent everybody an e-mail earlier today, and I'm not the only one that feels this way. So, David Walters from the UNC-C Urban Institute actually weighed in on this as well. He sent me some very insightful points, many of which I have just explained to everyone here tonight, some insightful points for why he, given his experience, professional background, expertise, and professionalism in the planning field, why he would be against this as well. I would ask all my colleagues to take all that under consideration; make sure that when growth occurs in our City we are doing it in a way that is smart, that can be sustainable and where resources and amenities exist for the communities that we are creating.

**Councilmember Ajmera** said I struggled with this petition for a number of reasons, because I like the affordable housing part of this petition but then I'm also struggling with the office rezoning. First, we already have it in our notes that this is not consistent with the Rocky River Area Plan; however, staff is recommending it. What is the point in having an area plan if you are not going to follow that? That is number one.

Number two, there was a study done a couple of years ago that talks about how many residents on the east side have to go outside of the district, outside of the area for jobs and opportunities, and if they are going to take this office zoning away from that I think that further creates that gap in terms of the office space availability for the neighbors and that has been my concern all along, so I will not be supporting it.

**Councilmember Watlington** said I definitely agree with the idea of looking holistically at traffic impacts. So, I'm sensitive to hear all of the petitions that are going on and at the same time; however, I do want to make sure that I'm clear, and I have a question for you David. Is the existing or the entitlement trips per day greater than or less than the proposed zoning?

**David Pettine, Planning** said I will defer that question to C-DOT staff.

**Felix Obregon, Transportation** said the way C-DOT ran the trips is they are using an existing portion of the 1990 rezoning, which had some office use entitlements, so we did the worst-case scenario, and that is why our trip generation on the site plan shows to be higher than what the development team has right now. So, it is higher than what we have.

Ms. Watlington said so the proposed zoning would allow more trips per day than the entitlement.

Mr. Obregon said I'm sorry, no the proposed is going to generate a little bit less than the entitlement.

**Councilmember Winston** said at the lunch briefing we learned that the only improvements scheduled on this state-maintained road are at Harrisburg Road and Albemarle Road and that would be turn lane improvements, and those will be City dollars spent. We also asked the question where inline on the state's priority list is this stretch of Harrisburg Road; do we have an answer for that?

Mr. Obregon said not in their priority list at the moment.

Mr. Winston said so there are no plans for the state to improve Harrisburg Road at this time.

Mr. Obregon said correct. In the future, we know that that road will need to be widened; however, right now it is not ranked high enough to receive some funding for the widening.

Mr. Winston said how do we go about pushing that up higher on the priority list? What we do at the City as a City Council, as a staff, to get that pushed up higher on the priority list at the state level?

Mr. Obregon said we can work with our partners with NC-DOT and CRTPO, and we can have additional conversations with them, so we can try to look at the growth that is happening on this particular corridor. So, a project can count down the road and provide some widening.

**Mayor Lyles** said there is a Technical Committee of CRTPO that would go by what is our priority, and they would make that a part of the state priority. So, it is a question of where we place the priority and then it goes to the regional group and then it is assessed under the state criteria. We would begin that process to do that, and I think it is in process, but those plans are done every two years, and so this year I think Ms. Eiselt is the CRTPO Representative, but the Technical Committee is made up of the C-DOT Department Heads along with others across the region.

**Councilmember Johnson** said I also struggled with this petition as an affordable housing advocate and one of the things one of our colleagues said is we can be dazzled by the words affordable housing. When we talk about equitable housing, we talk about affordable housing, but we also talk about quality of life remaining the value for the current residents. So, when I drove out there and I see all this pending development and also the schools, someone had mentioned the schools and about the modular units in the schools, so we do have to consider that as well. If we know that there are 50,000 generated trip increases or higher because there are some that haven't been counted. I know I ran on a responsible and strategic development, so I just think that is really something that we as Council should consider as well. I would probably be voting against this petition.

**Councilmember Bokhari** said I think we have done this before; is it appropriate for me to pose a question to the Zoning Committee behind us?

Mayor Lyles said yes, this is our time.

Mr. Bokhari said I'm just curious, because obviously staff supports this, and we've heard from you in the public hearing. The Zoning Committee, who we spend a lot of time with, they are appointed to give us an independent view and perspective, outside of staff, outside of our influence, and they voted 7-0 unanimously, to support and approve this. I would be curious Mr. Chair if you might give us a little elaboration on your thought process.

**Sam Spencer, Chair of the Zoning Committee** said part of our thought process here is, to be frank number one, as C-DOT mentioned the trip generation would be below the current entitlement for the parcels. I think second, a big consideration here is if we were to deny this rezoning, which is approved by staff, approved by the Planning Commission and also in line with adopted area plan, we would have to take that approach, and to be ideologically consistent and consistent from a policy perspective, we would have to take



that approach to many of the rezoning that we deal with across the City. We would have to do that over and over again. So, what does that do? Well, if we do something like that it tightens our housing market, and that means that the value of housing goes up in our community and one of the things that is very important to us as a Planning Commission is making sure that we are addressing what is listed as the Council's top priority, which is making sure that our community is an affordable and equitable community to live in. That is very important to us, and I think that played a big part into why we decided 7 to 0 to support this.

Mr. Bokhari said I appreciate that, obviously, and whether we agree or disagree, folks, we all do need to recognize these are just regular citizens who give up their free time, and they have expertise in this to help guide and advise us, one of many points. So, the reason why I obviously have a lot of respect for District Council Reps, who have their feet on the ground seeing what is happening, for me the math seems pretty simple, which is if we did not allow this their entitlement would allow them to have something that would have potentially more traffic, and in doing this and partnering with them we are able to not experience those macro tightening of the housing market elements, and we are able to get affordable units in. So, I will support it.

Mr. Newton said I want to briefly address this trip generation and entitlement issue, but before I do that, I just want to say we are here for a reason. We've been elected; we are here to vote and our hands. We shouldn't feel tied, or we shouldn't have our hands tied in doing that. The buck ultimately stops with us, and if it was up to everyone else, then why do we come together to vote on these things? I think we have a responsibility here and even if that means that we happen to look at this and say we disagree, we have the responsibility to vote based upon our own conscious, and it shouldn't be dictated or otherwise hamstrung by other folks. Certainly, we get advice, but that doesn't mean that our hands are tied.

Having said that, I wanted to ask about this trip generation, because when I looked at this initially, and I'm sure all my colleagues can see this, we initially were told that there would be an increase in trip generation, and that was because our staff had told us that it would produce 2,290 trips per day. Thereafter, that changed to 1,690 trips per day, which is what was presented by the petitioner. I think if we are going to be consistent, maybe we should also adopt the petitioner's entitlement which was roughly at about 1,000. Keep in mind, this entitlement before is from 1990; the petitioner has done a completely new study since then and came up with a figure that shows that traffic will increase by 620 trips per day, and this is the petitioner that did this. I think we wouldn't be doing our due diligence if we looked back at an old study, one that is not being currently applied for the trip generation, because we've adopted someone else's but then also didn't take into account that other person or that other entity who we adopted their generation by entitlement. So, under the circumstances here I really feel like the facts seem to indicate to me that it is going to be more traffic, and at the same time too, I think it is very important that we also consider that the way the generation occurred did not take into account trip generations in rural suburban areas rather than urban areas. We could see a depressed overall number at this point, because in an area like Cambridge and Harrisburg, you don't have the public transportation or the pedestrian-oriented opportunities that you would have in a more urban downtown or even closer to the center municipal core setting. I think under the circumstances here it wouldn't be a stretch to say that these numbers, particularly the number of trip generation, are actually a bit depressed, and at the same time, I think if you incorporate the entitlement that was provided to us by the petitioner, which is consistent with us actually accepting the overall trip generation number then you would see that there would be an increase of 620, and more likely it is probably going to be higher in an area like what we are talking about here out towards the edge of town brushing up against the county line.

**Councilmember Egleston** said I was going to ask if Mr. Obregon would be willing to address some of that, because that was a lot, and I think it would be helpful if you would clarify where those numbers come from, and also I see Mr. Newton's point that if the tools we are using to measure the trip generation could be off, but they would be off for both the proposed and for the entitled. So, proportionately it would still be similar, but I would

be interested in your take on where those numbers are coming from and how they enter in your confidence and accuracy.

Mr. Obregon said for the entitlements there was a 1990 rezoning that was approved. As part of that rezoning, it had 125,000 square feet of office, and that office component is for the existing shopping center there, and it also includes a portion of this rezoning. Right now, the shopping center does not have any office component. So, in theory, that square footage could go on this portion of the rezoning, so from a staff perspective, what we try to do is do the worst-case scenario, so we are able to identify the number of trips that a petition may generate. So, that is what the difference is at the moment. We use the worst-case scenario of the square footage for the office; the petitioner used a lower square footage, and that is why there is a disconnect from that perspective.

Mr. Egleston said your data that you provided us is coming from the same source. Mr. Obregon said correct, the data is from the same source which is a national source that any local DOT or state DOT utilizes; it is just the amount of square footage that was used to determine the square footage for the office.

Mr. Pettine said also have one item that changed after the Zoning Committee vote on this one, and that was just an addition of a note for the petitioner would commit to coordinating with C-DOT and provide up to \$10,500 to install speed humps on Sam Dee Road if the road meets those policies by the City and standards for installation of those speed humps. We don't feel that should go back to Zoning Committee, but it is a change since the vote.

Motion was made by Councilmember Egleston, seconded by Councilmember Bokhari, and carried unanimously to not send this petition back to the Zoning Committee for further review.
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Mr. Newton said I just wanted to comment on that, because I know that the Cambridge HOA has been trying literally for years to get speed bumps on Cambridge. It is a one way in and one way out, and people use it as a drag strip, and they have been unable to do that, and this is right beside Sam Dee Road and have been unable to do that after traffic studies, after staff approval because of the Fire Department being unwilling to approve that. Just the other day, there was a wreck right at Harrisburg Road and Albemarle Road, and I believe someone had to be cut out of their car because of it, and we know the need for emergency access in the immediate area. That is what participated the Fire Department not approving these speed bumps on Cambridge. Have those studies been done, and is there actually staff approval now and has anyone contacted the Fire Department? Has the Fire Department approved this? It is a little bit alarming to me to think if that has happened that it would happen before Cambridge Commons who has been trying to do this for about two-years plus.

Mr. Pettine said this is just a commitment to coordinate with C-DOT other entities if they deem that it is appropriate for speed bumps on Sam Dee Road; they would help to install those through that monetary commitment.

Mr. Newton said my comment also speaks to the dangerous aspect of the roads in the area and how more density right there, particularly on Sam Dee Road is a health and safety hazard.

Mr. Winston said I would just like to mention to that point, we have done work in Committee, and we have at least a pilot program that has been going on for since the early part of 2019 for speed cushions that allow our emergency service vehicles, our fire trucks, and medic ambulances to go through at full speed in neighborhoods, because this is a problem in many of our growing neighborhoods, and we are actively finding a solution to that. We are not just finding a solution; we are employing it and field testing it, so it can be widely expanded for use.

Mayor Lyles said we have a motion to deny this petition, and we will have a re-write of the Statement of Consistency.

The vote was taken on the motion to deny and was recorded as follows:  
YEAS: Councilmembers Ajmera, Johnson, Newton, and Watlington

NAYS: Councilmembers Bokhara, Driggs, Egleston, Graham, Mitchell, and Winston

Motion was made by Councilmember Egleston and seconded by Councilmember Driggs to approve Petition No. 2019-028 by HHHunt and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Rocky River Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential up to 8 dwelling units per acre on a portion of the site, and office uses on the area of Cambridge Commons Drive and Greatford 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 evaluating the site as an overall master planned development, office (O-1 and O-2 zoning) as recommended in the Plan allows between 12-22 DUA, so considering the site as a whole, staff views the increase in density greater than 8 DUA appropriate on the overall site. The proposed development provides an appropriate street network that connects Sam Dee Road to Cambridge Commons Drive. The proposed development provides a 12-foot multi-use path and other pedestrian networks and amenities to integrate the site with surrounding uses and improve walkability. The project provides adequate buffering to adjacent uses to mitigate potential impacts. The project proposes road improvements to mitigate traffic impacts from the development, as modified

The vote was taken on the motion to approve and was recorded as follows:

YEAS: Councilmembers Bokhari, Driggs, Egleston, Graham, Mitchell, and Winston

NAYS: Councilmembers Ajmera, Johnson, Newton, and Watlington

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 659-660.

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**ITEM NO. 9: ORDINANCE NO. 9704-Z, PETITION NO. 2019-036 BY BSL GALBREATH, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.70 ACRES LOCATED ON THE WEST SIDE OF RHYNE ROAD, SOUTH OF MT. HOLLY ROAD, WEST OF I-485 FORM R-E LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO I-2(CD) LWPA (GENERAL INDUSTRIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Catawba Area, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential land uses up to 4 dwelling units 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 while the subject property is planned for single-family residential development, recent rezonings and development have resulted in more industrial and non-residential zoning districts and uses in the area. The proposed plan has provided a list of uses that eliminates potential compatibility issues with adjacent residential uses. The proposed development provides significant buffers to adjacent properties to mitigate any potential impacts. The construction of sidewalks and planting strips along the site's frontage will help to facilitate improvements to the pedestrian network in this area.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-036 by BSL Galbreth, Inc. and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Catawba Area, based on the information from the final staff analysis and the public hearing and because the plan recommends residential land uses up to 4 dwelling units 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 while the subject property is planned for single family residential development, recent rezonings and development have resulted in more industrial and non-residential zoning districts and uses in the area. The proposed plan has provided a list of uses that eliminates potential compatibility issues with adjacent residential uses. The proposed development provides significant buffers to adjacent properties to mitigate any potential impacts. The construction of sidewalks and planting strips along the site's frontage will help to facilitate improvements to the pedestrian network in this area.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 661-662.

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**ITEM NO. 10: ORDINANCE NO. 9705-Z, PETITION NO. 2019-047 BY NR PINEHURST PROPERTY OWNER, LLC AMENDING THE OFFICIAL ZONING MAY OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 36.06 ACRES LOCATED ON THE WEST SIDE OF PROVIDENCE ROAD BETWEEN CLOISTER DRIVE AND KNOW OAK LANE AND ACROSS FROM STRAWBERRY HILL DRIVE FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O-SPA (MIXED USE DEVELOPMENT OPTIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 6-0 (motion by Spencer, 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 South District Plan as amended by petition 2016-032 based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential at less than or equal to 17 dwelling units 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 rezoning is for entitlements up to 830 units, which all traffic impacts were mitigated for in the previous rezoning that resulted in 581 units. While the district plan identifies the intersection of Providence and Fairview Road for a neighborhood center, this area around the rezoning has organically developed into more of an activity center with a mix of uses, pedestrian improvements, and road improvements through redevelopment and prior rezoning approvals. An activity center would be acceptable for this type of density. Pedestrian improvements have been constructed as part of the previous rezoning for this site, which include a crossing to allow pedestrians to safely cross Providence Rd. to get to the Strawberry Hill mixed use area. There are multiple bus options and stops in the immediate vicinity of the rezoning to serve the residents living in the community. The petition commits to provide a workforce housing program to include no fewer than 42 of the units located on the site (equal to 5% of the additional units added to the site as part of the petition) for a period no less than 15 years maintain monthly rents that are income restricted for households earning 80% or less of AMI. Once building 6 is constructed a minimum of 25 of the proposed 42 workforce housing units will be located within building 6. The petition provides a commitment to maintain (not demolish or redevelop), for a minimum of 5 years a minimum of 130 of the existing older units (those constructed around 1967). The petitioner reserves the right to reduce the 130 units by 10% if during construction plan review for building 6 it is determined that they cannot be preserved due to engineering constraints and/or requirements associated with building 6. The new buildings on the site will be built to meet national green building standards.

Motion was made by Councilmember Bokhari, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2019-047 by NR Pinehurst Property Owner, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan as amended by petition 2016-032 based on the information from the final staff analysis and the public hearing and because the plan recommends residential at less than or equal to 17 dwelling units 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 rezoning is for entitlements up to 830 units, which all traffic impacts were mitigated for in the previous rezoning that resulted in 581 units. While the district plan identifies the intersection of Providence and Fairview Road for a neighborhood center, this area around the rezoning has organically developed into more of an activity center with a mix of uses, pedestrian improvements, and road improvements through redevelopment and prior rezoning approvals. An activity center would be acceptable for this type of density. Pedestrian improvements have been constructed as part of the previous rezoning for this site, which include a crossing to allow pedestrians to safely cross Providence Rd. to get to the Strawberry Hill mixed use area. There are multiple bus options and stops in the immediate vicinity of the rezoning to serve the residents living in the community. The petition commits to provide a workforce housing program to include no fewer than 42 of the units located on the site (equal to 5% of the additional units added to the site as part of the petition) for a period no less than 15 years maintain monthly rents that are income restricted for households earning 80% or less of AMI. Once building 6 is constructed a minimum of 25 of the proposed 42 workforce housing units will be located within building 6. The petition provides a commitment to maintain (not demolish or redevelop), for a minimum of 5 years a minimum of 130 of the existing older units (those constructed around 1967). The petitioner reserves the right to reduce the 130 units by 10% if during construction plan review for building 6 it is determined that they cannot be preserved due to engineering constraints and/or requirements associated with building 6. The new buildings on the site will be built to meet national green building standards.

**Councilmember Bokhari** said I will just make a quick point; we've had a lot of conversations over the last two years and over the last couple weeks on this particular petition, and we all know certain corridors are incredibly challenging from a congestion and traffic perspective and are only getting worse. We appreciate the petitioner's work here to do the best with their particular project, and we know we've got work to do, and today, Mayor, and the rest of us in our prep meeting and several other times have committed that we are going to not in the setting of a petition but in the setting of a city some kind of particular transit view, look at these corridors, particularly those that we need to partner with the state and figure out exactly what we are doing in the short, mid and long-term. That is on our radar. I'm supportive of this but also cognizant of how many that live along these corridors like Providence Road feel, and we are committed to that work.

**Mayor Lyles** said I would like to talk a little bit more definitively about Mr. Bokhari's statement; I would like to ask our Planning Director as well as our C-DOT Director to come back to us within 90-days with a list of those things that I recall we have the capacity to do, we have the ability to do to address some of these corridors that we have so that whatever tools we already have in our toolbox that we can move quickly to do while we study a number of other initiatives, we would like to see that in 90-days. I know that there are ideas and then we can come back and have a report to the full Council and decide which of those we ought to incorporate in our budget, as well as those that we ought to move on as quickly as we can under our existing budget.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 663-664.

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**ITEM NO. 11: ORDINANCE NO. 9706-Z, PETITION NO. 2019-071 BY FH 1524 SUNSET ROAD, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 54.99 ACRES LOCATED ON THE SOUTH SIDE OF SUNSET ROAD, EAST OF OAKDALE ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE WATERSHED OVERLAY, PROTECTED AREA) TO MX-2 LWPA (MIXED USE, LAKE WYLIE WATERSHED OVERLAY, PROTECTED AREA).**

The Zoning Committee voted 6-0 (motion by Nwasike, 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 and is consistent with the General Development Policies which supports residential density up to six dwelling units per acre based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential uses 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 at five dwelling units per acre, the petition is less dense than what the General Development Policies support. The petition respects the existing neighboring single-family development by strategically grouping townhomes at the front of the site off Sunset Road. The petition commits to enhancing the pedestrian environment through multiple site design elements. The petitioner commits to dedicating land to Mecklenburg County for greenway development, as recommended in the Northwest District Plan.

Motion was made by Councilmember Bokhari, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2019-071 by FH 1524 Sunset Road, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Northwest District Plan and is consistent with the General Development Policies which supports residential density up to six swelling units per acre based on the information from the final staff analysis and the public hearing and because the plan recommends residential 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 at five dwelling units per acre, the petition is less dense than what the General Development Policies support. The petition respects the existing neighboring single-family development by strategically grouping townhomes at the front of the site off Sunset Road. The petition commits to enhancing the pedestrian environment through multiple site design elements. The petitioner commits to dedicating land to Mecklenburg County for greenway development, as recommended in the Northwest District Plan.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 665-666.

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**ITEM NO. 12: ORDINANCE NO. 9707-Z, PETITION NO. 2019-072 BY ARDENT ACQUISITIONS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 38.83 ACRES LOCATED ON THE NORTH SIDE OF CANNON AVENUE, WEST OF SUGAR CREEK ROAD, EAST OF NORTH GRAHAM STREET, NORTH OF I-85 FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Spencer 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 Northeast District Plan recommendation for multi-family uses on parcel 04507101, but is inconsistent with the Northeast District Plan recommendation for industrial uses on parcel 04509301 based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends multi-family uses for much of the site with a small portion of the site recommended for industrial 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 much of the site is recommended for multi-family uses. The area between Oneida Road and Cannon Avenue has not developed according to the industrial land use recommendation. With neighboring single-family development, it is unlikely that parcel 04509301 would ever develop with industrial uses. The petition's mixture of single-family detached and single-family attached is less intense than what the plan would allow on the portion of the site planned for residential. The petition's density and mixture of housing types creates a gradual transition between the B-2 zoning at the intersection of Sugar Creek Road and Interstate 85 and the R-4 zoning to the north. The petition includes off-site transportation improvements. The petition limits the maximum height to 40 feet. The petition commits to dedication for a public park in an area lacking in parks.

Motion was made by Councilmember Johnson, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2019-072 by Arden Acquisitions, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan recommendation for multi-family uses on parcel 04507101, but is inconsistent with the Northeast District Plan recommendation for industrial uses on parcel 04509301 based on the information from the final staff analysis and the public hearing, and because the plan recommends multi-family uses for much of the site with a small portion of the site recommended for industrial 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 much of the site is recommended for multi-family uses. The area between Oneida Road and Cannon Avenue has not developed according to the industrial land use recommendation. With neighboring single-family development, it is unlikely that parcel 04509301 would ever develop with industrial uses. The petition's mixture of single family detached and single family attached is less intense than what the plan would allow on the portion of the site planned for residential. The petition's density and mixture of housing types creates a gradual transition between the B-2 zoning at the intersection of Sugar Creek Road and Interstate 85 and the R-4 zoning to the north. The petition includes off-site transportation improvements. The petition limits the maximum height to 40 feet. The petition commits to dedication for a public park in an area lacking in parks.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 667-668.

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**ITEM NO. 13: ORDINANCE NO. 9708-Z, PETITION NO. 2019-088 BY JDSI, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 29.75 ACRES LOCATED ON THE WEST SIDE OF HOOD ROAD, SOUTH OF PLAZA ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8 (SINGLE FAMILY RESIDENTIAL).**

The Zoning Committee voted 7-0 (motion by Ham, 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 Rocky River Area Plan with respect to proposed land use, based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends residential, office, and/or retail uses with a residential density of up to eight dwelling units per acre. 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 although the plan recommends the site for mixed use development, the plan also notes that the mixture of uses can be all residential. The Rocky River Road Area Plan's Vision states that the area should offer a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development. Land use goals for this area include encouraging a mixture of housing types and allowing intensification of land uses in areas with complementary land uses and supporting infrastructure. A survey of surrounding existing land use survey reveals numerous moderate density single-family residential subdivisions near the proposed rezoning.

Motion was made by Councilmember Mitchell, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-088 by JDSI, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Rocky River Area Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the plan recommends residential, office, and/or retail uses with a residential density of up to eight dwelling units per acre. 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 although the plan recommends the site for mixed use development, the plan also notes that the mixture of uses can be all residential. The Rocky River Road Area Plan's Vision states that the area should offer a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development. Land use goals for this area include encouraging a mixture of housing types and allowing intensification of land uses in areas with complementary land uses and supporting infrastructure. A survey of surrounding existing land use survey reveals numerous moderate density single-family residential subdivisions near the proposed rezoning.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 669-670.

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**ITEM NO. 14: ORDINANCE NO. 9709-Z, PETITION NO. 2019-090 BY CULP ROAD MATERIALS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 34.6 ACRES LOCATED ON THE SOUTH OF SIDE OF OLD DOWD ROAD, WEST OF I-485 FROM R-3 AND R-MH LLWCA (SINGLE FAMILY RESIDENTIAL, RESIDENTIAL MANUFACTURED HOUSING, LOWER LAKE WYLIE WATERSHED OVERLAY, CRITICAL AREA) TO I-2(CD) LLWCA WITH FIVE-YEAR VESTED RIGHT (GENERAL INDUSTRIAL, CONDITIONAL, LOWER LAKE WYLIE WATERSHED OVERLAY, CRITICAL AREA).**

The Zoning Committee voted 6-0 (motion by Gussman, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends office/retail/light industrial land uses and the plan recommends single-family residential land use up to 4 DUA for portions this 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 land use, while technically inconsistent with the land use recommendations, is compatible with the existing land uses in the area. The site is adjacent to and across the street from heavy industrial uses zoned I-2. The request is consistent with the Airport Area Strategic Development Plan (AASDP) providing compatible industrial development around the Airport. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from current office/retail/light industrial and single-family residential to industrial use for the site.

The following change was made after the Zoning Committee's recommendation:

Added a note that clarifies any petroleum storage that is on the site as an accessory to the use will be stored above ground. Added a note prohibiting commercial gas stations.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to not sent this petition back to the Zoning Committee for further review.



Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-090 by Culp Road Materials, LLC and adopt the following Statement of Consistency, as modified: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/retail/light industrial land uses and the plan recommends single family residential land use up to 4 DUA for portions this 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 land use, while technically inconsistent with the land use recommendations, is compatible with the existing land uses in the area. The site is adjacent to and across the street from heavy industrial uses zoned I-2. The request is consistent with the Airport Area Strategic Development Plan (AASDP) providing compatible industrial development around the Airport. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from current office/retail/light industrial and single family residential to industrial use for the site, as modified.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 671-672.

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**ITEM NO. 15: ORDINANCE NO. 9710-Z, PETITION NO. 2019-093 BY 406 W. 32ND, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.12 ACRES LOCATED ON WEST 32ND STREET, OFF NORTH TRYON STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Wiggins, 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 North Tryon Area Plan based on the information from the post hearing staff analysis and the public hearing and because the plan recommends industrial/warehouse/distribution uses. 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 use is appropriate for mixed-use development as the area continues to change. The proposal will make the area unified as a commercial area. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan, from industrial/warehouse/distribution uses to office/retail uses for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2019-093 by 406 W. 32nd, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the North Tryon Area Plan based on the information from the final staff analysis and the public hearing and because the plan recommends industrial/warehouse/distribution uses. 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 use is appropriate for mixed-use development as the area continues to change. The proposal will make the area unified as a commercial area. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan, from industrial/warehouse/distribution uses to office/retail uses for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 673-674.

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**ITEM NO. 18: ORDINANCE NO. 9711-Z, PETITION NO. 2019-098 BY FLAGSHIP HEALTHCARE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.12 ACRES LOCATED ON THE NORTH SIDE OF RANDOLPH ROAD, NORTH OF EASTOVER RIDGE DRIVE, EAST OF CRANBROOK LANE FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICE).**

The Zoning Committee voted 7-0 (motion by McClung, 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 Central District Plan for portions of the site and inconsistent with the adopted plan for the remaining acreage, based on information from the post hearing staff analysis and the public hearing, and because the Central District Plan (1993) recommends residential at eight units per acre for portions of the site, and greenway for other portions. 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 residential land use is consistent with the abutting residential developments to the north and east. The office land use is inconsistent with the policy recommendation for this parcel, however, the development is consistent with the mix of uses in the area. The density of the residential component is 5.814 units per acre, which is less than the recommended 8 units per acre per the adopted plan for the portion of the site recommended for residential. The request limits the height of the residential units to 40 feet, which is consistent with the height limits in the adjacent neighborhood. The development will support the development of Briar Creek Greenway via conveyance of the 100-foot SWIM buffer associated with Briar Creek, and an 8-foot multi-use path with a 10-foot access easement to the future greenway.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-098 by Flagship Healthcare and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan for portions of the site and inconsistent with the adopted plan for the remaining acreage, based on information from the final staff analysis and the public hearing, and because the Central District Plan (1993) recommends residential at eight units per acre for portions of the site, and greenway for other portions. 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 residential land use is consistent with the abutting residential developments to the north and east. The office land use is inconsistent with the policy recommendation for this parcel, however, the development is consistent with the mix of uses in the area. The density of the residential component is 5.814 units per acre, which is less than the recommended 8 units per acre per the adopted plan for the portion of the site recommended for residential. The request limits the height of the residential units to 40 feet, which is consistent with the height limits in the adjacent neighborhood. The development will support the development of Briar Creek Greenway via conveyance of the 100-foot SWIM buffer associated with Briar Creek, and an 8-foot multi-use path with a 10-foot access easement to the future greenway.

**Councilmember Egleston** said just a quick note that the petitioner has, through the counsel of an adjacent neighbor, agreed to continue working with them after this approval through the permitting and design process to make sure that they create an opening on to Sam Drenan Road that is workable and in the best interest of everybody. I appreciate their willingness to keep on that even after tonight.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 675-676.

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**ITEM NO. 20: ORDINANCE NO. 9712-Z, PETITION NO. 2019-100 BY MATT CONNOLLY-PIKE PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.01 ACRES LOCATED ON THE WEST SIDE OF SEIGLE AVENUE AND SOUTH OF MCADEN STREET FROM 1-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Gussman, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan based on the information from the post hearing staff analysis and the public hearing and because the Plan recommends residential uses up to 22 dwelling units 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 petition's proposed adaptive reuse satisfies the plan's guiding principle of taking a preservation-oriented approach by retaining the existing buildings on the site. The plan's recommended future land use for this site was developed under the assumption that a Hope VI redevelopment project was going to be located on the site. That concept did not materialize. The petition's residential density of 12 dwelling units per acre is significantly less dense than the 22 dwellings units per acre that the plan would permit. The petition is in alignment with the plan's Land Use and Development Goals and Objectives in that it attempts to balance the provision of service retail with protection of residential areas. As this is an infill project, no homes will be removed for this petition. The petition's proposed uses are compatible with the surrounding residential and non-residential uses. While zoned industrial, there have been multiple approved rezonings to mixed use districts in the area. It is unlikely this area develops under its current industrial zoning. The petition will improve and extend Van Every Street and make needed pedestrian improvements along the site's frontage. The approval of this petition will revise the adopted future land use as specified by the Belmont Area Revitalization Plan, from residential to mixed residential/office/retail uses.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-100 by Matt Connolly-Pike Properties, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan based on the information from the final staff analysis and the public hearing and because the Plan recommends residential uses up to 22 dwelling units 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 petition's proposed adaptive reuse satisfies the plan's guiding principle of taking a preservation-oriented approach by retaining the existing buildings on the site. The plan's recommended future land use for this site was developed under the assumption that a Hope VI redevelopment project was going to be located on the site. That concept did not materialize. The petition's residential density of 12 dwelling units per acre is significantly less dense than the 22 dwellings units per acre that the plan would permit. The petition is in alignment with the plan's Land Use and Development Goals and Objectives in that it attempts to balance the provision of service retail with protection of residential areas. As this in an infill project, no homes will be removed for this petition. The petition's proposed uses are compatible with the surrounding residential and non-residential uses. While zoned industrial, there have been multiple approved rezonings to mixed use districts in the area. It is unlikely this area develops under its current industrial zoning. The petition will improve and extend Van Every Street and make needed pedestrian improvements along the site's frontage. The approval of this petition will revise the adopted future land use as specified by the Belmont Area Revitalization Plan, from residential to mixed residential/office/retail uses.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 677-678.

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**ITEM NO. 22: ORDINANCE NO. 9713-Z, PETITION NO. 2019-107 BY ALBEMARLE ROAD PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.217 ACRES LOCATED AT 8837 ALBEMARLE ROAD, EAST OF HOLLIROSE DRIVE AND WEST OF CIRCUMFERENTIAL ROAD FROM B-1(CD) (GENERAL BUSINESS CONDITIONAL) TO NS (NEIGHBORHOOD SERVICES).**

The Zoning Committee voted 6-1 (motion by McClung, 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 East District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends retail uses for 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 predominant surrounding land uses along this portion of the Albemarle Road corridor (retail, dining establishments, etc.) are uses that are interrelated and complementary to the use proposed by this rezoning petition. The petition is in alignment with the recommended future land use for this parcel as amended upon the approval of rezoning petition 1992-070. By meeting existing ordinance requirements, by committing to front-loading the structure towards the street, by dedicating parking behind, and through the provision of a 12-foot multi-use path and other architectural elements, and by providing inter-parcel connectivity, this petition accomplishes the East District Plan's goal for a "livable and attractive community having a distinct identity." Upon approval of this petition, the last portion of undeveloped land recommended for retail uses on the northern portion of Albemarle Road will be developed, thus establishing a clear distinction between retail and residential areas to support neighborhood preservation.

Motion was made by Councilmember Newton, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2019-107 by Albemarle Road Partners and adopt the following Statement of Consistency: This petition is found to be consistent with the East District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends retail uses for 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 predominant surrounding land uses along this portion of the Albemarle Road corridor (retail, dining establishments, etc.) are uses that are interrelated and complimentary to the use proposed by this rezoning petition. The petition is in alignment with the recommended future land use for this parcel as amended upon the approval of rezoning petition 1992-070. By meeting existing ordinance requirements, by committing to front-loading the structure towards the street, by dedicating parking behind, and through the provision of a 12-foot multi-use path and other architectural elements, and by providing inter-parcel connectivity, this petition accomplishes the East District Plan's goal for a "livable and attractive community having a distinct identity." Upon approval of this petition, the last portion of undeveloped land recommended for retail uses on the northern portion of Albemarle Road will be developed, thus establishing a clear distinction between retail and residential areas to support neighborhood preservation.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 679-680.

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**ITEM NO. 23: ORDINANCE NO. 9714-Z, PETITION NO. 2019-108 BY J. S. & ASSOCIATES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.21 ACRES LOCATED ON THE WEST SIDE OF NEAL ROAD, SOUTHWEST OF IBM DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTIFAMILY 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 inconsistent with the Northeast District Plan recommendation for residential uses at up to four dwelling units per acre, and consistent with the General Development Policies recommendation for residential uses at up to eight dwelling units per acre, based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends residential 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 while consistent with the General Development Policies recommendation of eight dwelling units per acre, the petition further limits the district's density from eight dwelling units per acre to under seven dwelling units per acre. The petition commits to enhancing the pedestrian environment through site design elements which include walkways from all residential at entrances to sidewalks along public and private streets. The site abuts residentially zoned, vacant land. Originally envisioned as an expansion of University Research Park, this area was zoned for research uses until IBM rezoned the abutting area for residential uses in 1994. The surrounding vacant area is still owned by the corporation and is unlikely to develop. However, if the surrounding parcel does develop, the petition's 50-foot buffers will provide an appropriate transition between the permitted four dwelling unit per acre and the petition's proposed seven dwelling unit per acre. Across Neal Road to the east are four schools. Across IBM Drive to the north is University Research Park, a large employment center. This petition will increase the number and diversity of housing units within walking distance to these destinations.

Motion was made by Councilmember Johnson, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2019-108 by J. S. & Associates and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan recommendation for residential uses at up to four dwelling units per acre, and consistent with the General Development Policies recommendation for residential uses at up to eight dwelling units per acre, based on the information from the final staff analysis and the public hearing, and because the plan recommends residential 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 while consistent with the General Development Policies recommendation of eight dwelling units per acre, the petition further limits the district's density from eight dwelling units per acre to under seven dwelling units per acre. The petition commits to enhancing the pedestrian environment through site design elements which include walkways from all residential at entrances to sidewalks along public and private streets. The site abuts residentially zoned, vacant land. Originally envisioned as an expansion of University Research Park, this area was zoned for research uses until IBM rezoned the abutting area for residential uses in 1994. The surrounding vacant area is still owned by the corporation and is unlikely to develop. However, if the surrounding parcel does develop, the petition's 50-foot buffers will provide an appropriate transition between the permitted four dwelling unit per acre and the petition's proposed seven dwelling unit per acre. Across Neal Road to the east are four schools. Across IBM Drive to the north is University Research Park, a large employment center. This petition will increase the number and diversity of housing units within walking distance to these destinations.

**Councilmember Johnson** said I just wanted to thank the developer for voluntarily offering to develop some affordable housing in this district.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 681-682.

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**ITEM NO. 24: ORDINANCE NO. 9715-Z, PETITION NO. 2019-112 BY MARK HEISIG AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.33 ACRES LOCATED ON THE EAST SIDE OF PINECREST AVENUE, NORTH OF COMMONWEALTH AVENUE FROM 0-2 (OFFICE) TO R-4 (SINGLE FAMILY RESIDENTIAL).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Independence Boulevard Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential up to 4 units per acre. 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 parcel is surrounded by single-family homes. The request is consistent with the adopted area plan and will bring this property into compliance with the plan.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-112 by Mark Heisig and adopt the following Statement of Consistency: This petition is found to be consistent with the Independence Boulevard Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential up to 4 units per acre. 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 parcel is surrounded by single family homes. The request is consistent with the adopted area plan and will bring this property into compliance with the plan.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 683-684.

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**ITEM NO. 25: ORDINANCE NO. 9716-Z, PETITION NO. 2019-116 BY BILLY GRAHAM EVANGELISTIC ASSOCIATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.47 ACRES LOCATED ON THE NORTH SIDE OF BILLY GRAHAM PARKWAY, EAST OF WESTMONT DRIVE, AND SOUTH OF WOODRIDGE CENTER DRIVE FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO 1-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL).**

The Zoning Committee vote 7-0 (motion by Nwasike, 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 hearing staff analysis and the public hearing and because the plan recommends office/industrial land uses for 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 proposal is consistent with the plan recommendation. The site plan illustrates 6-foot sidewalks and 8-foot planting strips along Woodridge Center Drive and along Westmont Drive. The request prohibits several uses from operating on the site which will minimize potential land use conflicts with adjacent office uses.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-116 by Billy Graham Evangelistic Association 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 plan recommends office/industrial land uses for 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 proposal is consistent with the plan recommendation. The site plan illustrates 6-foot sidewalks and 8-foot planting strips along Woodridge Center Drive and along Westmont Drive. The request prohibits several uses from operating on the site which will minimize potential land use conflicts with adjacent office uses.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 685-686.

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**ITEM NO. 26: ORDINANCE NO. 9717-Z, PETITION NO. 2019-120 BY TITAN PARTNERS, 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 NORTH SIDE OF WILKINSON BOULEVARD AND ON THE EAST SIDE OF WEST MOREHEAD STREET FROM I-1 GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - TRANSIT COMMUNITY CENTER).**

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: This petition is found to be consistent with the Bryant Park Land Use and Streetscape Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends mixed-use residential/office/retail land use. 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 rezoning for transit-oriented development, is consistent with the mixed-use land use recommendation for this site. The site is within a ¼ mile of two proposed transit stations on the CATS Silver Line. Use of conventional TOD-CC (transit-oriented development – community center) zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary and TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-120 by Titan Partners, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Bryant Park Land Use and Streetscape Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends mixed-use residential/office/retail land use. 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 rezoning for transit-oriented development, is consistent with the mixed-use land use recommendation for this site. The site is within a ¼ mile of two proposed transit stations on the CATS Silver Line. Use of conventional TOD-CC (transit-oriented development – community center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary and TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 687-688.

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**ITEM NO. 27-A: INTERLOCAL AGREEMENT FOR EXCELSIOR CLUB FAÇADE RESTORATION**

**Michelle Bonaparte, 1815 Patton Avenue** said we are in support of the project design to capture and exhibit the history of this African American historic site, the Excelsior Club. This is a precious resource to Charlotte Mecklenburg heritage; the identification and preservation of historic districts in African American Communities, enhances community pride and a sense of identity. The Excelsior Club is a landmark that embodies the history of African Americans living in Charlotte Mecklenburg, past and present, and for future generations to contribute to life, culture, policy, economy and education. As we strive to save this landmark, we appreciate your wisdom to tell the story in an artistic manner for present and future generations. We must safeguard this landmark. The friends of the Excelsior Club are willing to serve in various capacities to share this rich history and educate the public about the Excelsior Club. This is a project that will last generations and thank you for sharing your talent to tell the story.

**Mattie Marshall, 2304 Booker Avenue** said first I want to say Happy Holidays, Seasons Greetings, Merry Christmas and Happy Kwanza. On behalf of our historic neighborhood, Washington Heights, that dates back to 1910, named in honor of Booker T. Washington, one of those neighborhoods where we saw fit about 20-years ago to have a most unique neighborhood plan, our historic Washington Heights Plan. Our vision, looking at the preservation of this rich, rich history, we know that we must do more to preserve that history and protect it. The Excelsior Club has been around since 1944, one of the staples along the corridor, and we must do our utmost to protect this structure, to protect this history. It matters; we must be about the business of uplifting all humanity with dignity and respect. This is part of the dignity that my ancestors and others along the way have fought for, and we can do better. So, thank you so much for your service, and most of all, be aware that history does matter. African American history matters.

**Jacob Thompson, 2100 Randolph Road** said I am the new Executive Director of the Charlotte Mecklenburg Historic Landmarks Commission. I am new to town, but I'm back to town. I've been gone for 15-years, and 15-years ago I remember driving by this important place and knowing that it was important and special to the community. I am encouraged to see movement on this project; I'm encouraged by the notion that future generations years, decades from now will be able to drive along this corridor and perhaps see a part of the built environment that tells the story of our history and while the Historic Landmarks Commission has given me encouragement with their efforts and I hope that we will be coming together as a complete body in January at our regular meeting. I'm encouraged by the direction and advice that I've gotten as the new Director by folks in the community and by our Commissioners, and I want to thank City Council for taking the steps necessary to help make this important redevelopment happen.

**Dr. Lara D. Rann, 809 Catawba Street, Belmont** said this is my daughter, Lidia Joy; my father was Emery Louvelle Rann, Jr. MD; his office was right there across the street. Uncle Jimmy, I remember meeting many times and spending time in the Excelsior Club. The history is palatable there; the neighborhood is very valuable. It is really priceless; however, by the same token as we preserve this history, there is so much gentrification happening in West Charlotte right now along Beatties Ford Road in the area where Johnson C. Smith University is, and as we lift up these historical monuments I want to make sure that the people are still taken care of, and that would be my only hope in this situation, even as we put money into reserving and preserving. It is so important that we also think about the people and not lose the ability to stay in the neighborhoods that we grew up in. I'm someone who grew up on the corner of Sunset and Beatties Ford. My grandparents, my grandfather James Fox in Dalebrook. That is just the bottom line to me; that is the most important thing to me that as we keep this history going which of course we need to do, that it doesn't end up becoming a project that just makes it a more valuable place for people to come who have the money to totally change the neighborhood around and make it so we can't live there anymore. That is my hope today.



**Kelly Eaves-Boykin, 2523 Amber Creste Lane** said I am Chairman of the Charlotte Mecklenburg Black Heritage Committee. Our mission and vision and goal is to save African American history in Charlotte Mecklenburg. It is said that our history is now going away. We are in support of any restoration and anything that we can do to help save the Excelsior Club. Please have it on your heart to know that our history does matter, and sadly, our history is going away. The African American Community, we can no longer drive around Charlotte and see a lot of our landmarks. I am a native Charlottean. I cannot drive down Beatties Ford Road and see a lot of the things that my grandfather built. So please, if you have it in your heart we support you to save the Excelsior Club to restore it to bring back our history so that our generations that come behind us can take a look at it and know that we African Americans built the west side.

Motion was made by Councilmember Mitchell, seconded by Councilmember Watlington, and carried unanimously to (A) Adopt a resolution approving the Excelsior Club Interlocal Agreement with Mecklenburg County and authorizing the City Manager to negotiate and execute all documents necessary to complete the interlocal cooperation, and (B) Authorize the City Manager to negotiate and execute an Excelsior Club Façade Restoration Loan Agreement and ancillary documents.

**Councilmember Graham** said first let me take the opportunity to thank Councilmember Mitchell for his work on this for the last couple months. It is really meaningful and also, I see a number of individuals in the audience who was working alongside of him to ensure that in fact, something positive came out of the historic Excelsior Club. This is a small investment for a big return, investing in our history, our tradition, our legacy, and community pride, and it also goes a long way in terms of beginning to reinvest on the West Trade Street/Beatties Ford Road Corridor that we are slowly but surely making progress in that regard.

I hear the speaker in terms of making sure that in fact, the investment that we are making does not include anyone, that they are a part of what we are doing and that we are not hurting anyone. This is a good day for the corridor, and it goes beyond the District lines; it is a good day for the City of Charlotte, because this is all of our history, not just restricted to a specific district. I am happy to support this because again, from a distance perspective. It is a small investment; it makes a lot of sense but the impact is humongous for the corridor. I just wanted to thank Mr. Mitchell again for his support, and I look forward to voting yes.

**Councilmember Winston** said I too am very passionate about preserving our history, but I also want to make sure that it is done in the proper way. There have been many times where our history is preserved in name only, and I definitely want to avoid this. \$50,000 is a very small investment, but I and I think many of us, learned the details about this this morning in an Observer article and weren't really included in any of this. This was brand-new news to us, so I hear Dr. Rann and her public comments, and I have some of the same questions. I don't know if we have the answers to her questions right now. I'd like to start with understanding what the actual plan is here when we give \$50,000 to this development; what is the actual development?

**Ron Kimble, City Manager's Office** said this is a great partnership among many parties: the private developer, who is out of California; the Knight Foundation, Mr. Charles Thomas is here tonight; Doug Vincent, representing Foundation for the Carolinas; Michael Marciano; also Jesse Cureton, Member of the Board; the County with Dena Diorio; Leslie Johnson; Mark Foster with the County, been discussion that have had to occur in a very, very tight window of opportunity. There is an option to purchase this property that will end on December 31st. This is the last Council meeting that we could bring this to, and we've been working at a breakneck pace among all the partners to bring forward something that is a policy framework for the City Council to share in how we can save either through restoration, preservation or replication of the façade of the Excelsior Club and preserve the history. There are several development plans that the developer has brought forth; we will be working through those with him, but in essence, it is an

entertainment venue that will include possibly a boutique hotel; it will include music venue, a gallery, and the parking to accommodate that kind of development on a tight site, a very important site to preserve and remember the history of the Excelsior Club and do it in a way that the Historic Landmarks Commission, who is also a partner, and the community-at-large, who is also a partner in this can appreciate, give input and give their ideas on how we need to go about this redevelopment plan.

Mr. Winston said so, there are actual hard development plans with drawings? We haven't seen anything.

Mr. Kimble said there are very basic, but they are not final, they are not finished. They are ideas. That is all that I can describe them as, as potential development plans, but they are not final. They are opportunities for great weigh in on what will happen with this development at this location.

Mr. Winston said what is the plan here in terms of actually preserving the Excelsior Club? How will the Excelsior Club be preserved?

Mr. Kimble said the Excelsior Club at the current time is decaying rapidly. It is in very, very bad shape. It is falling in; it has been completely gutted from the inside. There is nothing left inside of any historic importance at this point in time, but there is in any historic preservation if you can save the facility and save the building that is one part of history, but also saving part of history is what you can also put back in its place if it has to go. How you can replicate and how you can remember the history and do it in a fashion that will be reverential to the development that was originally there in 1944. It is remembering what took place there as well as the building itself, and what is equally important is what actually took place on this location since 1944. The Historic Landmarks Commission will be involved with the developer to determine if there are any save possibilities, but I will tell you that the building is in very, very bad shape at this point in time.

Mr. Winston said what is the outlook here in terms of starting and completing this development? The last thing I want to get into a situation is we put money in, and 10 to 12-years down the line we are still saying, what is going on with the Excelsior Club.?

Mr. Kimble said thank you for asking those questions. That is why we put this in the form of a loan; the loan is to the developer. He must deliver on the redevelopment plan no later than five-years from December 31, 2019, so he must perform and deliver the redevelopment, including whatever is agreed to save, in accordance with a plan that is delivered to the Historic Landmarks Commission so that we could be sure that the history is being saved. So, they have five-years to perform. If they don't perform in that timeframe then the money that has been offered by the Foundation for the Carolinas at \$100,000; the Knight Foundation at \$50,000, the County at \$50,000 and the City at \$50,000, a total of \$250,000, that money will be returned to those respective organizations, and there will be a deed of trust placed on the property at the time we give the funds that will allow us to assure that that money will be paid back if they do not deliver.

Mr. Winston said when you say deliver does that mean the project has to be completed or the project has to be started?

Mr. Kimble said Certificate of Occupancy, which is the project completed all within five-years.

Mr. Winston said if it is a loan and they do complete what other payback terms?

Mr. Kimble said it is a grant; it is a forgivable loan, so if they do indeed perform the money becomes a grant. It means that they get to keep the funds because they did deliver on the consideration that we gave with the money that was allocated for this purpose. So, consideration is delivering on that which they have promised.

Mr. Winston said you mentioned the idea here that we are going to put a boutique hotel.

Mr. Kimble said that is one of the plans, yes. That is in one of schematics, one of the visions for the property.

Mr. Winston said from what I read this morning it seems like that was the plan moving forward, to put a hotel here. Just wondering putting a hotel on Beatties Ford Road, what does that mean? What is a boutique hotel? What is the categorizing, because there are different parts of town that don't have the economic development that are dealing with some of the changing neighborhoods where we are trying to remove hotels from that area? Why does a hotel along Beatties Ford Road right now make sense?

Mr. Kimble said the future of Beatties Ford Road is a streetcar line; the first four miles will be built in the next couple of years. This is on the extended streetcar line that will go out 10-miles from Rosa Parks Place to Eastland Mall; it is a corridor that will deserve and have redevelopment opportunities at the same time preserving the history of that corridor and the neighborhoods that abut that corridor.

This is the kind of thing that I think would serve Johnson C. Smith University very well. I think it is also a hotel that the Airport would benefit from, because it would be right there at the interstate that will carry from I-85 to the Airport. I believe that this is right for this kind of development, while also preserving and maintaining the strength of the corridor that we all want to see as the streetcar comes along.

Mr. Winston said so this is the same developer that was had a deal a couple months ago and then pulled out.

Mr. Kimble said I believe that is correct, yes.

Mr. Winston said what is the difference between a couple months ago and today to make this deal make sense?

Mr. Kimble said I would say refinement of their vision, refinement of their numbers and the opportunity to do something grand in this corridor. They have expertise in doing this kind of work in California; they've done large projects, and they've done small projects. This one would be deemed more on the smaller side of the developments that they've done, but they are skilled in this kind of development in communities like Washington Heights, like this area of Charlotte.

**Councilmember Bokhari** said you answered my first question because I didn't understand what the loan meant, but it is a forgivable loan. It is essentially a grant as long as they follow through with what you've been setting up.

Mr. Kimble said correct, but strings attached if they don't, and we would get our money back.

Mr. Bokhari said if they don't, but if they do then that money is theirs to keep.

Mr. Kimble said exactly.

Mr. Bokhari said how do you go about quantifying or forecasting because you've said the inside is essentially rubble at this point? There is nothing left to save there; it has been gutted. I learned most of this from the article I read this morning, but the outside is going to have to be I guess recreated in a way to kind of look like the outside has looked. It isn't going to exactly be able to be rehabilitated to that point. How did you guys come to the number that a quarter-million-dollars is what that market rate or going rate is worth?

Mr. Kimble said discussions, negotiations, opportunities and working with the Foundation for the Carolinas, the Knight Foundation, the City and County and in discussions with the developer and the developer's discussions with the neighborhood.

Mr. Bokhari said I guess if I was in the average public reading the newspaper today, which that is who I was, and then tomorrow whatever comes out from this meeting, what I would

read into it was a couple months ago there was a quarter-million-dollar gap between what the seller was willing to take and what the buyer was willing to offer, and now this is there. Is there another number that comes in and says this is what restoring that façade ultimately costs and that is where our forgivable loan is going?

Mr. Kimble said at this point in time, the discussions have centered upon that \$250,000 from those four partners and nothing in addition to that at this point in time, but as redevelopment happens and we all know how difficult redevelopment is, then that could be a discussion, but at this time this is the only discussion that we've had with the developer about the \$250,000.

Mr. Bokhara said where is the seller? Why haven't we heard from the seller today?

Mr. Kimble said I don't know why you would hear from the seller; I think that this is a proposal that is being brought forth in a partnership with a developer, the community, and with public, private and non-profit monies coming together. I believe this is the proposal that is coming forward that makes good sense for this corridor.

Mr. Winston said we are purchasing from somebody, and we are being asked to purchase from somebody. We should be able to talk to the person we are purchasing from, and we haven't gotten the chance to have that discussion. That is the way I'm taking it.

**Councilmember Egleston** said my comments are starting to feel like they might be premature at this point. I was just going to thank the other entities who are involved in this and Mr. Mitchell for his efforts because as the person who came to Council from the Historic Landmarks Commission, this has been a priority of mine and something we discussed when I was on the Historic Landmarks Commission now over two years ago, and after the most recent setback a few months ago, I think I had started to resign myself to the idea that all we would ever have left of the Excelsior Club would be a metal plaque in front of where it used to be. I was really excited to hear that there was an opportunity for us to save a portion of it or to recreate some of what was there and tell that story and tell that history. I think that I had a chance to visit before it closed, and I know that it has fallen into disrepair, and we've kind of pulled this from the ashes of what I think we all. I don't know if we'd made peace with it, but we'd resigned ourselves to the idea that it was doomed. I just wanted to thank the County and the Foundation for the Carolinas and the Knight Foundation for coming to the table to be partners with us on this, so we could find a way to make this work and get the best outcome we could possibly hope for at this point where we stand today. So, I will obviously be supporting this, and I hope enough other will and we can move forward with this.

**Councilmember Driggs** said I'm normally a pretty hard-nosed transaction guy, and I like to scrub the numbers and stuff. I agree with Mr. Winston's reservations about how this came up because I've often commented on the fact that things come to us, but frankly, it is pretty simple in my mind. If we have an opportunity to partner with these partners and do something in this situation, which we have watched with concern for a couple of years, and if we have an opportunity to make a statement of community unity and a shared concern for this facility, in this holiday season, I think it will be great if we all agreed to take it.

**Councilmember Ajmera** said I appreciate the staff's work on this and Councilmember Mitchell for bringing this proposal forward in such a short timeframe. I understand that you all are working on a very tight timeframe with December 31st as the deadline, so I appreciate you bringing this forward. For me this is not so much about the seller; it is about what is the role that we are playing in preserving our history? Thirty-years from now or twenty years from now, historians will ask Council, what did you do when you were on Council to preserve the history? I think we have an opportunity here to preserve a very important site, and really this will be the legacy that we want to leave behind in preserving a very important part of our City. I will be supporting this, and in terms of our investment, this is a very small investment for the site that is worth multi-million dollars. I remember there was a time when we were concerned that this site was going to get demolished, and now for \$50,000 we have an opportunity to preserve the history that our future

generations can get to see that. I think this is an important investment that we can make, and I hope my colleagues will support this.

**Councilmember Mitchell** said I thought it was great questions that we had. I lived most of my life on Beatties Ford Road, and I think sometimes we do get personal and passionate about some things, and for me, being down here for almost 18-years, it is probably my first very emotional zoning decision for me. When you ride by the Excelsior Club, you just remember the good times, what took place there, and what it means to the community. I hope as Councilmember Graham has mentioned and Councilmember Egleston, it is worth the investment we need to make today. In Charlotte, we are at our best when we collaborate with one another. We will vote today; the County will vote tomorrow and then our private sector friends, the Foundation of the Carolinas, as well as the Knight Foundation also stepped up and this is the Charlotte way. I do think for a long period of time the citizens have asked the question, what is the City Council going to do? I think tonight we can send a strong message that we have heard you loud and clear; you've been at the table with us. We have heard you, and we want to act tonight to show you how we want to preserve some African American history along a growing corridor.

Mayor Lyles said I know that this is perhaps under a deadline, and perhaps we are being asked to do something that is pretty quickly done, but sometimes actions require it for those things that have an urgency to them, and I think this is one of those times. I too want to say Mr. Mitchell isn't being emotional enough, because as many hours as he has spent on this and trying to talk through, I think since a year ago and maybe even longer than that on this one. So, I think we all owe him for keeping the eye on the prize award for this event tonight.

I also want to say that if you read the materials that was set out, and I know they came to you today, it says in consideration of the buyer's commitment to maintain the character of the Excelsior Club Façade, provide assistance for the restoration, preservation or replication of the façade, the City and the County both desire to offer assistance. When you think about all of the other projects that we've spent money on to preserve, I think this is the first time that I can recall one on Beatties Ford Road, and if we don't start doing something on Beatties Ford Road besides talking about LaSalle and Beatties Ford when we ever get to it. So, it is time to actually, for me, to bring something that is more than and not less of and I think we are going along the route of where everything is going badly that we are saying oh, let's take everything away. Let's just kind of pull things down where we need the impetus, Johnson C. Smith; they have historic properties.

We ought to think about this as a beginning. Look at Gethsemane AME Zion Church, Mount Carmel, all of those places over there. We ought to be talking, and I hope that the District continues to grow stronger and stronger. Mr. Egleston's participation, Ms. Marshall, you've been at it, and we really want to see this happen. So, everybody has a story about the Excelsior, and all of that is well and good but our story ought to be about the west side and the east side just like we've been talking about. We've done so many things so well; with a sense of urgency, we ought to save what we can and have what we can to do more instead of thinking about this as a deficit. I see this as a very good beginning to what can be a historic district. People don't realize that the houses that the Johnson C. Smith professors lived in look just like Myers Park and then they were red-lined, and they had to repair them by renting out rooms, and here we have the opportunity to start thinking about our Five Points area as one that is an exceptional tourism attraction for understanding what the south was really like when my parents had to come in and couldn't go anyplace except the Excelsior Club. I'm getting more emotional than I need to, so I'm going to call on Mr. Graham, but I would hope that the Council looks at this commitment as our first in this area and the historic district that it can be for what I think is a story that needs to be told.

**Councilmember Graham** said I can't follow that so I'm just going to call the question.

Mr. Bokhari said real quickly, I just want to say there is a lot of reasons why I would like to have more time at this but you guys and the passion for this and the start that it could be and where we might go I'm going to support it, and I hope that in the future this is one,

the beginning of something special in these partnerships, but two, will have more time in the future to drill into those things, but I see the opportunity here. I see the passion in everyone's eyes, so I'll join.

Mayor Lyles said I want you to know that also, and I thought Mr. Graham was going to go here. We are not doing this without some things that have to be done. One, the process requires that there be citizen engagement in how this replication happens. Nobody just gets to build whatever they want; we are going to have community engagement and involvement in it.

The second thing it will require a rezoning. So, you will have a chance to actually meet the development, see all of the outlines, because it will come before this body and that will be a time that we will be able to look at it and say has the developer, with the community, brought forward something that really works for what this community believes should be there. We have some opportunities; it is not just here is your money. let's go; it is here is your money. let's start.

Mr. Kimble said in addition to the community input that is required during a rezoning, I want to thank Charles Thomas and the Knight Foundation who have agreed to step up and have additional community input that they will help shepherd during the process.

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

The resolution is recorded in full in Resolution Book 50, at Page(s) 346-351.

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## HEARINGS

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to recuse Mayor Lyles from Item No. 31.

**ITEM NO. 31: HEARING ON PETITION NO. 2019-035 BY NOVANT HEALTH, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 40.43 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF JOHNSTON ROAD AND PROVIDENCE ROAD WEST FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO INST(CD) INSTITUTIONAL, CONDITIONAL).**

**Councilmember Mitchell** declared the hearing open.

**David Pettine, Planning** said this is at the southeast intersection of Johnston Road and Providence Road West; just some site context here in this general area at Providence; Walgreen is on the corner on the other side of Johnston Road. Currently, it is zoned R-3, which is single-family residential; we do have a proposed zoning of institutional, conditional use with a five-year vested right option. The adopted future land use is the South District Plan from 1993, does recommend single-family uses at three units per acre; however, that District Plan as typical with most of our plans do not recommend where the location of institutional uses go. So, while it may be inconsistent, we do have a recommendation that we've put together that talks about that, and we will get there in just a moment after this slide.

We do have about 163,000 square feet for the development of a health institution with up to 48 beds, 60,000 square feet of medical office in a single multistory building with an accessory helicopter pad. We do have a maximum height of 75-feet in the areas that we show property lines with residential zoning and 80-feet from the proposed right-of-way, buffers between this use and the residential uses. Architectural standards, 12-foot multiuse path along Johnston Road, as well as some bike lanes on Providence Road West and some transportation improvements that are related to some ingress and egress from the site.

As we mentioned, it is inconsistent with the South District Plan, which does recommend single-family residential; however, most of our planning policies don't recommend where institutional uses go. We typically look at those on a case-by-case basis. This area is an ideal location for an institutional conditional uses at this point. We are recommending approval and will be happy to take any questions following the petitioner's presentation.

**Susanne Todd, 1065 East Morehead Street** said I am here on behalf of the petitioner, Novant Health. With me tonight is Matt Stein, Vice President of Construction and Engineering with Novant Health, as well as Mr. Isher, a community member in favor of this rezoning. We've also got out whole development team here to answer any questions for you if you've got them. I want to thank staff, especially John Kenley for his work on this as well as Councilmember Driggs for attending not one but two community meetings.

Again, this is a project, medical hospital at the corner of Providence Road West and Johnston Road. It is a 48-bed community hospital, emergency room with a three-story medical office building. Again, it is the State of North Carolina that establishes where hospitals go based on need, and the need was determined with a Certificate of Need that this area of Charlotte needed additional beds. This is the concept renderings of the site, and there will also be a helicopter pad on the property available for transporting critical care patients from the hospital to the main hospital downtown. It is not anticipated that anybody would be flying into this; this is a community hospital and affords the community convenient medical care, emergency care as well as gives the opportunity for people who are convalescing to remain in the neighborhood or in their community with their loved ones.

This is a good location for this project. Hospital staff shifts run outside of normal standard a.m., p.m., rush hour; the project is not going to increase any of the area school's population. Again, it provided access to fast medical care, emergency care, got community amenities, walking paths and sidewalks around the site. I also want to let the Council know that during the community meetings, the Windham Oaks Neighborhood is across the street on Providence Road West told us we've got real problems. We don't have a left-turn lane into our community, and what happens is traffic backs up when we are trying to turn on Providence Road West. One gentleman reported that he looks in his review mirror, and he has cars barreling at him and squealing brakes as he tries to turn to go home at night. To that end, Novant has agreed to supply a turn-lane.

**Councilmember Driggs** said I just wanted to say for one, I appreciate your outreach and engagement with the community. This is in lieu of something that we already considered at a nearby site, correct, and you do not at this time have any specific plans for the other site?

Ms. Todd said that is correct; there was another site. This site is the ideal site for this hospital. There was property across the street that when this site was not available, Novant did purchase the other site, but there will only be one hospital, and there are no immediate plans to develop the prior site.

Mr. Driggs said I think it is a very valuable asset for that community, so I appreciate that part and also the addition of the turn-lane. One thing that I am a little interested in, what is the frequency of helicopter flights typically from a location like that?

Ms. Todd said Mr. Stein can speak to that better than I. My understanding is that less than once a month based on Huntersville and Mint Hill.

Mr. Driggs said sorry, I didn't get that.

Ms. Todd said there are similar community hospitals in Huntersville and Mint Hill, and that frequency is once a month to less than once a month.

Mr. Driggs said that the helicopter flies. So, we don't have a constant duration.

Ms. Todd said no, not 24-hours a day.

Mr. Driggs said I think we can address further questions, and as I say, I appreciate your outreach and we will continue to talk.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2019-069 BY HARRISON TUCKER – COHAB, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.9 ACRES ON THE WEST SIDE OF EAST 36TH STREET, NORTH OF NORTH MCDOWELL STREET AND SOUTH OF NORTH ALEXANDER STREET FROM R-5 (SINGLE FAMILY) TO NS (NEIGHBORHOOD SERVICES).**

**Councilmember Mitchell** declared the hearing open.

**David Petting, Planning** said this is just under an acre on 36th Street, at the corner of 36th Street and McDowell Street. The existing zoning is R-5, the proposed zoning is NS (neighborhood services). The adopted future land use, which is from the 36th Street Transit Station Area Plan of 2013, does recommend this area for residential uses up to five dwelling units per acre. We will talk a little bit through our rationale as we go through the next couple of slides. The proposal itself does commit to a building height with some step back allocations of 53-feet. That height is concentrated more away from some of those single-family residents on McDowell Street with that step back option. We do have 60 multi-family units being proposed, as well as 5,000 square feet of ground-floor retail. One of the unique features about the petition is the ground floor retail is a commitment to that being affordable, so that 1,600 square feet would be reserved at a rent that is about 60% of the current market rate, which is something unique that I don't believe we've seen anything, at least so far, this year, for that type of commitment as well as three affordable-housing units, which would be committed to through the Federal Housing Voucher Program. They have sidewalk improvements along North McDowell Street, as well as some frontage sidewalk improvements along East 36th Street, architectural features, underground parking and a buffer along the sites that have a shared property line with residential.

As we mentioned, the petition is inconsistent with the 36th Street Transit Station Area Plan; it does recommend residential uses up to five dwelling units per acre. So, we look at this petition a little bit through a lens given the Blue Line Extension that has come in just up 36th Street. We are really not that far, less than one-half mile or just around that half-mile mark from that transit station. So, we take a look at that plan and look at some of that transition from the TOD zoning, which is at North Alexander Street and 36th Street really didn't provide much of a transition or proposed transition from denser TOD development into that residential component. Staff does feel that this is a petition that is consistent with some of the development that we will continue to see along East 36th Street within that proximity to that transit station. We do understand that density is certainly higher than what is recommended, but we feel that mix of uses with that residential component and the ground-floor retail does provide the type of transit-supportive uses that falls within line of the TOD ordinance, and we do recommend approval of the petition and will be happy to take any questions once the petitioner and the public is done with their presentations.

**Paul Pennell, 2219 Wittstock Drive** said I am with Urban Design Partners; I'm here alongside Harrison Tucker with CoHab, Roma Homes, and Cluck Architecture, as well to present to you, not a good project, but a great project for the City of Charlotte. A good project that elevates design and has also set a new standard for public engagement for new rezonings, especially within the NoDa Community.

Currently, what we are proposing is a single building located along 36th Street, approximately one-quarter of a mile from the 36th Street Station. Within this building, we are proposing 60 residential units, three of which are earmarked for Federal Housing



Vouchers and also approximately 5,000 square feet of retail space, of which one retail bay would be earmarked for an affordable component. We can discuss that a little bit more in detail in just a few moments. Within this building, we are proposing up to three floors of main height and then a fourth floor that is step back.

**Harrison Tucker, 416 East 18th Street** said I am with CoHab and representing a collaboration with Roma. A couple of things I want to call your attention to on the site plan here a few blocks from the 36th Street Station at the corner of McDowell and 36th Street, you can see the two public courtyards facing 36th Street. We are really excited to bring that public amenity, which we hope will be well used by the neighborhood and the retail which is represented in the purple blocks along 36th Street. Those are the three retail bays, one of which we have set aside to be 60% of market rate, and the intention there is to really keep the spirit of the artist alive in NoDa. We want to have creative uses in those retail spaces and we know affordability is important to that. As Paul mentioned, we have three affordable units in the residential section of the building, one entry/exit of the car park along North McDowell Street that goes to underground parking garage. There is one parking spot per bedroom except for the third bedroom on the three-bedroom units, which amounts to about 95 parking spots for the residential-dwelling units and then there are 10 commercial spots meeting the commercial requirement as well. There is a 15-foot landscaped buffer surrounding the property, buffering that to the adjacent single-family residences and ample sidewalks along 36th Street.

Here is the façade of 36th Street; as you can see both the sides of the fourth floor are stepped back from the edge of the property. You will see later an imagery to how far the fourth-floor setback from 36th Street, so it really appears if you are walking along 36th Street as a three-story building. We wanted to design the building such that it was imitating the kind of development that are old buildings along North Davidson Street that have the retail so prized by the neighborhood, and you see the courtyards there as well. This is the elevation from North McDowell Street, and I particularly want to call your attention to the setback along 36th Street of the fourth-story. We are about 43-feet to the height of the parapet of the very front section of the building along 36th Street and then it steps down to 40-feet, which matches the single-family, zoning-height limit, and you can see there we have a landscaped buffer, a buffering wall and an alley that is existing in between our project and the adjacent, single-family homes on North McDowell Street.

We have an activated covered porch; porches are a big part of the NoDa community, and we wanted to include one here along North McDowell. The retail wraps around the corner and then this is the elevation from the alley. So, if you were standing in between this project and the adjacent single-family homes on North McDowell Street you would see landscaped buffer and then the fence and masonry wall. We, by request of the community engagement process, included a masonry wall along the driveway entrance on North McDowell Street and then you can see the way the design steps back away on the fourth floor here as well.

We took a lot of pride, as Paul mentioned, in our community engagement process and came at it with a lot of intentionality. How can we actively talk to both the local neighbors and the community at large and incorporate feedback at every step along the way? So, before we even introduced the project to the at large NoDa Business Association, we met with the local neighbors and we continued to do that throughout the process. We had six separate meetings updates and then that culminated in the approval from the NoDa Community Association on November 5th. A couple of the major concessions we made really from the onset and we got feedback both from the local group and the at large group was the massing. We took it down from six to four floors originally and then we had a new plan to go from five to three and then eventually landed on really what is three floors all the way around with the step back fourth floor, and we felt that was most appropriate as a transitioning phase from sort of more dense TOD developments down by downtown NoDa so to speak and the newer developments along 36th Street.

Mr. Pennell said since April, there have been quite a few concessions that have been made on this particular rezoning, most notably is when it was initially submitted it was submitted as a TOD project. With the TOD project, we all know that those are going to

be conventional without little to no public engagement. We had actually changed and decided that it was more appropriate after discussing with staff and the community that the NS conditional neighborhood services district would be more appropriate. I think this is a good graphic to see from the engagement process with the community and staff, the number of different types of concessions that have been made, most notably scale, building height, reducing the total number of residential units, and also, we even got down into the granular side of things as well with agreeing to soft close gates and things of that manner, not to disturb neighbors.

Mr. Tucker said why we are really excited about this project; we are a group of architectural dweebs, and planning needs, and building geeks, and we think this project is important because of the mixed-use. I mentioned the affordable retail space; we are committed to finding local tenants. We use these images to derive the type of design of those retail bays. We really want to contribute something to the walkable neighborhood of NoDa; we think it is wonderful that on any given evening people are out strolling around NoDa, and we want to help bring that walkability down 36th Street a few blocks. We also think it is a great opportunity for people who want to use the light rail to live nearby the light rail and to provide a diversity of housing stock. I mentioned the public courtyards; we really want those to be active community spaces, and we are committed to including art in the projects at part of the reason behind that affordable retail is to drive the NoDa funk that we all love. Here is an image of the building looking on 36th Street down towards The Plaza. The Cluck Team has done an excellent job of designing something special, and I think here you really see how that fourth-floor massing steps back away from the façade.

**Jacob Horr, 3401 Benard Avenue** said I am President of the NoDa Neighborhood Association, and as stated in the letter sent to Council yesterday, the Association is supportive of this rezoning. We began working with them in the spring of this year, and through three formal community engagement sessions, as well as numerous informal ones, this project has changed quite a bit and truly believe that through that engagement we've gotten to a place where the Association can support it.

The mention the change of TOD districting to Neighborhood Services which is while TODD will be coming nearby in this neighborhood, is definitely more supportive the reduction of floors, etc. also, the inclusion of affordable, not only rental space for residents, but also for businesses as we have more Mom and Pop type businesses that are pushed out of the neighborhood. As the letter states as well, there are some areas that the Association as a whole, as well as impacted neighbors, have some concerns. Some of those are somewhat outside the scope of what the petitioner could help us with and already starting to talk to the City about some safety concerns on McDowell Street from safety vehicles being able to get through. as well as we've approved multiple rezonings along 36th Street, the additional density and cars and wrecks that continue to happen there. So, I ask for the City's support from that perspective and as we mentioned the engagement that we've had with the petitioners today going forward, looking forward to continuing to discuss the other items that we outlaid in that letter.

**Sean Boes, 727 East 35th Street** said I'm in the building products industry. So, by default, I'm for responsible development. That being said, my work requires me to see a lot of cities, and I'm concerned that overdevelopment like this will hurt the City's growth in the long term in terms of attracting talent. Charlotte's objective is to continue to grow into a vibrant city that brings in businesses like Honeywell or attracts talent like my company has done. I'm concerned that this is exactly the type of development that we should take a careful look at. I've spoken to these gentlemen up here, and I'm all for a reasonable development in this location but the density sets an alarming precedent, and that is the main concern that I'd like to talk about. Sixty-six dwelling units per acre in a residential area is not precedented in this neighborhood, and I think if done at scale would ruin the fabric of NoDa and would start to ruin some of the fabric of the Charlotte community as a whole.

I moved to Charlotte in 2012 when I got out of the Army, and like many of my neighbors I was drawn to the charming neighborhoods, friendly people and overall the cleanliness of

the City. It was clear a lot of work and planning had gone into getting the City to where it was at that point.

Since I've moved here, my company has attracted seven people from Chicago, Miami, Fort Lauderdale, Asheville, and I'm just pleased to welcome them to this City, and my concern here is that if we continue to allow these types of unprecedented, dense developments, we are going to lose what makes Charlotte attractive to people who want to move here and thrive here.

**Anthony Ross, 3213 North McDowell Street** said I represent a group of 10 houses that are going to be immediately impacted by this project. We didn't bring signs, but we did bring handouts, so I hope that helps for you guys. I have proudly served my country as a United States Marine and proudly served by City and neighborhood as a NoDa Association Board Member, Vice President, Committee member, and volunteer. I say that to say I like you take pride in serving the greater good often at the sacrifice of self.

Today, I hope to represent that with your help the greater good can be served with this project. My wife and I live in a house on McDowell Street; ironically, you can find a picture of our house in the Blue Line Extension Plan on page 24. Also, in the Blue Line Extension Plan adopted by this City Council in May 2013 is an area plan with specific definitions on how this property should be responsibly developed. If you refer to pages 30 to 32 where it defines this area as maintaining the residential portion of the neighborhood up to six units per acre. It was designed as low-density residential with typical buildings being single-family homes, duplexes, triplexes, quadruplexes up to 40-feet in height. Six units per acre on this property continues with the responsible development along the light rail as agreed to by this City Council just a few years ago. Additionally, our NoDa Neighborhood has a document that defines how this property fits with neighborhood development. The NoDa Vision Plan calls for emphasis on single-family homes up to 34-feet in height on 36th Street. So, at the time the 10 of us purchased our homes, there were two documents that defined how this area should be responsibly developed. To date, those documents have not been adjusted or superseded. Additionally, City Council just past a City Transit Oriented Development document in April; as recently as April there was nothing to suggest that this area should experience additional density outside of the six units per acre.

It would be reasonable of us to ask you to stand by the documents you endorsed, maintain the six units per acre as outlined in the Blue Line and emphasize single-family homes as suggested in the Vision Plan. Yet, we as community leaders appreciate that there is a unique opportunity here to put in a project that will have long-term benefits to the neighborhood and to our growing City even at the sacrifice of our personal liberties. We feel there is a lot of great attributes in this project. These guys have done a wonderful job in bringing the character of NoDa to this project, and I don't want to take anything away from that. We feel strongly and are glad that there is an affordable housing component to this although we do feel five percent isn't nearly enough to justify the increase from three to sixty units. We also feel very good about the retail units there. That is not a concern for us; it is something that we actually support. They have done a great job with the neighborhood providing an amazing project.

Our concern since day one has been and continues to be one thing, density. If this project were at a more a more reasonable scale, we would not be here today in opposition. So, while we do believe in development, we believe strongly in responsible development. A jump from three single-family units to ten townhomes would represent a significant increase; a jump to 30 units would represent a 1,000% increase in density. They are asking for double that, a jump to 2,000% density. That is 2,000% traffic increase; that is 2,000% more toilets being flushed. That is 2,000% more fires that responders are going to have to respond to. At 60 units, on less than one acre, this would be the most dense project in NoDa, and if you look at the handout we have, you will see that it is more dense than [inaudible] NoDa, more dense than the mercury and almost twice as dense as anything that is in the neighborhood within the residential area. It would be irresponsible of us to believe that we can go from three to 60 and not expect there to be long-term

effects, effects that we as neighbors, we as taxpayers and you as City Council could be left to deal with for years to come.

We understand it is complicated to consider opposition when a neighborhood association votes one way. Please consider a few facts from our Neighborhood Association vote. The final tally for the vote was 37 for, 25 against, a difference of 12. There were 13 residents just from the houses here that, for various reasons, were not eligible to vote. Most of them had recently moved into these houses and didn't meet the minimum requirement. So, all these voices were not able to be heard. To represent those impacted neighbors, we have provided a petition. They have signed this petition and about 150 other neighborhood residents have additionally signed this petition against this rezoning. As we spoke to our neighbors, the overwhelming majority were firmly against this project but did support it on a more reasonable scale.

Mayor Lyles, City Councilmembers, it would be easy to say yes to this project. It would be easy to forget the plan you made for development in this area. Councilmember Ajmera brought it up earlier; why do we have a plan if we are not going to follow that plan? It would be easy to forget the hundreds of residents who signed and stated they were against this petition and remember only the 35 residents who happen to make up a majority of the Neighborhood Association on one single evening. We have put our trust in you to make the right choice. I trust that you are going to serve the greater good of this community.

Today, I ask that you put your trust in me and the many neighbors that I have that are community leaders and I'm lucky enough to call my neighbors. Bring the developers to the table so we can work together for a project that truly checks all the boxes. Say no today, and we will bring you back a project that serves us all. On a personal note, thank you for your services and the sacrifices you make every day serving this great City of Charlotte.

In rebuttal, Mr. Pennell said density has been an ongoing discussion since the beginning of this process, which is why we've actually reduced the density quite a bit. We still stand by the fact that we believe that this project is similar in size and scale to projects that we're directly adjacent to. You will note that there is actually a dash line to the left of the image there that is representing the current by-right height which is 40-feet, and also, in response to the density that is currently being proposed, we would like to bring your attention to currently we are proposing all of our parking to be subterranean. When you incorporate all of your parking underground beneath the building structure and not surface park like is so typical in our City, you artificially inflate the DUA. So, in this case, because we are proposing the parking underground that is artificially inflating the DUA to 66 DUA. If we surface park this, like the Arden right next door to this one, we would need approximately an extra acre of land and then our DUA would be approximately 35 units per acre. The Arden on the adjacent corner is currently 40 DUA. So, just comparing it apples to apples comparison of the two projects, I'm just trying to show an apples to apples comparison between them. In addition, the Mercury NoDa, we actually found it to be at 74 dwelling units per acre when you apply the actual parcel size to the number of units that are there on site. So, to say that we are proposing something that is the most dense in the NoDa Community, we believe is actually an inaccurate statement. Three housing units being affordable, these aren't 80% AMI units, these are actually Federal Housing Voucher. This is a unique product that we think Charlotte is in need of in addition to the unique affordable retail space as well along 36th Street. We think it is an important project and would certainly benefit the community.

**Councilmember Egleston** said to my friends who spoke in opposition, I will say first of all thank you for your service to our country, but I appreciate the nuisance and the specificity of your objections and saying there is a lot about this that we like, but there are certain things that we don't. That is far more helpful than just coming in and saying we hate it, and we can't really explain why not. Whatever happens here. I would ask Paul or someone to quickly summarize the discrepancy between their assessment of the Mercuries density and yours.

Mr. Pennell said we actually went in and started studying some of the back rezonings that had occurred, and we noticed something interesting on the acreage that had been applied to some of these past rezonings; Mercury in NoDa is one of them. I actually noticed that the land area that was associated with the DUA with Mercury NoDa, for whatever reason went to the centerline of road, which adds additional land acreage to the rezoning. It was a little strange, so some of those numbers seemed a little weird when we were doing some research on the back end.

Mr. Egleston said I would be interested in hearing from staff on that, but it doesn't have to be right now. I do want to say to the petitioners, I am greatly appreciative, as always, particularly when people come in and voluntarily want to include affordable for residential and are not coming with their hand out when they do that to us. So, that is much appreciated. I hope that more of our development community will take note of the inclusion of an affordable-retail space, because I think that is something, particularly given some of the stuff going on along North Tryon Street I've had an opportunity to talk to a lot of people about, and I think it is probably a crisis that is barreling down the road towards us, which is for a lot of our local businesses in this community, they are going to be priced out of places where they can conduct business. I think while that might not be as dire problem as affordable housing is today, I think it is going to become more and more of a problem, and so I hope more people will take a look at that as an option as they develop commercial space and office space throughout our community so we can continue to encourage a community that values and supports local small business.

I will say just kind of principally that there is a discussion to be had about what the appropriate level of density is in this corridor, and if this were on 35th Street or 34th Street I would flat out agree that this is an unacceptable density. I do think that to preserve the interior of a lot of the neighborhoods that I represent like NoDa, Plaza/Midwood, Dilworth, and others, and we've demonstrated this in all of those neighborhoods. We have to allow for density along those main thoroughfares like 36th Street, like the upper Plaza, like Central Avenue, and we've done things like that throughout the City over the last two years.

While everyone will have a different opinion on what the appropriate density is on 36th Street, I personally don't think it is six dwelling units per acre, and we've had that discussion, and I've made that clear. It has got to be more dense if we want to preserve the interior of the neighborhood, and frankly, it has got to be more dense, because it is a quarter-mile from the transit station, and if we want transit to be successful, we have to feed it and make it be successful by having density within walking distance to it. So, again we can continue to have the discussion about the appropriate level of density, but as far as I'm concerned, it will never be six dwelling units per acre again. So, we just have to find the right number above that.

**Councilmember Johnson** said it appears that the developer or the petitioner has worked closely with the community, and I was wondering if you had a list that you could provide us of the concessions that were made. There seems to be quite a bit.

**Mayor Lyles** said if you could just send that to all of the Council.

**Councilmember Winston** said this question is for staff as it relates to what the person in opposition related to the Blue Line Extension Transit Area Station Plan, as well as the NoDa 2030 Vision Plan. Can you clarify if this is accurate if it goes up against those two plans in terms of density? It says the City created and adopted the Blue Line Extension Area Plan as a public plan and policy for these properties. It states maintain the low-density, residential portion of the neighborhood at up to six dwelling units per acre and that the NoDa 2030 Vision Plan states on page 23, mixed-use density at the North Davidson and The Plaza intersections and that multifamily, not to exceed 30-feet with an emphasis on single-family attached in between.

Mr. Pettine said the petition is inconsistent with the Plan. I would have to get into it to look at some of the nuances that are in that language specifically. I would be happy to do that in a follow-up, but as far as the density recommendations, yes. It is inconsistent with that

aspect of it, but some of those other details we can certainly look at and give you some clarification on in a follow-up report.

Mr. Winston said this is not an old area plan, but you are recommending this to go up against the plan that we literally just –

Mr. Pettine said I think if we want to give in to that kind of discussion on it, so the adopted future land use plan we've got up in front of us here is residential at five DUA. We've got TOD as we've talked about a little bit earlier just right there 36th Street and North Alexander and that carries up to the station. We've got some TOD mixed in some of these areas. What I think the Plan has some challenges from a policy disconnect, particularly considering that our ordinance adopted back in April talked about TOD being appropriate in areas within a half-mile of our station areas. This is less than a half-mile. So, from an ordinance standpoint, this would meet the requirements of the TOD based district. Some of the disconnect between the policy is there is really a pretty strong lack of transition between some of the densities that are allowed in TOD and this five DUA. You would like to maybe see a transition to something that could be at a higher density here and get further down 36th Street to a little bit lower density and then maybe back up again as you get towards The Plaza. So, when we looked at this petition and what they were proposing we looked at it in the context of what is going on around it? What has been adopted in our TOD ordinance? The form of the project became very important to this project, given we've got some multi-family development just catty-corner from it and up the street, so we worked very closely with our Urban Design Staff and so when we get into that question of density the building form itself we think is appropriate. If we get into the number of units we could look at the same building with 30 units that are just larger and then we get 30 DUA, but I don't think the form or function of that building is really going to change.

So, from the context standpoint, we think the building is appropriate; if that number of units is really what the issue is, then we have to think of that context of, if we have 30 units in the same building, yes. We drop the DUA to 30, but we still end up with the form in terms of the structure of the building, which I think again fits in with the context of that neighborhood. Like I said, with the TOD ordinance passing those densities really would be at the discretion of how the site could be developed under the development regulations with building height and other aspects of the TOD, so if they came in with that TOD application, we could look at a project that could still even be more dense if they could meet some of the development standards under what they would be eligible for under the TOD. I think the NS gave us a good balance of community input. The number of dwelling units, you have 60, and it is on an acre so it is very dense from that standpoint, but that is where again the context of that building and the form came very much into play as well and we feel that has been appropriately done given the height and scale of the building for what is going on in that corridor.

Mr. Winston said I think there is more discussion here, but I think I can take that offline because it is troubling to say that DUA actually doesn't matter, but we know that this is a big-

Mr. Pettine said I don't think DUA doesn't necessarily matter per se; I think as we go into our Comp Plan, we are going to start looking at things that are going to be more form-based and look at what the context of some of those areas are, place types, how we are going to create community and how we are going to create that fabric through good urban design and good principles and get away from maybe that kind of blunt object tool of just the DUA recommendation, because it really is almost like using a butter knife for surgery in some instances, because there are recommendations that make sense internally as Mr. Egleston said, off of some of those main thoroughfares. That is where some of that protection becomes critical as well look at some of these main corridors, particularly hearing into a major transit station that density does become a little bit more appropriate. So, yeah, that plan is six or seven years old at this point, but I think also that adoption of the TOD ordinance in April really kind of changes some of that lens to look through that as well, given that this could be eligible for a TOD district.

Mr. Winston said I think we should take something offline because I have a lot of concerns.

**Councilmember Ajmera** said just like my colleague Mr. Winston mentioned, I'm just not clear on a recommendation which is staff approved this, but it is inconsistent. I'm not clear on that. I see the rationale here for the recommendation, which highlights some of the amenities that it would provide, especially the retail affordable space, and I think that is very much needed for small businesses and three units of affordable housing. I think that is great. I would like to understand why it is inconsistent with the plan; however, staff recommends it. Could you elaborate on the density?

Mr. Pettine said I think as we discussed from Mr. Winston's question, the density issue from that standpoint of what we just adopted in April and what we just went through with the TOD alignment, the site essentially is eligible for a TOD type of product. It is within that area, so that type of density we could see just through that zoning district. So, the plan recommends that five DUA again, which I think there is a little bit of a disconnect without a good transition from TOD uses to a five DUA recommendation. Granted again, when we looked at that number of DUA and we started to look at the form of the building and the function of that building and how it fits into the fabric of 36th Street, and we feel that even though the DUA number is high, I think that is also a number that becomes a little bit more that we get hung up on more than some of the form. Again, I think that is an area we are trying to get away from as we move into our Comprehensive Plan process you are going more place types and more items that based on context rather than a number that gets thrown out on a map under dwelling units per acre. I think from that standpoint staff understands that it is a very high density; we also look at the form of it and feel like it fits in with the fabric of what will be 36th Street, not just this is kind of first in the door. So, it is easy to kind of pick this one a little bit, but I think as we see 36th Street develop over time we are going to see more buildings and projects that have this form and context and that rhyme of 36th Street will change a bit to projects that function a little bit more similar to what we are looking at as this kind of first in currently.

Ms. Ajmera said if this was a TOD, are you saying it would be the same amount of density as it is being proposed?

Mr. Pettine said potentially, yes.

**Councilmember Driggs** said for one, I hope you will not discard DUA entirely, because it does pertain to more than just the form of the structure; it has to do with local traffic conditions, etc. I'm just wondering; all of this is being done, because with reference to the TOD, why isn't this a TOD application?

Mr. Pettine said we started out, as the petitioner mentioned, with the TOD request coming in. I think we looked at the TOD and some of the entitlements that could potentially come in terms of building height and some other things that TOD would just allow by right and felt that the conditional NS process would give us a little bit more ability to have a building that is capped in height that is a little bit more consistent with the height around it at that 40-feet. It is up to 53, but that is that step back provision where it keeps it in line a little bit more with what the 40-foot height would be pretty much around that through the current zoning. I think we had an opportunity through that conditional process, and I think that TOD district just at this point, the entitlements could be a little bit more in terms of building height, and I think we had an opportunity to take that conditional process to address form and function in a little bit more detail than this, and we felt that would be the best path forward for a project of this nature.

Mr. Driggs said so, that was actually a staff recommendation and not the petitioner that decided not to have-

Mr. Pettine said we had some healthy discussions internally and that was the outcome to look at an NS district on this.

Mr. Driggs said and therefore, it is not the case that there is anything you couldn't do under a TOD that is possible under the NS? My concern is if we are operating under those things which are permitted under the TOD and maybe we're not also respecting the constraints. So, you are saying that this is generally more limiting than a TOD zoning would be.

Mr. Pettine said in the sense that it caps the entitlements at a certain unit count; it caps the building height at a certain height limitation. It gets us some of the conditions that we've provided for those affordable units, some of things were items that we were able to work through this petition being conditional versus just the by right TOD project.

Mr. Egleston said just one other thing and we dealt with this just a couple of months ago over in the Belmont Community, but to the handout that we received, and talking about how tight some of those back streets can be and access for emergency vehicles and things like that, Jacob mentioned he has been meeting, and I've joined him as I am able, with C-DOT regularly now, because there are so many issues like this in NoDa.

I know he will, and I hope that the neighbors will engage with him in doing that, that we can work with C-DOT. We dealt with a Belmont rezoning recently where there was a similar concern about how tight how things can be when people are parked on both sides of the street, and we are able to address it with C-DOT through some little segments where there just needed to be some overgrowth cleared off the curb, able to address it through a little section where we said on this side of the street there is not going to be any parking, and so I agree wholeheartedly that there are things that need to be done back there and hope regardless of the outcome of the rezoning. I know Jacob is going to continue those meetings with C-DOT, and we can make sure that these things get on the list so that we can look for some solutions.

Mayor Lyles said I think we are this place in our time where we are not quite there yet. If everybody has a car, and even though they take transit and they park that car somewhere and the parking here is really, really tough so, when we make parking expensive and transit available. I remember a friend of mine in New York had a car, and that car was housed in New Jersey, because you couldn't afford to park that car in New York. We are not there yet, but I think this is where we have to begin to think about ourselves and that you can't say well, I'm going to have this great car and park it five days a week and go to work and then come and just be able to drive around at your convenience. That is why this congestion issue exist today; it is that somewhere we have to figure out that if you take transit you can go to the grocery store on transit and not to have to have a car for that purpose on the weekends or whatever. I understand. I see it.

The other thing I would like to say, and I know the manager is not here, but if you go to any European City the fire trucks aren't as big as what we have. We have big fire trucks and there are smaller fire trucks that are used safely in other communities with streets that have on-street parking. I think we need to get an idea; I keep giving Taiwo all these assignments for Marcus, but he is a big guy; he can handle it. I would like to ask for some analysis on our fire trucks because it is a problem that can't just be solved by curb cuts or cutting down the overgrowth or whatever because we ought to be planting more trees and using smaller trucks.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to close the public hearing.
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**ITEM NO. 33: HEARING ON PETITION NO. 2019-080 BY SEAHAWK PARTNER HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 11.15 ACRES LOCATED ON THE WEST SIDE OF COMMONWEALTH AVENUE AND EAST OF CHAR MECK LANE, NORTH OF MONROE ROAD FROM R-5 (SINGLE FAMILY RESIDENTIAL) AND R-8MF (MULTIFAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL)**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this approximately 11.15 acres on the west side of Commonwealth Avenue, east of Char Meck Lane and north of Monroe Road just to give you some general context. Oakhurst Steam Academy is right up here on Commonwealth; this petition kind of wraps around the back of that along Commonwealth and Monroe Roads. The existing zoning is R-8MF, as well as a mix of R-5 single family on the backside of the property. The proposed zoning is UR-2 urban residential conditional zone. The adopted future land use from the Independence Boulevard Area Plan does recommend residential uses up to 12 DUA for a majority of the site. There is a small portion on the northern end of this petition where the land use plan does recommend only up to five DUA for that portion of the site that would be in that area of Char Meck Lane and Levy Way.

This proposal is for up to 134 single-family attached units, which gives us a max density of about 12 units per acre. Those attached units could be converted to single-family detached residents at a rate of about one and three-quarter townhomes to one single-family home, which could result in up to 76 single-family detached homes. There is a maximum building height of 45-feet, as well as maximum limit of six units per block there with 150 feet per building. Architectural standards as well as buffers or fences along the alley abutting single-family homes on Crater Street, visitor parking spaces, and we do split the site into two separate areas for transportation improvement phasing, which requires two minimum access points prior to that issuance of a one-hundred certificate of occupancy for a dwelling unit.

The recommendation from staff is that we do recommend approval of this petition. There are no outstanding issues. That is consistent with the Independence Boulevard Area Plan for the 12 DUA for the majority of the site; however, there is that inconsistency with that portion where we have up to five DUA. The proposal is at 12 DUA; we do feel like it would add a mix of housing types to the area, creates some new street connections for future development along Monroe Road, as well as architectural standards and building heights that are compatible with the single-family adjacent residences.

**Collin Brown, 1420 East 7th Street** said am with Alexander Ricks on behalf of the petitioner. Our team tonight, Matt Langston with Land Works has done the civil engineering, and I am here on behalf of the petitioner and owners of some of the properties Jacob Norris and Andrew Rowe with Seahawk Partner Holdings and Tripoint Homes is the proposed builder for the site. Staff has done a good job on the location; this is in the Oakhurst area, which is growing very quickly. That is a zoom in on it but I think David covered that well.

One of the things you will hear about so here is a look from Commonwealth Avenue and here is a look from Levy Way so you will hear some conversation about Levy Way. There is a relatively new single-family home neighborhood there that ends in a stub street, and that stub street has been subject to great discussions, so I think you will hear more about that. The existing zoning on the site, a portion of it is already zoned for townhomes at an R-8 density. We are proposing UR-2, which is an urban residential CD, and this is in the area of the Independence Boulevard Area Plan. The majority of the site, it recommends 12 dwelling units per acre, which is about the density we are at. There is a portion at the rear of the site that recommends five, and we do have fewer units in that location, so generally, I think we've talked about a lot of plans that are inconsistent tonight. This is one that is consistent. I think staff saw this was an area that was growing, was expecting growth in this area, and so we have a plan that supports this.

We have had about four to five outreach meetings with neighbors, some of those official and some unofficial. This was a look at one of the earlier site plans that we proposed. This showed 140 townhomes units at a density of just over 12 units per acre. We shared that with the community, have gotten a lot of feedback. I think we've had some very positive interactions with the community. I know there are some speakers in opposition, but I hope they will mention some of the progress. The comments that we've heard from the community, number one, was that they preferred, they very strongly did not want a connection to Levy Way, which I showed you our site abuts that. They preferred more concentrated development so more areas could remain undisturbed, we could have more tree save area. One of the specific ask is right across Commonwealth Avenue from the site is an elementary school. They asked if we could remove some units from that frontage to create some green space across from the school. They asked about some traffic calming measures through the site, how areas within the site could be enhanced to provide better open spaces. We talked about amenities needed for the area and then pedestrian traffic through the site and they ask us if that could be improved to protect those that are using that.

The team went back, made some changes to the plan, which I thought were all very positive, so this is a look at the current plan. This shows a reduced density; we went from 140 to 134, and there is a conversion here that would allow if the development team chose. So, they can convert to single-family homes with about 75 single-family homes. This could allow for a mix; this shows a buildout with townhome only and one of the first things to point out, this is the area from the school where there has been a row of units that were removed there to create some open space. There is an active open space across from the school, set their neighborhood back a little bit. Additionally, the initial plan you see here, we had units coming pretty close to the property lines. The current plan really pulled those units in from the property lines to create some open spaces around the parameter of the site. We think the site plan if there does have to be a connection to Levy Way, which is a concern for the neighbor, that is a concern for us also, we prefer not to have that so there is some design to slow traffic if it was moving through our site. We've increased the wetland protection area, usable open space. Some of the neighbors asked if we could do a pool or some other type of amenity. The development team really believes the neighborhood is the amenity here. This is super walking distance to Common Market; there is a school across the street. So, they did not want to program in something like a pool that would cost more in HOA fees each month. I think everyone thinks that was okay with that response.

There is an existing apartment community just north of us. I understand this site is undeveloped now and a lot of folks from the apartment community cut through the site to either get to churches or to Monroe Road. The neighbors wanted to make sure that was protected; they were able to go through the site, so it tees pretty nicely. We are actually showing a public street that extends from the stub of that apartment community to our property lines out on Monroe Road, and we would have curb, gutter, sidewalk, and lights. So, it will be a safer, better look condition than there is today.

I think most of the community felt pretty good about the discussions back and forth. The lone outstanding issue that has really been a thorn in our side and the community is this connection to Leve Way, which I mentioned. The challenge for us is the subdivision ordinance requires us to make the connection. As I showed you the picture of the end of Leve Way, there is an existing stub street that goes to our property line, so under the letter of the ordinance, we are required to connect to that. This is a look at that today; there it is. Our property is over here, and you will notice you don't see straight off there; it actually takes a dip down. I think there are some wetlands down there and some really challenging topography. So, this is one of the situations where the development team, we would prefer not to make that connection; that is a very expensive connection. Making that takes money, and we actually had a plan to build another connection out to Monroe Road, but if we spend a substantial amount of our resources on this connection we may not be able to afford to do both.

We applied to the subdivision department and there is a process in our ordinance where we can request an exception to a subdivision requirement. Our engineering team, Matt

Langston spearheaded that effort; we think this is just a hey, the neighbors don't want it; we don't want to pay for it. There are some real topographical challenges there; there are some real environmental challenges, so we thought we had made a good case. That is in the discretion of the Subdivision Administrator and Planning Director to determine. That was denied, so if it was denied then we are required by ordinance to make the connection. That is where we are today, and this is the site plan; here is the connection to Levy Way. I think the neighbors would tell you, well, where does it go? If you are C-DOT you can certainly argue that we need more connections. If for some reason I think they would argue if the Levy neighbors couldn't get out on Commonwealth Avenue, this would provide them with another access point. It really does not provide much for our future residents. Our development team actually had a plan for a stub connection here to try and purchase this property and have another access point out to Monroe Road. We liked that idea; this is expensive land. We probably cannot make both the connection, so we are showing that as an option. We are teeing up to it, and if we are able to do that, we would like to do it. That is not required; the one that is required is the connection to Levy Way, which is problematic for us from an environmental perspective and a financial perspective, but if we had to do we could do it. I think that is what you will hear from the neighbors. I know we are going to have a long night I will hold off on using the rest of my time and turn it over to the neighbors.

**Liz Millsaps Haigler, 4117 Commonwealth Avenue** said I actually went to high school on the west side with Smuggie, and I live on the east side and my favorite thing I would like our new Councilmembers to know and to say is the west plus east equals we. So, you don't hear this very often, but we are very pleased with the developers; they have met all of our requests, except our first one, which was can you just build a condo tower and that way we could save all the trees because after all, we are Oakhurst. We are losing those trees rapidly, both to gentrification and the fact that they are aging out; many of the oaks are 80 to 90-years old and dying every day.

So, if you see the entrance to the school, the two red arrows at the bottom right, with the Levy Way stub the City has failed us on this because it is really just a circle and it brings every bit of traffic right in front of the school. We fought hard to get that green space across from the school, so we can have some benches for the parents to wait for their kids. We plan to use the City grant money do some branded Oakhurst Neighborhood Association, Oakhurst Steam Academy, cross walks just so it is very bright and very well marked so that people slow down around there. When I called the City's Subdivision Manager, Josh Weaver, he said that he had a lot of phone calls from our neighbors about this, and they weren't the typical "not in my backyard." It was because we want to save our Oakhurst wetland, and it is going to be difficult to go across there. The penalties to go across those wetlands are there for a reason because the State wants to discourage destroying the wetlands, and if they can't do that we can't have a true connective entrance on Monroe Road. I don't know if you've been by Oakhurst Steam Academy, they are a later school, and I think they start about 9:30 a.m. and get out at 4:30 p.m., which is peak traffic time, and at 4:30 p.m., you cannot turn onto Commonwealth Avenue. It is absolutely impossible. So, if others could have a way to get out from a different direction, that would really help our traffic.

Another issue is at the bottom of Levy Way, it backs up to Crater Street, and we had serious flooding issues there in the past that the City has fixed. The neighbors there now say with the Levy development and the extra water flow, it is damp back there most of the time. We think we need to keep our wetlands the way they are to prevent that. We are looking to Council to grant the Levy stub exception because we are not a one size fits all city. Just because there is a rule, staff needs to be able to look at it objectively and see if it is hurting the community.

**Bobby Sisk, 1320 Levy Way** said I live at 1320 Levy Way, so I'm the last house right before that stub street would be extended and gain, the discussion has been not that it is the extension of that road, because I'm in real estate, and I know that land is going to be developed, and this is going to happen. The plan that Mr. Brown and the other members of the team have put forth, we are happy with that. It is just the biggest concern for us is the fact that extending Levy Way does nothing for controlling traffic. Right now,

Commonwealth Avenue again, at 9:00 a.m., 9:30 a.m., after 4:00 p.m., you can't turn down it. We go around to Chippendale to cut back around. This community putting 139 units, so what 210 cars if even half of them have two cars, it is all going to go right back onto Commonwealth Avenue, which is not that wide of a road, and it is serving the school. That is the drop-off site for the school; the bus side is on the Chippendale side, so again that is the drop-off and pick-up site for parents.

In my opinion, Levy Way needs to stay closed and that way you save having to go through and mess up all the drainage that is already kind of flooding Crater Street and then should be emptying onto Monroe Road, which is already four-lanes and can handle the traffic.

**Bryan Dowling, 814 Crater Street** said thank you for this opportunity to speak before you today. I apologize this is my first time ever doing this, and I really don't know how it works, but I'm here because I live at the end of that red arrow right there on Crater Street. Selfishly, I don't want any development in my back yard, unless it is going to be affordable housing, and that is what this community is hungry for. It is nice to live a few hundred from an NBA starting forward; it is pretty cool. I think that is a great thing to say, but it is not very cool to live or have a neighbor that is struggling, lives out of his van at the top of the neighborhood out of a parking lot and moves it every day. It is not cool to have neighbors that are millennials living out of their car, because they can't afford housing in this City. What is not cool is living across the street from a two-bedroom unit that is staffed with three adults and five children struggling to make it in this economy.

If you are not going to put affordable housing in my backyard, I don't see any reason to do any development there, especially with the density that is going on in Commonwealth. I don't know Seahawk Partners. I don't know what they are about; all I know is the Seahawks beat us by six points yesterday. I'm new to this process. I work two jobs trying to make it in here. Mr. Newton, you are my representative. I hear your passion for affordable housing. That is the only thing that should go back there if you are going to destroy the wetlands; you are going to destroy the homes for the animals that live back there, for what? For what, \$300,000, \$400,000 or \$500,000 condos? That is what is going on in this City. I can't afford that. If those units aren't \$100,000, \$200,000, I can't support it. I can't support it all and neither should anyone on the Council. Thank you for your leadership. I hope you will oppose this.

In rebuttal Mr. Collin said certainly with the first two speakers, I think I don't have any argument with anything they said. We spent a lot of time with the community talking about the plan for this; we have made as many concessions as we can, and I think we came out with a very good plan that generally folks were pleased with. The challenge we have is the Levy Way connection, and I think you've heard several articulate arguments on why the community does not feel like that is necessary. We are between a rock and a hard place. Your ordinance compels us to do it; we've requested an exemption from it. I think a very good points have been made. If there is any flexibility, you will see most of this area back there where the environmental sensitivity, where the flooding is, we don't have any units back in this part of the site. There are literally two back there. If we didn't have to make the street connection, we could leave more open space and provide them with a greater buffer. Bobby is telling me that is adjacent to their tree save so that would occur naturally.

We talked with the neighbors. If there are other opportunities, I think a pedestrian connection makes a lot of sense, I think that would create a lot less disturbance to provide a pedestrian connection through our site; we've be happy to do that. So, anyway we are looking for a little guidance from you all. I think Liz mentioned we would have to go and get special core of engineer permits, and there is a kind of a punitive payment that we have to make, and I think it is either double or triple- I'm sorry Matt tells me it is four times the regular, because they don't want us disturbing that area, but if we are required to do it, we are required to do it. This is us between a rock and a hard place. I think the neighbors would ask you if you could exempt us, I think in fairness, I don't know that you are able to do that. We are happy to have follow-up conversations with your guidance within staff. We would love to find a way to solve that and really put a bow on this petition.

**Councilmember Winston** said what is up with the stub exemption?

Mr. Pettine said that would be something that was handled through the subdivision process. So, I would have to give you some details on that from a follow-up report. Typically, like we said earlier, that stub street is something the ordinance does require when we've got a stub street coming to the property line we require that connection to be made through a new development, so we have that connectivity through neighborhoods back to that main road on Commonwealth. As far as the actual exemption request and what went through that, that would be something we would have to provide in a follow-up report, because the subdivision administrator oversees that, and they are not with us this evening to talk through that, but we will be happy to follow-up and give you some details on what went into that request and that decision.

Mr. Winston said generally, I'm in favor of connecting and not keeping stuff cut off, but we do know that if we don't connect this there is no real potential for relief for existing traffic that is coming in and out of there. You did say that you would make that a public street from those apartment complexes to Monroe Road.

Mr. Brown said there is a public street here, and there is potential to purchase this property and extend out to Monroe Road. Mr. Winston was asking there would be public street from this property to this property, and we have provided for an access here. We can purchase this property and bring an access straight out to Monroe Road. The cost of doing both is prohibitive to do this connection and that connection. We would much prefer to do the connection to Monroe Road.

**Councilmember Newton** said I actually went to Oakhurst when I was a kid, and I recall standing out front, much like was mentioned earlier, and waiting for my mom to come pick me up and even back then, which was about 25-years ago. The other cars would back up but the idea of connecting traffic back onto Commonwealth Avenue, particularly at times of peak hour for drop-off and pick-up, I just can't fathom kind of coming off of Monroe Road, that right-hand turn or even a left-turn, it backing up further, I think is nuts to me. Collin, you were talking about the potential of a right-hand turn here relieving that, I wanted to ask, the Core engineers, they put these monetary penalties on areas like this because of the environment impact and destruction it would create. I think four to one is extensive.

**Matt Langston, Land Works Design Group** said the Core looks at the watersheds, they look at where the streams and the larger channels drain, and they look systemwide at the health of those watersheds, and this watershed is impaired. It is an urban developed watershed; there is construction that has occurred over the years, and so they have a mitigation rate. So, when you have a stream impact, they will charge you per foot, and right now, the going rate per foot is a little bit over \$500 per foot. If there are extenuating circumstances for the watershed based on its health, they will bump that up to two times or three times or four times, and in this case, we've got indications that it will be four times. So, for every foot of stream impact, there is a \$2,000 mitigation fee that is part of the permitting process. That is part of what is making the Levy connection so expensive.

Mr. Newton said I spoke with Jeff Weaver myself about this, and it came to my attention that this is- So, the determinations that are made it is under 20-23, d5 in our ordinances, which is the street exception portion of the ordinance. That is very discretionary and that there is an option to grant an except when a natural impediment such as a stream or a creek or a wetland exists. What does it take for us to reassess this, but the first question is what other considerations have been made for connectivity here? If I recall correctly, there was talk of a different type of connectivity, maybe a nature path through there, which also in its own right would not be cost prohibitive from the standpoint of creating connectivity to Monroe Road off that stub down towards the south of this proposal. So, what other options for connectivity outside of a full-fledge destruction of the environment there and placing the street through are on the table?

Mr. Brown said I think a good compromise would be if we could figure out a pedestrian connection from Levy Way to give connectivity from this neighborhood through our site

and then hopefully that connection out to Monroe Road. We think that solves that; it is not vehicular, and that is the answer, but certainly, that is our preference from the development team, and I think the neighbors would support that as well.

Mr. Newton said it sounds like everybody would be happy and on board with that, so I guess it takes me to that second question again. What can we do to maybe have this reassessed Mr. Pettine? It sounds like you will have to come back to us.

Mr. Pettine said we would have to talk to the subdivision administrator, Mr. Weaver, and talk through what additional considerations could be made. We will be happy to follow-up with him and give you guys a report back on that.

**Councilmember Watlington** said I just wanted to know order of magnitude wise, if you didn't have to do the Levy Way Extension is there an opportunity, to the gentlemen's point, to offer some affordable housing options within this development?

Mr. Brown said that is something we talked about with the community; it is not something we talked about in our community meetings. This is a for sale product; they are trying to come in as relatively affordable, but there has not been any discussion with the community or the development team on a proposed set aside.

Mayor Lyles said but we do affordable housing options for single-family construction. So, we do down payment assistance for our firefighters, our police officers, our teachers, and it can be as high as \$50,000 in a down payment. I think one of our weaknesses now in our framework is getting more of the opportunity to buy out, so I think that is really a tougher one.

I am going to second the request by Mr. Newton. I would like to see the options and four times I understand on the connection to Levy Way, but I want to say this; part of our problem is that we let Levy Way happen without the connection being planned, and if we continue to do this and we don't try to fix it, there has to be some adjustment. So, I don't know what the subdivision ordinance is going to say, but 76-family homes on this acreage, we've got to find a way to get some of that traffic moving. So, I want to see what the choices are as Mr. Newton asked for and where they can be done, because it may be four times whatever the \$2,000, I don't know if he said foot or yard, but at some point, we will end up with that same problem of access that will be something that we won't be able to solve because of the development. People love to buy their homes until they have to try to get in and out of it, and without some option, if it is not Levy Way, what is it and where is it and how you get there? I know that you talked about the Monroe Road choice, and I understand that, so let's see how that works and what that means, but I think for this Council, for me, it would be a very difficult decision to go forward and not have another access point in this. I think it is difficult enough; I see the product there and we are trying to work on density and all of that, but I do believe that with the environmental issue, we have to ask whether or not it is really worth it doing the complete project if we have to go across Levy Way. If we haven't figured that out, then it just doesn't seem right to me.

I do think that we are losing a lot of affordable housing, and I really appreciate Mr. Dowling coming down because we are losing affordable housing in this development. This of course is land that you can use, but I look around and where you used to go back behind McAlway Road and there were apartments buildings you could rent at a reasonable rate, and I know this neighborhood cares about teachers and police officers and firefighters. That is the kind of program that we have the most subsidy for housing to do, and that is what keeps a neighborhood strong, people that work every day and come home to something that they can buy would be perfect. I know that Levy Way isn't affordable, and it would be really good if we could figure that out, but I just don't know how we do it.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2019-092 BY CAROLINA DEVELOPMENT GROUP NC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.98 ACRES LOCATED ON THE EAST CORNER OF THE INTERSECTION OF NORTH SMITH STREET AND WEST 10TH STREET, SOUTH OF BROOKSHIRE FREEWAY FROM I-1 HS-O (LIGHT INDUSTRIAL, HISTORIC DISTRICT OVERLAY) TO UMUD-O HD-O (UPTOWN MIXED USE, HISTORIC DISTRICT OVERLAY).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is just under an acre located on North Smith Street in the area of West 10th Street, just south of Brookshire Freeway. Just to give you some context of the site, we are down here on the back side of I-277; the Music Factory area is over here and then we've got the site tucked in that area right there by I-277. It is currently zoned I-1, and we are looking to go to U-MUD with options, so we've got a U-MUDD HO. We do have a historic overlay in the area that is part of the Charlotte Center City 2020 Vision Plan, which does encourage future development to preserve and enhance an existing Center City neighborhood. It provides up to 350 multi-family dwelling units, up to 5,000 square feet of retail commercial space, also some transportation improvements including two points of access via North Smith Street, service delivery and trash pick-up areas designated to accommodate SU-30 vehicles, which are larger vehicles that are typical of your folks that need to come in and pick-up those types of materials at a project like this; includes architectural standards including rooftop amenity spaces, street-level retail design elements and building materials. We have a little bit of street-level retail on North Smith Street. Staff does recommend approval; it is consistent with the Charlotte Center City Vision Plan. There are a couple minor outstanding transportation issues to resolve that we will work through prior to Zoning Committee, and we will be happy to answer any questions following the presentation by the petitioner.

**Matt Langston, 7621 Little Avenue** said David did a great job covering the overview of the project. I wanted to provide a little bit more context; this is a proposed high-rise apartment building, and it is right by the big Archer Daniels Midland Silos near I-277. As David mentioned, we've activated the Smith Street frontage with retail; we've got good access. We've internalized the loading and trash within the site. We've got several floors of structured parking, and at the top of the structured parking, we will have some terrace level amenity space, and these are just some renderings of the proposed building so, it is a pretty exciting project. We've got some outstanding items with C-DOT; we've worked hard with the Charlotte DOT. We've put together a traffic impact analysis, because the end of Smith Street is a dead-end street, and we're going to add a lane on 10th Street from Smith Street down to Graham Street, which will provide 300 feet of storage for a left-turn lane, and one of the intersection pedestrian ramps is already improved. We're going to improve the other three, and we're going to provide accessible pedestrian signalization for that intersection. The architect and the property owner and development team are here if you have any questions for us.

Mayor Lyles said where is this related to the Flour Factory?

Mr. Langston said it is across the street.

Mayor Lyles said where are the train tracks that deliver the wheat to the plant?

Mr. Langston said on this oblique view here, you can see Graham Street is in the foreground on the bottom right; the red trapezoid is our site. The ADM site with the silos is just to the northwest of us, and the train tracks are behind them, and Music Factory Boulevard is to the north at the top of the image.

Mayor Lyles said do we know what time the train comes into the City? I bet it is after midnight.

Mr. Langston said I'm not sure.

**Councilmember Driggs** said this is another instance of industrial being converted; I think we talked about this before, but I'd like more clarity when that is okay and when it isn't, because it looks like based on some of the earlier conversations we had, this shouldn't be. I'll talk to you offline about that, but I just noticed the comparison with some of the other things we've talked about.

Mayor Lyles said can you also show us a map of the designated route for the Silver Line?

Mr. Langston said according to GIS; this is us, and about 200-feet away is the proposed station for the Silver Line, so you could hit it with a rock from our site.

Mayor Lyles said that is the option that we are working with right now so that is good. One day by magic the flour factory will be worth its gold.

**Councilmember Graham** said the final traffic report, is that forthcoming?

Mr. Pettine said the traffic analysis has been approved they need to incorporate some of those items that they were going to talk about for the improvements, so those need to be incorporated into the conditional plan. We weren't able to accept a new plan after that had gotten approved, so they will incorporate those for the Zoning Committee for that hearing on January 2nd, and they should be in that plan for you guys for a decision whenever that comes to you, which potentially could be January 21st.

Mayor Lyles said I notice it says condos or apartment; which one is it, or is that just market conditions are going to drive that?

Mr. Langston said apartments.

Mayor Lyles said it is all apartments, all rental.

Motion was made by Councilmember Driggs, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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**ITEM NO. 35: HEARING ON PETITION NO. 2019-110 BY JAY PATEL FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.24 ACRES LOCATED NORTH OF CENTRAL AVENUE, NORTH OF HAWTHORNE LANE, EAST OF HEATH COURT FROM MUDD-O (PED) (MIXED USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY DISTRICT) TO TOD-CC (PED) (TRANSIT ORIENTED DEVELOPMENT, TRANSIT COMMUNITY CENTER, PEDESTRIAN OVERLAY DISTRICT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is approximately 1.24 acres located right there on Central Avenue and Hawthorne Lane. We can go through just the general site context as we are familiar with what is going on, on Central Avenue, the infill development apartments; there are the train tracks that go through there and then heading into uptown in the general direction there. The existing zoning is MUDD-O; there is a PED overlay in this area, so currently, the proposed zoning is TOD-CC, which would be transit-oriented development, community center. That PED overlay currently would still be applicable as well. The adopted future land use for the area which is from The Plaza/Central PED Scape Plan, which was 2003 does talk about this being a mixed-use development area on this corner of Central Avenue and Hawthorne Lane and Heath Court. The policy and the newly adopted TOD Ordinance states that the requested CC District can be applied to parcels within a quarter-mile walking distance of an adopted streetcar stop, which does fall in line with this petition. There is the Gold Line stop, and I believe there is one down here on Hawthorne Lane that would come up, and I think wrap back around some of this area to avoid the crossing of the train tracks at a different grade and then come back down to Central Avenue and continue down.



In evaluating the petition, as we've said, the TOD Ordinance does allow for a TOD District within that area of the streetcar stop. Given that this is a mixed-use land use recommendation in the adopted plan and TOD supports a mix of uses. Internally, we've talked through some of those potential policy changes where we can maybe apply that TOD in this area because we still do have the support of mixed-use project through that zoning district. It meets the ordinance standard being within that streetcar stop. So, based on those types of items in our rationale, we do recommend approval, and we would say that it is consistent with The Plaza/Central Ped Scape Plan that provides those mix of uses and would support the continued development of the streetcar. Be happy to take any questions after the petitioner.

**Jay Patel, 157 East Franklin Street, Suite 8, Chapel Hill** said thank you to David and the Planning Team for helping guide me through this process. It is our first time in Charlotte. Since it is a conventional rezoning with TOD kind of designating this site, we don't have any concrete development plans or site plan development program. We are here to say thank you and available to answer any questions that you might have at the moment. I have nothing further to add to what David has already presented.

**Councilmember Egleston** said this is more of a curiousness on my part; is staff currently considering only Phase Two stops of the Gold Line or also Phase Three stops, because currently, the terminus of Phase Two will be Sunnyside Avenue, which this is probably still within that quarter-mile? You were talking about Phase Three segment of the line, which wraps back around after it crosses Central Avenue.

Mr. Pettine said I don't believe the TOD Ordinance specifies which Phases of the stops this could be applied to from a TOD standard. It would fall within that quarter-mile, the one on Sunnyside Avenue; the further one that is going to go up Hawthorne Lane and kind of loop back around. That is certainly a little bit further down the road; we were looking at just the current proposed stops that are in the streetcar plan and how it applies to the TOD Ordinance. The ordinance itself doesn't specify which phase it applies to; it just says to a streetcar stop, either existing or a future plan. It is just taking a look at what we know could potentially come and what is already planned and applying that TOD metric to it.

Mr. Egleston said but going forward someone could come forward with something based on beyond what Phase 2 will deliver on the streetcar and say because of the potential for Phase 3 to be built.

Mr. Pettine said yeah, they could potentially make that request and then we would have to evaluate it and just kind of look at the feasibility of when that could come online and how appropriate it may be. If it years away on funding and we are not certain of it, I think we would probably look at that through maybe a little different lens, but we would evaluate that once it would come in.

Mr. Egleston said Mr. Patel, thank you for being here, and I would encourage, while I think this is an appropriate use, and I don't have too many concerns about it you are the confluence of three neighborhoods that really appreciate being engaged through the process so even if this conventional rezoning will not require you to do so, I would encourage engaging Plaza/Midwood/Belmont and Elizabeth to make sure that they are going to be excited about whatever project you are doing as much as you are.

Mr. Patel said thank you, and that is what we are looking forward to the most because I think if we do that well we will actually have a product that will resonate with the market and actually thrive. So, we've already started reaching out to folks through our network in our community and also those districts that you mentioned so we can start to build some informal engagement, and we will be doing that for probably the better part of a year before we do anything.

Mr. Egleston said awesome, thank you.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2019-124 BY GVEST CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.86 ACRES LOCATED NORTH OF MONROE ROAD, WEST OF EATON ROAD AND EAST OF SHADE VALLEY ROAD FORM O-6(CD) (OFFICE, CONDITIONAL) AND R-17MF (MULTIFAMILY TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just under six acres, about 5.86 acres on Monroe Road just to the west of Eaton Road and east of Shade Valley Road, kind of tucked in there between some of those office project on Monroe Road and those residential components on those two side streets. The existing zoning is O-6 on the front side of the majority of the property and then there is the R-17MF existing in that area as you get further along what would be along Eaton Road here. The proposed zoning is UR-2(CD), and we are looking at the Independence Boulevard Area Plan as we evaluate this petition. It does recommend residential development up to 22 units per acre; however, there is a portion of this site along the frontage from Monroe Road that does recommend office retail, so that is where we get a little bit of inconsistency in part of the petition based on that adopted future land use along Monroe Road.

The petition is for a proposal of 75 attached and/or detached resident units; it gives us about 12.8 units per acre. We do have the total number of principle buildings on the site would be limited to 20, so that would give us about six units per building. Building height would be three-stories and 50-feet except for areas where we are adjacent to single-family; that is where we drop down to 42-feet. Architectural standards for the buildings themselves, setbacks that will provide an eight-foot planting strip, eight-foot sidewalk along those public streets connecting to Monroe Road, as well as those stubbing to the existing multifamily properties that are out there. A landscape buffer abutting the single-family parcels, driveway connections onto Monroe Road and then a private street stub to the eastern property line that abuts the church and existing R-17MF zoning.

Staff does recommend approval of this petition. We do have some outstanding issues to work through regarding transportation, environment, and site design. Some of those issues I believe have already been discussed and fairly well addressed. I think the petitioner may be able to speak to that a little bit this evening. As we said, it is consistent with the majority of the site; however, we do have that inconsistent portion for that office retail portion along Monroe Road, but staff does feel it is appropriate from that area plan and majority of that being consistent we do recommend approval. Will be happy to take any questions following the petitioner's presentation.

**Bridget Grant, 100 North Tryon Street** said I am a land use consultant with Moore & Van Allen, here tonight with John Visconti with Gvest and Matt Langston with Land Works assisting on this development. Generally speaking, David did a great job describing where we are on the project. It is currently zoned for residential or an office. We are proposing that it be developed for residential, 75 units on the site with access to Monroe Road. We are consistent with the adopted land use policy; we are approximately 12.8 units to the acre, and one of the things I want to point out is connectivity is such an important part to the Oakhurst Neighborhood, and it is something that Liz and I spoke about today. We are providing two required public street connections that will stub to the property to the north and to the south to allow when future development does occur on this site the redevelopment will allow for that connectivity to serve that greater goal for the Oakhurst Community.

There were only a few of the things in the PowerPoint that I will go ahead and touch on; one of the things that we were mindful of is that the residential units were limited in

orientation to the adjacent single-family. Pockets of open space were also placed closer to the existing single-family residential and the proposed land use is significantly lower than what is recommended by the adopted land use policy.

**Liz Millsaps Haigler, 4117 Commonwealth Avenue** said I am Co-Chair of the Oakhurst Neighborhood Association, along with the Charlotte East Board. I feel like here it is kind of the City that has failed us again. The developer has met most of our requests, and I hate that you can't see it there. The future stub, Bridget told me today they had really thought about where it would need to be located in 20 to 30-years from now when that land is redeveloped, probably when the Silver Line is imminent. There is a parking lot right next to one of the roadways, and there is only one entrance to this development and if the neighbors could go through that parking lot through the Lake Hill Apartments to be able to get to the Chippendale traffic light or soon, in a year, or so we will be building the Shade Valley Circle that will align Commodore and Shade Valley on Monroe Road. They need a way to get out of there, and it is kind of late in the game to be doing it now.

The apartment and the seller of the land are similar owners, two different corporations owned by the same people, but the City at this point can't really make the apartments utilize their roadways for this development, but you would think that the City would require two entrances for a 70-unit development. I feel like the Mayor put that well earlier, and we are confident on the other townhomes that they will do the Monroe Road access, but here it is just the one access. I don't know how they are going to get in and out of there in rush hour. Bridget has said they are going to restrict left-turns there during rush hour. I wish the City had a little bit better rules in place, so we wouldn't be at this point where it is too late, and they've met all our desires other than the condo tower that would preserve our trees.

In rebuttal, Ms. Grant said the only thing I want to say is that we really appreciate Oakhurst Community's reception to density, which you don't hear every time and to connectivity. Both of those are obviously very critical to the community as they move forward. We just want to point out that we are providing the two required connections, and we have our hands tied in the same place that we can't require a connection off-site and onto someone else's property until such time as that development happens.

**Councilmember Newton** said Bridget, could you jog my memory on that second connection? Are you talking about the one that leads into that parking lot?

Ms. Grant said there is one going towards the parking lot on Eaton Road that provides a connection to the south and in the future if the church ever redevelops. There is one highlighted in yellow showing the proposed alignment that meets the ordinance requirements and heads to the north and then there is another alignment that has a bubble diagram around it that is heading south into the church parking lot and both of those connections would be able to be provided upon redevelopment of those two sites.

Mr. Newton said I think if you flip over maybe one more, I'm not sure if your material is the same as mine, but that connection with the street going over to Monroe Road, is that going to level a house back there?

Ms. Grant said no, it is actually an existing business that is there, so it is part of the site they are going to be providing access to that site.

Mr. Newton said to the extent that we are looking at 70 units, I'm assuming that this access in and out is acceptable to you, as you are approving this, and it meets the standards of all of our ordinances is what I'm gathering here.

**Felix Obregon, Transportation** said yes, NC-DOT has been part of the conversations. Monroe Road is a state-maintained road, and they are also on board with the access.

**Councilmember Winston** said my question was about the potential connection through the parking lot to Eaton Road. It looks like the parcels that are adjacent on either side

belong to the church, and I'm wondering, why do we have to wait for redevelopment? Is there not a conversation to potentially work together to make that happen now?

Ms. Grant said we can talk to the adjacent property owners to the south with the church. Essentially, it is just setting them up so when they are ready to redevelop that we are not impacting their parking in the interim, because that is the area they are using to park their site. It is zoned residential on the two parcels behind, even though they are owned by the church, those zoned residential and so we don't know what the future use is for them.

Mayor Lyles said I'm not quite sure I heard what the answer was; have you worked with the church or approached them?

Ms. Grant said we have not approached the church yet and we can discuss connectivity to the south, yes.

Mayor Lyles said we had an issue; remember a daycare out in south Charlotte, and it was an issue around access and the church was the solution? So, I think that is a worthwhile conversation.

Mr. Winston said yes, because they own the parcels adjacent, and I just thinking of the folks that live here, especially in the morning rush hour. There is no left turn, and you have to go left. There is no real way to get to that direction if you have to go right. There is no place that is really convenient to make a U-turn, so without a second connection to a traffic light, I don't see how this right now makes sense.

Ms. Grant said there is not a traffic light at Eaton Road currently.

Mayor Lyles said but you can get to one.

Mr. Newton said just to touch on what you said a moment ago Bridget, looking at the southern empty parcels, you were saying we don't know what is planned for those. Is that something that if there was an arrangement made could be included in the overall consideration of this rezoning and if we need to potentially rezone that, is that something that could occur? Then it wouldn't matter, right?

Ms. Grant said it is difficult for us, and I think David can answer from staff's perspective. It is difficult to place the burden on one rezoning onto another property that is not included in the rezoning. You can't put CO's and development right contingent upon another partner's willingness that allows, but David can answer.

Mr. Pettine said I think if there were some arrangement where we had a partnership between those property owners we could potentially look at that a little bit more holistically, but as it stands now I think what they have provided is pretty common from what we would see and ask for in this type of rezoning petition given that we've got to go through another property that is not currently going through that entitlement process. This just sets it up for when they are potentially ready to develop in some way, or if they see a benefit to that connection they could do it either through permitting or if they have to go through an entitlement process then we would take a look at it at that time.

Mayor Lyles said I think the burden is on the petitioner to decide how to do this, and there is property around there, and it is their job to come, and it is ultimately approval of something and all of us are very familiar with Monroe Road and what that would mean. If you put the number of units back there along with Lake Hill Apartments- All of us know how that works now; today it is not very good. So, to say we would have to do a left-hand turn only, I don't see that. I think you need to go back and get some work done about some access.

Ms. Grant said we can go back and look at the adjacent access opportunities.

Motion was made by Councilmember Winston, seconded by Councilmember Newton, and carried unanimously to close the public hearing.
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**ITEM NO. 38: HEARING ON PETITION NO. 2019-125 BY SCOC-MALLARD CROSSING, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.43 ACERS LOCATED ON THE EAST SIDE OF PROSPERITY CHURCH ROAD, NORTH OF MALLARD CREEK ROAD FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-1 (CD) SPA (NEIGHBORHOOD SERVICES, CONDITIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said this is an existing shopping center at the corner of Mallard Creek Road and Mallard Creek Church Road, which turns into Prosperity Church Road here. This is a vacant grocery store building here and the other buildings. There is a Dairy Queen, UPS and also a medical building out here to the front. The medical building is not a part of this particular rezoning. So, it is zoned B-1(CD) right now, and it is proposed to go to B-1(CD) with a site plan amendment. The difference of what they are proposing is a small addition to the building. The University City Area Plan calls for retail; this is going to stay retail so that would be unchanged. This is the site plan and here is the medical building that is not included, and the building envelope is expected to be extended slightly by 6,500 square feet of additional non-residential space, which would be essentially an addition to that grocery store pad, which will be some kind of a new use. The existing out parcel, again, is not included. The access will still remain on Prosperity Church Road. That will be unchanged; the building height will still be in the 40-foot range, and there will be some new sidewalk connections out to the street to improve the form. We are recommending approval of this upon resolution of a few technical issues. That is basically some notes that don't quite jive on building heights and some things like that. It is consistent with the plan, and again it is to provide for a reuse of that particular building for a new tenant.

**Keith MacVean, 100 North Tryon Street** I am with Moore & Van Allan; we are assisting the petitioner SCOC-Mallard Crossing, LLC with this rezoning request. With me tonight is Will Lisk, who represents the petitioner. We want to thank the staff for their assistance with this request. As Kent mentioned, this is a B-1(CD) Site Plan Amendment. This center was built back in 1992, early 90's, approved by the County as an original rezoning as a neighborhood shopping center. The rezoning would allow a minor expansion to the existing center, about 6,500 square feet to accommodate a new tenant that is going into the older grocery store space. We will address the outstanding issue; we will be glad to answer any questions.

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

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**ITEM NO. 39: HEARING ON PETITION NO. 2019-127 BY REGAL ESTATES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.85 ACRES LOCATED ON THE SOUTH SIDE OF MORRIS FIELD DRIVE AND THE WEST SIDE OF EATON CIRCLE, EAST OF AIRPORT DRIVE FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-8MF (MULTIFAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said the Billy Graham Parkway is over here on the right side of the slide; Morris Field Road comes in here, and the Airport is just to the left off of the site. Morris Field Road and Airport Drive are sort of the major points. This dead ends further down into Airport uses as well. This is occupied right now by a single-duplex building on the larger site and right across the street is the Air National Guard and Mr. G's Restaurant, which is right on the corner. Here is the site, there is the single existing duplex on the site. It is zoned R-4 right now; further down Eaton Court are a number of other single-

family residential lots, so this is a part of that neighborhood that extends further behind it. There is additional existing land there.

The Central District Plan does recommend four units per acre at this location; the General Development Policies would support up to six units per acre. The proposal is to take in what is essentially big enough for two buildings and allow them to do two buildings and in the process, continue with that duplex, potentially another one perhaps to be within the range of that eight units per acre, because it is on a corner it is a legal duplex now, but subdividing it would create a situation where it would no longer be conforming. So, this will allow it to be conforming and allow that additional lot to be put into use.

We are recommending approval of this petition; it is somewhat inconsistent with the plan because the plan calls for four units, the General Development Policies would allow up to six. They are proposing eight units per acre. We believe that inconsistent with the available land and the intersections etc. that this is an appropriate application.

**Councilmember Watlington** said I'm looking in here, and I see the assessment criteria and you've got to have minimum points of 10, and it has got 10, but I noticed that it has zero for road-network evaluation. There is a comment in here that the site could support a small increase in density. I'm just curious as to where is the data to support it, because it looks like there was no points.

Mr. Main said there actually is a pretty good street network, because Eaton Circle does connect on back through, and I believe it is Ashley that is down here below, so it does have good circulation.

Ms. Watlington said I just want to see the quantifiable data.

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

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**ITEM NO. 40: HEARING ON PETITION NO. 2019-129 BY LEE MYNHARDT, MYNHARDT INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.34 ACRES LOCATED ALONG THE EASTERN PORTION OF EAST 35TH STREET BETWEEN NORTH MCDOWELL STREET AND SPENCER STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO R-6 (SINGLE FAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said this site is not too far from one that we were discussing earlier. This is just off 36th Street at 35th Street at Spencer Street; the other site was right up in here. We are into the R-5 neighborhood in general. This is sort of an odd site, because you can see it is L-shaped. There is a house here, there is vacant land there with nothing on it right now. The existing zoning is R-5 and most of the surrounding neighborhood is R-5 as well. The proposed zoning is R-6, which is one step denser than the R-5. The 36th Street Area Plan does recommend this for residential use at the existing level of R-5. Again, because of the nature of this particular lot with frontage on two sides and that vacant space there, we think that the extenuating circumstances are such that this makes sense to provide one additional house on that lot that would essentially fill that vacant lot.

It is inconsistent with the plan, and it would change the plan from five units per acre to six for this particular lot, but we think the form is going to be appropriate, that it will fit in with the neighborhood and because of the unique situation of this L-shaped parcel that this is an appropriate thing to do.

**Matthew Vilmer, 518 East 37th Street** said I am the personal representative for Lee Mynhardt, so this rezoning as was said would simply split an L-shaped lot into two

individual lots. This was ultimately approved by the NoDa Neighborhood and Business Association in October 2019, and after that, I went by and personally knocked on every single door of everyone in a one-block radius of this particular parcel, talked to them about the rezoning, asked them if they had any concerns with it. Eleven families that I spoke with were just fine with this rezoning application. I then went to the NoDa NBA meeting in December and spoke with everyone that I could speak with about it. They had no issues.

Ultimately, Mr. Mynhardt has redeveloped a couple of different houses in the NoDa area to the extent he can keep any of the historic mill homes. He does that, and he has done that on several occasions. The plan in this particular instance is to keep the existing structure to the extent that is able to do so on the frontage of 35th Street and to create just a single-family residence that would back up to Spencer Street. With that being said, it was approved by the NoDa NBA, approved by the staff, a majority of the neighbors support it, so we would respectfully ask the Council to approve it.

**Councilmember Egleston** said obviously, this seems appropriate that there would be a house on this other leg of this property facing Spencer Street; was it that the R-5 zoning would not have allowed for a house to be built in that configuration period or that the R-6 was needed because of the size of the house that was desired?

Mr. Main said it is the size of the lot; it does not meet the acreage requirement to able to split it and still remain within the R-5 dimensions.

Mr. Egleston said so, no house of any dimensions could be built under the R-5?

Mr. Main said the standards for the houses are essentially very similar. but just the size of the lot would not meet the standards of five units per acre or one-fifth of an acre.

Mr. Egleston said my question for you and I appreciate your being here and also appreciate it that you knocked on doors who were okay with it. I know that you are aware that there are people who have concerns given that it is the style of rezoning that it is. there is not going to be a detailed site plan for neighbors to look at and things like that. I understand that. and I think the concerned neighbors do too. I spoke to Mr. Alexander today. and he was able to be here, as you mentioned, but I do hope and expect that before we vote on this next month that there will be continued conversations. I know there has been some level of dialogue between you guys, but again, within the confines of what you can do in a conventional rezoning, I hope that those discussions will take place, so they have some confidence in the setbacks and what they can expect to see out their back door or side door or whatever else. That would be my only request, and again I know there is but so much we can ask under this circumstance.

Mr. Vilmer said I appreciate that question; just to give the Council a little bit of background, I spoke with Mr. Alexander probably five times in between the December meeting and here, and we went around and around about a bunch of things that he wanted. I sent him several e-mails in writing to let him know exactly what Mr. Mynhardt was planning there, and so we continued to discuss, even today up to including before this meeting. I told him we would stay in contact.

Mr. Egleston said I know that there are a couple of others; I don't know exactly where they each live, but there are more than just him, and so would ask that you get back together with them in person if possible and have some of those conversations, so they feel more comfortable with it.

Mr. Vilmer said absolutely, we plan on doing that.

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

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**ITEM NO. 41: HEARING ON PETITION NO. 2019-130 BY GREENWAY HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.43 ACRES LOCATED ON THE WEST SIDE OF PARK ROAD AND NORTH SIDE OF DREXEL PLACE FROM MUDD(CD) MIXED-USE DEVELOPMENT CONDITIONAL, TO MUDD(CD) SPA (MIXED-USE DEVELOPMENT, CONDITIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said this is 0.43 acres. Here is Park Road; Woodlawn Road is here. It is right across from the Park Road Shopping Center, a small site right at Drexel Place, which is a dead-end street, mainly single-family. We've had a number of rezonings for apartments and dealing with preservation of Drexel Place over the years. This particular parcel is being sort of broken off from another parcel; it has an existing small building, and they are looking to do a little bit more in the way of an office or other commercial use on the property. You can see that there is a bigger building just north of there; here is the small building. Also, behind it is one house. This was all rezoned some time back to MUDD (CD), and it provide for this building and some parking around it and this proposes to intensify that and get the parking lot in there. The proposal is a site plan amendment; the Park/Woodlawn Plan does recommend residential, office, and retail uses, a mixed-use proposal for this whole area. The existing house was part of the prior rezoning, so it already is zoned for this particular use. Here you see the site plan with the new building and the parking lot and the connection on through, which will provide another way in and out of residually. It will also allow for the people on Drexel Place to have a second way to get in and out of this site.

Staff is recommending approval of this upon resolution of a few issues, and the issues basically have to do with some notes on some of the streetscape elements, and that is essentially what is left to be dealt with. It is consistent with the Park/Woodlawn Plan; the office building will provide for another access way into the other areas. It will also enhance the streetscape because they will be doing streetscape improvements along Drexel Place as well as Park Road.

**Walter Fields, 1919 South Boulevard, Suite 101** said I won't take but just a moment; can we back up a couple slides, because I think there was an error on the one that showed the overhead photograph. This is not our site; our site is on the corner down here. This is the Bank of Ozarks; this is Heather Lane. We're on Drexel Place, which is down here. I just wanted to make sure we got the right corner.

Mr. Main said this is the site that was shown, and this is the site that is there. The orientation of the buildings are essentially-

Mr. Fields said that is correct. From the air, it looks the same. I just wanted to make sure we were talking about the right thing.

Mayor Lyles said for those of us that don't understand the hash tags and all of that, tell me where the workout place that we just did the rezonings.

Mr. Fields said it is right here at Woodlawn Road and Park Road. I just wanted to clarify that, because it would be easy to get confused. The other half of the old rezoning that Kent was talking about was modified a few years back, and that is where the Bank of the Ozark is located now. That is on the corner of Heather Lane and Park Road. We are on the other corner of that half-block rezoning that was done a number of years ago on Drexel Place and Park Road. We are using up most of the rest of the old conditional zoning that called for two huge office towers there, very ambitious plan that didn't quite play out. The benefit that Kent mentioned, which I think was the one that was most attractive to the Drexel community is that original master plan for that whole block frontage on Park Road included a connectivity link between Drexel Place and Heather Lane. Drexel Place is right in, right out; Heather Lane has a signal, and so the folks on Drexel Place were very pleased that we were developing out the rest of that site and putting that connection in and has been originally committed to by that old rezoning a number of years



ago. There are two or three small notes that we can correct easily; we are not aware of any opposition to this request.

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

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**ITEM NO. 42: HEARING ON PETITION NO. 2019-131 BY RED CEDAR CAPITAL PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.57 ACRES AT THE SOUTHWEST INTERSECTION OF OLD PLANK ROAD AND BAUCOM STREET FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-4 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said here is Brookshire Boulevard right here and Pleasant Grove Road. Old Plank Road cuts across here. We are way up in the northwest corner, and off of Old Plank Road is an existing, very narrow gravel road called Baucom Street, which extends off of Old Plank Road, and this is essentially that area back in there it is about 8.57 acres proposed to go from R-3 Lake Wylie Protected Area to R-4 Lake Wylie Protected Area. This is Mountain Island Lake Academy up here and there it is, the little area back in the back there; it is surrounded by R-3 in all directions pretty much. The Northwest District Plan does recommend it for four units per acre, so the district plan up there does support the density of four units per acre on most locations. Staff does recommend approval of this petition. It is by-right proposal, so there is no associated site plan with it. It is consistent with the plan; the difference between R-3 and R-4 is very slight. so it will seem to fit in with the neighborhood that is predominantly R-4 and single-family in nature.

**Andrew Grant, 121 West Trade Street** said as staff stated we are rezoning this property to comply with the land use plan prior to development. and I'll be happy to answer any questions.

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

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**ITEM NO. 43: HEARING ON PETITION NO. 2019-132 BY LENNAR MULTIFAMILY COMMUNITIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.90 ACRES LOCATED ON SOUTH SIDE OF VERBENA STREET, NORTH OF YEOMAN ROAD, WEST OF NATIONS CROSSING ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-TR (TRANSIT ORIENTED DEVELOPMENT – TRANSITION).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just under six acres on Verbena Street. We are looking at the existing zoning of I-2 general industrial; the proposed zoning is TOD-TR. We have the adopted future land use from the Woodlawn Station Area Plan that recommends office, industrial warehouse for the subject site. We do recommend approval of this petition; it is inconsistent with that Station Area Plan for that office, industrial warehouse and distribution; however, in our rationale, we did site that it is just over a half-mile from the Woodlawn Station on the Blue Line. Some of the transit-supportive type of uses that we would get from the TOD-TR actually align fairly well with what is in that overall Station Area Plan and the types of development we've continued to see in this general section off of Nations Crossing Road and Old Pineville Road. So, we do feel that TOD is appropriate. In fact, we've got another petition pending from this MUDD-O that we

could be looking at another potential TOD. We will start to see that fill in area where we've got a little bit still of a policy disconnect overall, but TOD certainly would be appropriate in this area and support the transit stations nearby. So, staff does recommend approval, and I'll be happy to take any questions following Mr. Brown's presentation.

**Collin Brown, 1420 East 7th Street** said I'm here on behalf of Lennar and Brian Nichols from Lennar is here if you have questions. David did a good job on the overview. I did have a slide I was going to put up just to orient you a little where he went through and put some labels on it so you can see what is here. Here is the site; here is Old Mecklenburg Brewery. All of this is kind of filling in and transitioning, and so this is creating an opportunity for some TOD most likely residential development in walking distance to those. There is proximity to the Blue Line. Our team came in and proposed the MUDD off the bat; staff felt like the TOD districts had higher design standards, had a lot of things that had been vetted through staff and ask us if we would pursue that, so we changed over to go with the TOD. I'll be happy to answer any questions.

**Councilmember Winston** said this might be a bit academic, and this might be something that we can talk about offline, but I was just thinking about TOD, as it starts to creep further and further away from the transit line. I understand that this is the lowest intensity of development allowed in the TOD districts at the TR level. My question revolves around a point that Ms. Mayfield used to bring up all the time when you start to lose control of what can be built and what neighborhoods start to look like. My concern would be, even though this is the lowest intensity, that this kind of changes and all the zones kind of work together. All of a sudden since it is TOD-TR that you could see a CC being proposed somewhere close and again that would be out of the area plan and then you start the kind of domino effect of having less control into our more residential neighborhoods. Why should I not be concerned about that here or in general?

Mr. Pettine said that is a good point; I think when we looked at this petition, as Mr. Brown had mentioned, they came forward originally with a MUDD proposal. The way we've gone through some of those have been to basically incorporate most of the TOD design standards into the MUDD district, so rather than go through that general exercise of having the outcome be essentially a MUDD that is kind of disguised as a TOD, we felt that the TOD district would be appropriate. I think we had some discussions late last week with Councilmember Watlington about some of the TOD being proposed where we are a little bit closer to residential and how we are going to talk about that interface now where that is maybe that policy disconnect like we are looking at here, and I think we do have some tools potentially through the TOD conditional district where we could get into that aspect of it a little bit even in more detail and say we like the design elements of TOD, but what are some of the things we need to be concerned about in terms of how it interacts with the nearby residential? I think this may not be that needed for that exercise given where we are in terms of location and what is around it, but we have some others that are pending that are really right up along some of those residential boundaries that I think we may have to look and see if that additional tool in the TOD ordinance is something that would be applicable, so we don't run into that issue like you had mentioned. I think in this case we felt the TOD-TR was a better choice than just a MUDD optional with TOD standards.

Mr. Winston said I definitely think we should think about this as we get more; this is not the first one of these, and you start to get a pattern and all of a sudden that is how we get seven-years down the line with something like that, and it is like how did we get here?

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

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**ITEM NO. 44: HEARING ON PETITION NO. 2019-133 BY GREG ZANITSCH, TBGC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.20 ACRES LOCATED AT THE NE CORNER OF THE INTERSECTION OF KENNON STREET AND PEGRAM STREET IN THE BELMONT COMMUNITY FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is .20 acres located on the northeast corner of Kennon Street and Pegram Street in the Belmont community. The proposal itself is to adaptively reuse a building currently zoned R-5; we are looking to go MUDD-O. The area plan from Belmont Revitalization Plan of 2003 does recommend residential uses at up to five dwelling units per acre. The proposal that is in front of us this evening is to redevelop the site, add some additional square footage to the existing building for an eating, drinking, and entertainment-type one and two, retail office and personal service uses that could be permitted by right. We do have an outdoor seating element that is being proposed as well as some façade upgrades along Pegram Street. It commits to providing some green screen along the perimeter of the site's parking area, as well as some detached lighting that would provide some cutoff for some of the nearby residential and then we have some optional provisions, which would give us some different parking requirements, eight spaces being proposed. Some potential additions would not meet some of the setback requirements because of the constraints of some of the sites and the site itself in regard to size.

Providing streetscape requirements would be opted out along Pegram Street and Kennon Street. I'll let the petitioner speak to some of the reasons as to why, but we do have some constraints out there in existing conditions. Really, again, we are looking to reuse an existing building to go to an EDE in this community, and it is consistent with the Central District Plan recommendation of office, industrial land uses, which I think is incorrect. We do have residential uses at five DUA in the plan, but I'll go through the petition itself. It does propose an adaptive reuse of the building; it is in alignment with the plans land use and development goals, attempting to balance service, retail with the protection of residential areas, and it does propose and improve the sites interaction with the surrounding single-family homes in the area. Staff does recommend approval upon resolution of some outstanding issues related to transportation, and we'll be happy to take some questions following the petitioner's presentation.

**Keith MacVean, 100 North Tryon Street** said I am with Moore & Van Allen, assisting Greg Zanitsch and his wife Sarah with this rezoning request. With me are Greg and Sarah, who are the owners and operators of the Fig Restaurant located on 7th Street, a restaurant that they started in 2005 with the renovation of a historic bungalow in Elizabeth. It took about 11 1/2 months to get that prepared with experience with renovating existing structures.

As David has mentioned, the main purpose of this rezoning petition is to an adaptive reuse of an existing commercial building that has been on the site for quite some time. It is about .20 of an acre; the building has about 2,400 square feet and does incorporate an existing vacant lot that is adjacent to the existing building.

In 2016, the Belmont Community did update the Belmont Area Plan and recognized several buildings throughout the Belmont Community as buildings that added heritage value or value to the heritage of the Belmont Community. This building here at 1201 Kennon Street is one of those buildings that is recognized in the 2016 Belmont Revitalization Plan as a building that should be preserved and reused with commercial uses or neighborhood services uses to support the Belmont Community, and that again is what this petition commits to do. There are notes that commit to preserving the existing building. There is the ability to do some minor additions to the building; those additions are located to the rear and to the side of the building, not towards the streets.

This is a view of the existing building, which had been used for some commercial uses as you see it from Kennon Street. Pegram Street is here; parking for the site would be located

here, and again the idea is to adaptively reuse this existing building. The proposed site plan additions here and here, we will work with C-DOT, and I think what C-DOT is asking us to do in terms of streetscape improvements is remove the old concrete that is around the building that is not in good shape and come back with new concrete and better sidewalks. We are requesting the ability to do some limited outdoor seating here. Along Pegram Street, the building is a fairly large solid wall; there are some notes regarding adding windows and more fenestration to that part of the building to open it up to Pegram and invite the ability to see what the activity in the building from the street. We are proposing an evergreen screen adjacent to the residential uses that are next to us. These are Barford Hollies planted 10 to 12-feet on center. There will be a green screen here; there is recessed on-street parking on Pegram Street and again some additional parking here, and the petitioner is exploring the ability to do some offsite parking in some of the existing parking areas that are located around the site. We'll be happy to answer any questions.

**Jennifer Monroe, 1210 Kennon Street** said thank you for allowing me to speak here this evening. I live directly across from where this parking lot is going to be located, and we've lived there for four and a half years, and we've seen a lot of change in the neighborhood. I'm also the dominant realtor in the area, and I represent a number of builders and infill projects, so I'm definitely supportive of area revitalization. The concerns that we have—And I'm also representing my neighbor Ms. Davis who couldn't be here tonight. We have a couple of concerns with this. We are really very much supportive of the idea of the restaurant. It is the parking lot that we have the problem with more than anything. Kennon Street is a single-lane street; near this corner, we currently have traffic congestion with school buses and commuter traffic. Our driveway is often blocked during these hours while cars pull off to wait for other cars to pass because this is essentially a single lane street. We would request that a traffic study be done to determine whether a restaurant with frequent deliveries and patrons would increase this congestion. Also, the minimum-available, street parking for existing residents along Kennon Street will likely be taken by restaurant patrons leaving our residents with no place to park.

Many of the homes here are very old and do not have a driveway. The proposed parking lot poses several problems. Criminal activity in the lot after business hours, this has long been an active drug corner, and we fear this activity will resume given the semi-hidden nature of this parking lot. An empty abandoned parking lot will be a magnet for drug activity, crime, and trash. The normal food waste from a restaurant has the potential to attract vermin and potentially give off an unpleasant smell.

The parking lot is also just almost directly across from our driveway, and the constant ingress and egress during restaurant hours will prevent our coming and going. My business office is at my home, and I rely on being on time for appointments which are frequent during the evenings. We could effectively be blocked in or out of our driveway as often happens during commuting hours and during Sunday church traffic. Light pollution would also prevent us from enjoying our right to peaceful enjoyment of our homes. This is our home. We don't want commercial lighting a few feet from our living rooms and bedrooms or the noise associated with people coming and going during the night hours when the restaurant is open.

At the end of the day, we would like to be able to sit on our porch and relax and enjoy the quiet and not be subjected to bright lights, car exhaust, and even more frequent traffic noise. A parking lot would negatively impact the value of our homes. From a realtor's point of view, not only will we have a difficult time selling our homes here, but our appraised value will be negatively impacted by external obsolescence.

We are also required to disclose the negative nature of a nearby business, including cooking smells and light pollution to any potential home buyer. The other concern I have is that the way Kennon Street grades downward toward here, to have this much impermeable surface, we already have water management issues on this corner, and my concern is that this is just going to add to that, so I would love to see something as to how water management is going to be handled here.

As much as I love the Fig Tree, and I do, we all know that there is a high-failure rate for restaurants. Certainly, every business that has ever been in this location has failed. What we would be left with is a huge parking lot, and who is going to take care of that? What are we going to do with that? Is it just going to be revolving businesses running through there again and again like we've seen so far? We don't feel that the rezoning really supports- it does support a short-term business goal, but it doesn't support the long-term wellbeing of this street. Again, we are asking for a traffic study and would love to work with the developer and the potential owner in finding some solution to this big parking lot. I don't know if the zoning variance is something that can be done or what, but we definitely don't support the parking lot element of this.

In rebuttal, Mr. MacVean said we will continue to discuss the request with Jennifer. In terms of parking, it is a very small lot; it only actually accommodates eight spaces. We have added a note that loading for the restaurant would be off of Pegram Street in the recess parking spaces that are located here. There is actually a loading dock from the previous owner; it looks like there is a door here that access the rear of the building. We have added notes regarding lighting. It is limited to 15-feet in height, and it is fully shielded. I asked the petitioner and there will be security cameras installed on the site to monitor after hour activity. We understand Kennon is a two-lane road and not a very wide two-lane road. We are not proposing any additional on-street parking here. Again, that is the reason for this and trying to utilize Pegram Street as well as exploring options to park off-site. The petition does allow the restaurant use or the adaptive reuse of the building for a restaurant, but it also does allow other non-residential uses, office, retail, and personal services uses should a restaurant at this location not be something that goes over well.

**Greg Zanitsch, 1732 Cavendish Court** said the Fig Tree Restaurant is in a residential neighborhood, and we do try to be good neighbors and understand that the people next to us are our neighbors and our patrons. In the summer months, we increase our amount of times that we have our dumpsters dumped so that there are no smells. You mentioned light; I think the building right now has a bunch of LED lighting. It would probably be less lighting as a restaurant than it is currently as an unused building.

**Councilmember Egleston** said I will start with this is definitely the vision for Belmont; there has been kind of a formal plan, as you mentioned put forward that said one of the things that makes Belmont unique is that it has these corner stores and that they would like to see those preserved but brought to a higher and better use. This is undoubtedly a higher and better use than those corner stores, and this one has not been as problematic as another one in a different part of the Belmont Neighborhood, but the current use of some of those has caused problems for the neighbors, but this I think would help alleviate. I appreciate you mentioning the security cameras; that was going to be one of my questions as far as monitoring that parking lot. I think that was a valid concern if there is not some security measures put in place, and it sounds like there will be. With what we've seen at Sweet Lou's, with what we've seen at ACE, with what we've seen just up the street from this site at Queen's Coffee Bar, I think these eating and drinking establishments are improving the neighborhood, not coming a detriment of the neighborhood, and I will mention too that I don't think it is City Council's role to determine the viability of a business when we are making a zoning and land use decision. Though if it were our business, I would be fairly confident in Greg's ability to run a successful business, and Fig Tree is one of the best restaurants in the City, and he has demonstrated that he is a good caretaker of old buildings. So, I certainly appreciate what he has done over on 7th Street, and I'd be excited to live within walking distance to one of his restaurants.

I do think there are some things we can work on here, but Belmont has stated through their area plan, has kind of said this is the type of thing that they want to see, and I think we've seen that success at some of the other former corner stores and gas stations and things like that. So, again I think your considerations around to her point of making sure that you are staying on top of there not being dumpster issues and staying on top of there not being security issues but to me, the security issues are made better by a business like this, not worse.

**Councilmember Johnson** said I do go to church over there, and I'm also a frequent customer of Queen's Coffee. So, I know that there is parking on the street, and I know that is something the neighbors would consider. You said there are eight spaces in the parking lot?

Mr. MacVean said yes ma'am, there are eight spaces in this parking lot here plus additional spaces along the building frontage on Pegram Street.

Ms. Johnson said how many tables will the restaurant have?

Mr. Zanitsch said I think right now the architect's drawings run about 52 is what I counted, seats that will seat inside the place.

Ms. Johnson said it is just how many customers are actually going to be able to fit in the parking lot before the on-street parking will be affected? That is what I was trying to see.

Mr. Zanitsch said eight cars is what we would be maxed at. The Fig Tree Restaurant, if that helps, has 18 parking spaces.

Ms. Johnson said I look forward to trying it.

Mayor Lyles said you've already got one client.

Ms. Johnson said no, the Fig Tree. I want to try the Fig Tree.

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

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**ITEM NO. 45: HEARING ON PETITION NO. 2019-134 BY DJ FAMILY FARMS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.27 ACRES LOCATED ON THE NORTH SIDE OF WEST POINTE DRIVE, EAST OF SAM WILSON ROAD, NORTH OF I-85 FROM R-3 LLWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE WATERSHED PROTECTED AREA) TO I-1 LLWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE WATERSHED PROTECTED AREA).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 1.27 acres at West Pointe Drive and Sam Wilson Road, just north of I-85 just to give you some existing context. There is some existing industrial development further down West Pointe Drive, and of course, we have quite a bit along Sam Wilson Road. In this general area, you can see we've got some R-3 zoning; we do have some I-1(CD) zoning in this area, and out here on Reid's Ridge Drive we've got some increased industrial development. This area has seen increasing in industrial development due to its proximity to I-85, the Airport, I-485, and we've got a request here for an I-1 conventional. The Catawba Area Plan does recommend office, industrial, warehouse land uses for the site, so it is consistent with the plan. Again, with a conventional petition, there are no outstanding issue to address. We do recommend approval and will be happy to take any questions following the petitioner's presentation.

**Bridget Grant, 100 North Tryon Street** said I am with Moore & Van Allen, and I'm here tonight with John Fletcher with Carolina Bomanite. They are an architectural concrete contractor that has worked on the Romare Bearden Park, First Ward Park, and the last three Blue Line Extension Parking Decks. We are looking at a conventional rezoning and are happy to answer any questions.

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

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**ITEM NO. 46: HEARING ON PETITION NO. 2019-136 BY VENKATA AMMI REDDY FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.89 ACRES LOCATED ON THE WEST SIDE OF MULBERRY CHURCH ROAD, EAST SIDE OF SLOAN DRIVE, NORTH OF QUEEN CITY DRIVE FROM O-1 (CD) AIR (OFFICE, CONDITIONAL, AIRPORT NOISE OVERLAY) TO O-1 (CD) AIR SPA (OFFICE, CONDITIONAL, AIRPORT NOISE OVERLAY, SITE PLAN AMENDMENT) WITH 5-YEAR VESTED RIGHTS.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 1.89 acres on Mulberry Church Road just north of Queen City Drive and I-85. We've got an existing zoning of O-1(CD) with an airport noise overlay; the proposed zoning is to take that O-1(CD) and do a site plan amendment to allow the development of a hotel on the site. The Westside Strategic Plan does recommend a business park, office land uses and again it is just north of that I-85 interchange with Little Rock Road just north of the Airport. The proposal itself would modify the plan to allow an additional hotel, which would be up to 80-rooms, six-foot sidewalks, eight-foot planting strip along Sloan Drive and Mulberry Church Road. Buffers against the single-family uses to the north and then five-year vested rights for the approval of this rezoning are also included in the request.

There are some site design standards such as back flow preventer; solid waste screening, architectural materials and height of site lighting as well is included. Access to the site will be provided from Sloan Drive and Mulberry Church Road. Staff does recommend approval upon resolution of those outstanding issues mainly related to transportation. The site is consistent with the Westside Strategic Plan, and we will be happy to take any questions following Mr. Brown's presentation.

**Collin Brown, 1420 East 7th Street** said a good overview from David and I think in a nutshell we will just point out we are consistent with the Plan, and interestingly the site is already zoned for hotel uses. This is the old zoning plan that will allow for that, so this is very much just a site plan amendment. This was aligning the hotel that has been here; the plan you saw before you orient the hotel, would actually have fewer hotel rooms between the existing hotel and the one we propose than the existing zoning allows. So, this has really just been a site plan exercise; there is the plan, 80-room max, and we've installed buffers in this area. This would get improvements to the adjacent streetscape, so we would have curb, gutter, sidewalk coming to those areas where they are needed. This is in the airport noise overlay zone. So, it is not really appropriate for residential uses. Happy to answer questions.

**Councilmember Watlington** said I just want to understand this Beech Street abandonment.

Mr. Brown said there is an old paper street on the books called Beech that ran in this area right here. So, staff really said we can give you two choices. You need to abandon Beech Street, or you can amend your site plan to buffer from that. What we have done is we amended it to provide buffers as if Beech Street was there, so we have the option of abandoning it or building the appropriate buffers.

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

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**ITEM NO. 47: HEARING ON PETITION NO. 2019-137 BY KINGER HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.62 ACRES LOCATED ON THE WEST SIDE OF WEST SUGAR CREEK ROAD, NORTH OF YORKFORD DRIVE, SOUTH OF BROWNE'S FERRY ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-6 (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 9.62 acres on West Sugar Creek Road, near an area of Yorkford Drive, just north of David Cox Road. The proposal is currently zoned R-3, looking to go to an R-6 single-family, residential-conditional plan. The adopted future land use for the area from the Northeast District Plan does recommend the site for residential uses up to four dwelling units per acre. The site comes in at a density just under three 3.2 units per acre, so we have a maximum of 31 single-family detached dwellings. We have access off of West Sugar Creek Road along with streetscape improvements for an eight-foot planting strip and six-foot sidewalk along all public roads. A 50-foot right-of-way would be dedicated along West Sugar Creek Road and then architectural standards for the homes themselves related to building materials would be provided through the conditional plan. Again, it comes in at 3.2 dwelling units per acre, so it is less dense than the district plan's recommendation for four DUA. Staff does recommend approval upon resolution of some outstanding issues related to transportation and some of those environmental features, but overall, we do recommend approval and will be happy to take any questions following the presentation.

**Maggie Watts, 1318 Central Avenue** said I am with Urban Design Partners; we're representing the petitioner Kinger Homes. As stated, it is located at 7001 West Sugar Creek Road on approximately 9.62 acres, and here is that greater context. The proposed land use is under four units per acre, and we are roughly 3.2 right now. This was the initial site plan and following the community meeting and follow-up with neighbors, there were several changes made from what was submitted first to what the site plan is now, namely the high points of those changes were the lot count went from 37 to 31. We've increased separation from adjacent neighbors and the proposed lots. The petitioner will be agreeing to put in vegetative screening where the larger areas of concern for neighbors. There is also increased open space from the previous plan, and the petitioner is including additional right-of-way, as well as pavement width for the future widening of West Sugar Creek Road.

**Mark Hatch, 7016 West Sugar Creek Road** said I own the property at 7016 West Sugar Creek Road on the opposite side of the far corner over there. You can probably remember me is like the Jolly Green Giant. I bought this property on July 2nd, and since I've bought that property in July, I've put at least 50 trees around my property, because I believe in the green aspect and for privacy. Also, somebody came to me in the last two months and proposed to me of putting solar panels on my property. So, in the last two months, I've put 37 solar panels on my property. I'm trying to go green and try to use reusable energy.

I and many of the neighbors do not want Kinger Homes to rezone this from R-3 to R-6. I believe it is going to lower the existing neighborhood property values, create over-crowding and parking in the projected project streets, increase air and noise pollution, create privacy issues with the existing neighbors, create over-crowding on the project sidewalks. I took a picture with the issue, because when they originally met with us over at the church for the first meeting with the neighbors, they said they were just going to have 10-feet between the houses, and 10-feet isn't much for the housing. Here is a situation where I went to a neighborhood and looked where they had the houses 10-feet apart, cars were parked all out in the front of the property and across the sidewalks. I don't believe in that sardine type of housing.

If the Charlotte City Council approves this property to R-6(CD), we the neighbors want the owners of the property to only have 20 houses and at least 20-foot separation between the homes. We want the houses to have the selling price value of \$350,000 to \$550,000 and want them to create a club house with playground facilities. At the meeting, they had with the other home owners, the community behind us said, you are not going to have



any kind of place for the kids to play any activity, so they can just be coming over to our neighborhood using their facilities. So, that is one of the reasons why I would recommend them to put a playground facility for the kids. Also, I would like to have a dirt berm on West Sugar Creek Road to create privacy wall for the neighbors. Further down on Sugar Creek Road there is another property where they have the dirt berm, keeping it private from Sugar Creek Road.

The other part is I want you all to think in the future. You talk about traffic problem issues. I'm thinking about the future of the neighborhood, because I've got a grandson, and I think about he wants to be able to breathe and play in the area and have fun. If we don't start thinking green and starting using renewable energy, pretty soon that continues to not be done we are going to be walking around with mask over our faces, because we can't breathe. There is not enough air, and people are not replanting trees; people are not using the solar technology to be using renewable energy. [inaudible] putting a golf cart community in our neighborhood. I made a survey two years ago in the Brookstone neighborhood across the street from W. T Harris and that site plan, and 99% of those people would like a golf-cart community, so we can go around and drive, once we park our cars in our houses. We can use our golf carts to go over to the shopping center next to it to get our food, shop, go back and forth, meet our neighbors, get to a more of a neighborly feel for what is going on in our community.

If you look other cities throughout the nation make golf-cart communities and neighborhoods where people drive around on the golf carts, and the cities have already approved it and they are doing it in Atlanta, California. If you look at my [inaudible], you can see that I've done a little research, and I believe a golf-cart community will help our area grow into the next future for Charlotte. What I would like the City Council to do is put the golf-cart/bike lane crossing at all these different crossings they've got on here.

We are concerned about decreasing the traffic; we are concerned about reducing the CL2 emissions. We are talking about reducing crime. Well, if you get to know your neighbor, which a lot of people have a tendency to pull in their garage, get out of their car and never see anybody, but if you have a tendency to get on the golf cart that only goes five or six miles an hour and drive through the neighborhood you get to know your neighbors, and you get to know the people that are in the neighborhood and you get to know who the strangers are.

If you all do approve this look for the future or our neighborhood that I live in and think about doing some things that can create something for the future of North Charlotte. I appreciate your time and effort.

In rebuttal Ms. Watts said hopefully I can address a couple concerns; as far as air and noise pollution, the developer is going to offer some energy-efficiency standards to home buyers. There will be two-car garages for each home, so I don't think parking on the street should be a problem. I'm sure the developer will also be happy to share some of his value research with Mr. Hatch and ensure him that he is not going to have a property value loss. Other than that, we will be happy to work with Mr. Hatch and address concerns off line.

**Councilmember Egleston** said at the risk of asking another silly DUA question. I think I'm right on this one. What we are looking at with the current zoning would allow for 28 single-family houses, and if the site were four-hundredth of an acre larger it would allow for 29 single-family houses and they are asking to build 31. Is that correct?

Mr. Pettine said that is correct.

Mr. Egleston said so, my math is correct on that. So, I just want to make sure it is clear to all the neighbors that under the R-3 zoning they could already build 28 homes, and they want to build 31. So, this is a relatively marginal difference. I am curious why the R-6 designation instead of like an R-4, given that the density is 3.2, but I don't guess it much matters.

Ms. Watts said it is essentially lot size; there are varying lot widths on there. It is a little hard to tell in the site plan, but it is essentially lot size.

Mr. Egleston said I just wanted to clarify that; today with the zoning they have already, that they don't need our permission, they could build 28 single-family houses on that same lot. So, we are just talking about three extra here.

**Councilmember Winston** said I was going through the package Mr. Hatch gave us; you have some pretty clear asks and some pretty clear ideas of the type of neighborhood and community that you envision. I would suggest this is something that I can clearly say hey, a constituent is suggesting and pass that along to staff and get their type of feedback. I would suggest that you get organized and get your neighbors on board; it is always more powerful and effective to have multiple people behind you with your ideas, especially when they are so clear.

Specifically, around this idea of a golf-cart community, especially in our outer parts of the City that aren't so densely urban, and it is an idea I've never heard of as we try to consider different ideas for older generations that are moving into communities. Like you said some of the things you said about green, about being safe, about a different type of community, it is very interesting to be completely honest, and I have driven off the road in areas closer than California and South Carolina, and I have seen infrastructure that supported communities like this. I don't know if you've ever had discussions about this like this, but it is an interesting concept for certain parts of the City. I hope maybe we will explore this.

**Councilmember Johnson** said this new petition will increase the trips by 350 trips per day, which doesn't seem like a lot. I know that area and is going from single family, and I believe there is maybe four developments that are being built with multifamily, so I would ask again if there is a way we can get the aggregate total of the trips per day. Are they cumulative, or what is going on in the past two years? Again, this petition looks like for the schools it is going to increase North Meck High School from overcrowded to overcrowded. If we can just get a big picture of what is going on in the area and I think that needs to be provided to the Zoning Committee or to the Council just so it gives us an idea so we can make strategic decisions for the area.

Mr. Pettine said I will provide that in the follow-up report prior to the Zoning Committee and prior to your decision as well.

**Councilmember Driggs** said just a brief comment, sir, you need to understand that some of the things you suggested in here are not within our authority to require. So, I would suggest that you maybe spend some time with a member of Council so we can explain that to you a little better and then you might be able to have a constructive conversation with the petitioner about which of your requests can be accommodated. We cannot, for example, impose a requirement as to selling price, just as an instance. I thought it was worth clarifying.

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

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**ITEM NO. 48: HEARING ON PETITION NO. 2019-149 BY GUY PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY .4416 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF NORTH DAVIDSON STREET AND EAST 36<sup>TH</sup> STREET FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is a fairly straight forward request; the current zoning is MUDD-O. The proposed zoning is TOD-NC. As you can see, it is in close proximity to

the 36th Street Station; we are the corner of 36th Street and North Davidson Street. It is consistent with the 36th Street Station Area Plan, which recommends TOD uses. Staff does recommend approval of this petition; it supports the purpose of those TOD districts and the area plan adopted in 2013. I'll be happy to take any questions. As I said, it is a fairly straight forward TOD petition, and they want to continue to reuse the site. We have some challenges, I think with existing parking and some tenants that are in the building, so TOD would offer them some flexibility in the parking standards and allows them to continue to use that building in a manner that they currently are.

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

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**ITEM NO.49: HEARING ON PETITION NO. 2019-149 BY WOOD PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.8 ACRES LOCATED ON THE NORTHERN INTERSECTION OF NORTH DAVIDSON STREET AND EAST 21ST STREET FROM TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT, MIXED-USE, OPTIONAL) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT - URBAN CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is approximately 2.8 acres located on North Davidson Street between 21st Street and 22nd Street. The petition wasn't part of the alignment the properties around the petition were part of the alignment zoning that went through last months, and the new maps that we have would reflect that, but currently, you see it as a I-2. The area all around this petition has also gone to TOD-UC. The reason this petition wasn't brought into the alignment was because it was a TOD-M with optional provisions. Those optional provisions we did not pull in petitions that had optional provisions in them.

The petitioner had since worked both with staff in our Department and over in Housing and Neighborhood Services. Some of those optional conditions are actually monetary commitments to the Belmont Community for certain beautification projects. There were some other optional commitments that the petitioner has maintained through an MOU that we've been working on between all those parties that would be involved to maintain those commitments, while still transitioning the site to TOD-UC which would allow for more consistent development since there has been acquisition of some additional properties between 21st and 22nd Streets, so we would have one unified zoning district to redevelop that site. We are happy to maintain those commitments and appreciate the petitioner working through an MOU process to get some of that accomplished.

It is consistent with the Transit Station Area Plan for Parkwood. Staff does recommend approval, and as you can see, we've got fairly lengthy rationale, and I won't go through all of that, but I think the biggest thing to point out was the maintenance of those commitments from the optional provisions while we transition to the TOD-UC.

**Collin Brown, 1420 East 7th Street** said I am here on behalf of Wood Partners, the petitioner; Tom Burkert is with me. Most of the site is old TOD, and some of the site is new TOD, and we are going to make it all new TOD. The old TOD has some commitments actually to the Optimist Park Neighborhood; we are entering those into a private agreement, and the City will administer those. So, really you get the new district plus all the old commitments.

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

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**ADJOURNMENT**

The meeting was adjourned at 10:08 p.m.

A handwritten signature in black ink that reads "Stephanie C. Kelly". The signature is written in a cursive, flowing style.

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Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 6 hours  
Minutes Completed: January 9, 2020