

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, December 21, 2020 at 5:02 p.m. in Room 267 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, Matt Newton, Victoria Watlington, and Braxton Winston II.

ABSENT: Councilmember Julie Eiselt.

ABSENT UNTIL NOTED: Councilmember James Mitchell.

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Mayor Lyles said welcome to the December 21st Zoning Meeting of the Charlotte City Council. We wish everyone a wonderful Holiday. I think Hanukah is over and we are entering into the season of Christmas and Cuanza. We wish every one of our residents a safe and Happy Holiday time. Tonight's Zoning Meeting is being held as a virtual meeting in accordance with the electronic meeting statute. The requirements of notice, access, and minutes are being met through electronic means. The public can watch this on the Government Channel the City's Facebook page or the City's YouTube page. Councilmember Eiselt is traveling tonight and we wish her safe travels, but she will not be able to attend the meeting tonight. I understand that Mr. Newton will join us for the decision portion of the meeting and will not be able to stay for the Zoning Hearings.

I wanted to talk a little bit before we go any further. In speaking with our ideas about having the meetings go virtual, particularly our Zoning Meeting which is really prescribed so closely by what we have to do in terms of the legal process, we are going to really need to have everyone visual on the screen to be able to vote. If you are not being shown on the screen, if you are not physically visible on the screen then you will be noted as being absent for that vote and that note will have to be made in the minutes of the meeting. I just want to make sure everybody understands.

Councilmember Watlington said when you say absent for that vote if someone is here are, they counted as affirmative for that vote, or are they not recorded?

Mayor Lyles said we have been examining this; your vote is for each individual item, so if we do a zoning decision and you are not visible on the screen you will mark it as being absent for that vote and a no vote. So, you must be visible virtually to be able to be counted affirmatively, or however, you decide to vote for your vote to count either way.

Ms. Watlington said you said you would be a no vote so there is not an abstention if you were absent.

Mayor Lyles said there is no abstention for absenteeism, no. What I'm saying is the vote can be yes for the petition or no for the petition or if you are not on the screen, Ms. Hagler-Gray is that a no vote or just absent? My notes from the meeting that we had, it was that you would be noted as being absent.

Teri Hagler-Gray, Senior Assistant City Attorney said we are asking that everyone make themselves visible for all of the votes and that is part of the statute that you are maintaining simultaneous communication. When you are not maintaining simultaneous communication, if you have any issues with your technology, we will not be able to tell, and you need to let us know that you are no longer available and present at the meeting. If you are having issues and you cannot be visible and all we can see is your name, we need to hear your voice, so the Mayor will be calling everyone's name tonight and we need to make sure that you at least, if you are not visible, that you announce your name and your vote. If you cannot do either one of those things then you will be counted as a no vote.

Ms. Watlington said currently our rules of procedure state that if you have come to the meeting and you have been marked present, and you leave, you are at the bathroom or

you had to leave, your votes are counted as affirmative. What I just heard is we are doing the opposite, correct?

Ms. Hagler-Gray said that is correct. The remote legislation that was passed back in May specifically addresses electronic meetings under declaration of emergency and so, you are right, that will not be the case for virtual meetings.

Mayor Lyles said so it is the emergency declaration that has caused us to do this because we've chosen to go virtually. It would be different if you were in a physical state.

Councilmember Driggs said in the same vein; Mayor, you said no vote, does that mean I voted no, or I count as not having voted?

Ms. Hagler-Gray said could repeat your question, Mr. Driggs?

Mr. Driggs said when the Mayor said it is a no vote, does that mean that you didn't vote or that you voted no?

Ms. Hagler-Gray said if you do not answer, typically if we are present in the Chamber and you do not answer but you were present at the beginning of the meeting and the quorum was counted you would be considered a yes vote, but since under we are under the remote meeting legislation if you do not answer than the Mayor will count you as a no vote.

Mayor Lyles said the rules are different from the meetings that we have in the Chamber in person and the rules for the virtual meeting. I apologize, I think Ms. Hagler-Gray is giving me additional information, so you only get to say yes or no. You can say no, but if you are not on screen visually, you will be a no vote. I'm going to ask Ms. Hagler-Gray if Mr. Newton wants to leave the meeting after the Decision portion, do we need to note that he is no longer present for the meeting and he is absent from that point on? That will be for the hearings, so it doesn't really matter for the voting. I want to make sure everybody is clear on that. I know we are always working on it so thank you for your patience and understanding.

Councilmember Johnson said this is contrary to our current rules, so this is an electronic meeting rule. Has this been effective since March; should we have been complying with this and are there votes that we need to go back and take a look at because we were operating under the in-person rules?

Mayor Lyles said we are not going to go back and take a look at votes that were taken in the past. We hope that this will just help us be more precise. What has happened, originally when we started out virtually, everybody was pretty much focused and was there but as we've taken some time throughout this it has become a little bit more that people kind of walk away and come back so what we are really doing is going back and trying to make sure that we tighten up. So, right now my understanding is that is where we are going to be headed. We will do this as long as the emergency declaration is in play and then we will see what happens after that, but this is in part to make it easier for both the Clerk, the Attorney, and myself to conduct the meeting in a way that works. I also wanted to say that I will call the roll in the same order every time so you will know when your turn is coming up. Usually, I just try to play a little bit around so that I can see who is on the screen, but with this process, I don't have to worry if someone is there or not there. In the past when we've been taking a vote someone might get up and walk out and I was like do I go back to them and I have skipped around. No more skipping around, the vote will be called in the same order consistently throughout this meeting. Since Mayor Pro Tem is not here I will start off with Mr. Winston, Mr. Mitchell, Ms. Ajmera, Mr. Driggs, Ms. Watlington, Ms. Johnson, Mr. Bokhari, Mr. Graham, Mr. Newton, Mr. Egleston. That will be the order of the vote tonight.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF ZONING MEETING

Mayor Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Keba Samuel, Vice Chairperson of Charlotte Mecklenburg Planning Commission & Chairperson of Zoning Committee introduced the member of the Zoning Committee. They will meet on Tuesday, January 5, 2021, will meet 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 hearings. For questions or to contact the Zoning Committee, information can be found at charlotteplanning.org.

Councilmember Mitchell arrived at 5:17 p.m.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Driggs, seconded by Councilmember Watlington, and carried unanimously defer: a decision on Item No. 5, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC to January 19,2021; a decision on Item No. 15, Petition No. 2020-105 by Matt Connolly – White Zombie, LLC to January 19,202; a decision on Item No. 20, Petition No. 2020-118 by TWG Development to January 19, 2021; a hearing on Item No. 26, Petition No. 2020-133 by D.R. Horton to January 19, 2021, and, withdraw Item No. 4, Petition No. 2019-085 by American Asset Corp.

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ITEM NO. 3: CITY CLERK COMPENSATION

Mayor Lyles said on November 2nd, the Mayor and Council met to conduct the performance evaluation of the City Clerk and to discuss her potential compensation. We are glad to say that we have one of the most effective Clerks working with us in the City and in her review has made a recommendation.

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to approve a 4% merit base pay increase for the City Clerk, Ms. Stephanie Kelly, effective July 4, 2020 in recognition of her performance from July 1, 2019 to July 3, 2020.

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DECISIONS

ITEM NO. 4-B: ORDINANCE NO. 9939-Z, PETITION NO. 2019-128 BY PULTE GROUP, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 240.32 ACRES LOCATED ON THE WEST SIDE OF STEELE CREEK ROAD, SOUTH OF SLEDGE ROAD, EAST OF SHOPTON ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO MX-3 (MIXED USE) AND UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Welton, seconded by McMillan) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Steele Creek 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 uses at up to four dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the petition is consistent with the low-density residential recommendation as per the Steele Creek area plan and is compatible with the surrounding existing land uses. The proposed site plan includes a 150 unit continuing care/retirement community, which could be classified as institutional land use, and consistent with the recommendation in the Steele Creek Area Plan for institutional uses to be considered appropriate at various locations throughout the area. The site provides a range of housing types and options while maintaining the density recommended in the area plan. The project is providing a mix of active and passive open space to serve the residents and manage the environmental features of the site. The proposed site plan commits to many transportation improvements to the area.

Motion was made by Councilmember Watlington, seconded by Councilmember Mitchell, to approve Petition No. 2019-128 by Pulte Group, Inc. and adopt the following Statement of Consistency: this petition is found to be consistent with the Steele Creek 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 uses at up to four dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition is consistent with the low-density residential recommendation as per the Steele Creek area plan and is compatible with the surrounding existing land uses. The proposed site plan includes a 150 unit continuing care/retirement community, which could be classified as an institutional land use, and consistent with the recommendation in the Steele Creek Area Plan for institutional uses to be considered appropriate at various locations throughout the area. The site provides a range of housing types and options while maintaining the density recommended in the area plan. The project is providing a mix of active and passive open space to serve the residents and manage environmental features of the site. The proposed site plan commits to many transportation improvements to the area.

Councilmember Watlington said I just want to highlight the great work the Pulte Group did in conjunction with SCRA, the Steele Creek Residents Association. This one is leading the way in terms of thinking holistically about how traffic impacts can be mitigated by developers throughout the zoning process. I just want to hit a couple of quick highlights here. This site plan is a proposed development of up to 550 single-family homes and instead of a density of 2.4 DUA (Dwelling Units per acre) with 30% open space and 150 continuing care residential units. The site plan features a commitment to provide greenway connectivity, significant open space, and an extensive internal street network. The proposed density is less than the current R-3 zoning. The plan is consistent with the adopted land use policy of the Steele Creel Plan and there is community support. The Steele Creek Residents Association has provided a letter of support from a transportation standpoint, as I said benchmarks the proposed rezoning includes infrastructure improvements at 15 access points for intersections in the area, some of which are not

even adjacent to the site. So, again I will say thank you for the work of Moore & Van Allen, and Pulte on this. I am happy to support this.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 428-429.

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ITEM NO. 6: ORDINANCE NO. 9940-Z, PETITION NO. 2019-180 BY JUSTIN ADAMS – MAPLE MULTI-FAMILY LAND USE SE, LP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.2 ACRES LOCATED ON THE WEST SIDE OF WALLACE ROAD, NORTH OF WOODBERRY ROAD, WEST OF EAST INDEPENDENCE BOULEVARD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) AND UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND UR-2(CD) SPA (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-0 (motion by Nwasike, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Independence Boulevard Area Plan for the northern portion of the site and consistent with the Plan's recommendation for the southern portion of the site based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential development up to 12 units per acre for the northern portion of the site and recommends residential development up to 22 units per acre for the southern portion of the site as amended by petition 2019-074. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the subject site is over a ½ mile walk from the nearest proposed LYNX Silver Line transit station but located within 190 feet of the proposed transit alignment. Therefore, the site is not appropriate for transit-oriented development; but moderate density multi-family development is appropriate with the site's location along the future rail corridor. The site is located within the Southeast Corridor per the Centers, Corridors, Wedges Growth Framework. Corridors are areas recommended for moderate-intensity multi-family uses. The site is located within a ½ mile walk to bus stops/routes along Monroe Road and Independence Boulevard. The proposed density of 22 units per acre is consistent with other multi-family developments north of the site on Wallace Road and Wallace Lane in office zoning that exist at comparable densities. The site and proposed development provide a transition in land use types and intensity from the commercial uses along Independence Boulevard and Wallace Road to the single-family uses west of the site. The site plan combines an area previously zoned for multi-family residential with the only other large vacant parcel fronting this portion of Wallace Road for a unified multi-family development. The plan extends Pineborough Road and stubs to the northern most property line and provides connectivity through the site to Wallace Road with a public access easement. The site plan provides development conditions that reduce impacts to abutting single-family homes through the limitation of building heights, provision of buffers, and provision of building envelopes that ensure building sides face single-family homes and buildings are located adjacent to existing or proposed streets away from the single-family homes. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan, from residential at 12 DUA (dwelling units per acre) to residential at 22 DUA for the northern portion of the site.

Motion was made by Councilmember Newton, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2019-180 by Justin Adams – Maple Multi-Family Land use SE, LP and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Independence Boulevard Area Plan for the northern portion of the site and consistent with the Plan's recommendation for the southern portion of the site based on the information from the final staff analysis and the public hearing and because the plan recommends residential development up to 12 units per acre for the northern portion of the site and recommends residential development up to 22 units per acre for the southern portion of the site as amended by petition 2019-074. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is over a ½ mile walk from the nearest proposed LYNX Silver Line transit station but located within 190 feet of the proposed transit alignment. Therefore, the site is not appropriate for transit-oriented development; but moderate density multi-family development is appropriate with the site's location along the future rail corridor. The site is located within the Southeast Corridor per the Centers, Corridors, Wedges Growth Framework. Corridors are areas recommended for moderate intensity multi-family uses. The site is located within a ½ mile walk to bus stops/routes along Monroe Road and Independence Boulevard. The proposed density of 22 units per acre is consistent with other multi-family developments north of the site on Wallace Road and Wallace Lane in office zoning that exist at comparable densities. The site and proposed development provide a transition in land use types and intensity from the commercial uses along Independence Boulevard and Wallace Road to the single-family uses west of the site. The site plan combines an area previously zoned for multi-family residential with the only other large vacant parcel fronting this portion of Wallace Road for a unified multi-family development. The plan extends Pineborough Road and stubs to the northern most property line and provides connectivity through the site to Wallace Road with a public access easement. The site plan provides development conditions that reduce impacts to abutting single-family homes through the limitation of building heights, provision of buffers, and provision of building envelopes that ensure building sides face single-family homes and buildings are located adjacent to existing or proposed streets away from the single-family homes. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan, from residential at 12 (dwelling units per acre) to residential at 22 DUA for the northern portion of the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 430-431.

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ITEM NO. 7: ORDINANCE NO. 9941-Z, PETITION NO. 2020-013 BY BOULEVARD REAL ESTATE ADVISORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.613 ACRES LOCATED ON THE EASTERN SIDE OF THE INTERSECTION OF TRYON STREET AND CAMA STREET, AND SOUTH OF FREELAND LANE FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO UR-C(CD) (URBAN RESIDENTIAL COMMERCIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Welton, seconded by McMillan) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Scaleybark Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Scaleybark Transit Station Area Plan recommends residential uses up to 12 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 majority of the site is within ½ mile walk of the Scaleybark Station on the LYNX Blue Line. The project will allow for infill that will provide transit-supportive uses within close proximity to a station area and TOD zoning designations. The project provides architectural and design standards that commit to building materials, building

orientation, and the pedestrian environment. The development will improve the streetscape treatment along East Cama Street and South Tryon Street. The approval of this petition will revise the adopted future land use as specified by the Scaleybark Transit Station Area Plan, from current recommended residential uses up to 12 dwelling units per acre to new recommended office/retail/residential over 17 units per acre for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-013 by Boulevard Real Estate Advisors, LLC and adopt the following statement of Consistency: this petition is found to be inconsistent with the Scaleybark Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the Scaleybark Transit Station Area Plan recommends residential uses up to 12 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 majority of the site is within ½ mile walk of the Scaleybark Station on the LYNX Blue Line. The project will allow for infill that will provide transit supportive uses within close proximity to a station area and TOD zoning designations. The project provides architectural and design standards that commit to building materials, building orientation, and the pedestrian environment. The development will improve the streetscape treatment along East Cama Street and South Tryon Street. The approval of this petition will revise the adopted future land use as specified by the Scaleybark Transit Station Area Plan, from current recommended residential uses up to 12 dwelling units per acre to new recommended office/retail/residential over 17 units per acre for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 432-433.

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ITEM NO. 8: ORDINANCE NO. 9942-Z, PETITION NO. 2020-014 BY CAROLINA BUILDERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.9 ACRES LOCATED ALONG THE EASTERN SIDE OF ERWIN ROAD AND NORTH OF TRYON STREET FROM R-8 MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Nwasike, seconded by Barbee) to recommend approval of Petition No. 2020-014 and adopt the following Statement of Consistency: this petition is found to be consistent with the Steele Creek 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 DUA. 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 development will provide more housing choices in the area. A new public street is proposed as part of this site plan, which will connect Erwin Road to a new public road, that was approved as part of the rezoning petition 2019-030 for multi-family development. The proposed UR zoning district is consistent with the density recommendation per the Area Plan and creates architectural design standards that provide a better connection to the street frontage and has developed standards that are better suited to the overall size and shape of the subject parcel.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, to approve Petition No. 2020-041 by Carolina Builders, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential up to 8 DUA. 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 development will provide more housing choices in the area. New public street is proposed as part of this site plan, which will connect Erwin Road to a new public road, that was approved as part of rezoning petition 2019-030 for a multi-family development. The proposed UR zoning district is consistent with the density recommendation per the Area Plan and creates architectural design standards that provide a better connection to the street frontage and has development standards that are better suited to the overall size and shape of the subject parcel.

Councilmember Watlington said I just wanted to say on this one, in particular, the density is less than the entitlement as well as the Steele Creek Residents Association did not feel it would be a significant impact, particularly given the improvements that are coming with the Pulte rezoning.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 434-435.

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ITEM NO. 9: ORDINANCE NO. 9943-Z, PETITION NO. 2020-037 BY CITY OF CHARLOTTE PLANNING DESIGN AND DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 49.3 ACRES LOCATED ON BOTH THE NORTH AND SOUTH SIDE OF RUSSELL AVENUE, WEST OF INTERSTATE 77, NORTH OF OAKLAWN AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-5 (HDO) (SINGLE-FAMILY RESIDENTIAL, HISTORIC DISTRICT OVERLAY).

The Zoning Committee voted 6-0 (motion by McMillan, seconded by Welton) 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. The petition is also consistent with Centers, Corridors and Wedges Growth Framework and General Development Policies based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family residential development and greenway use and the Centers, Corridors and Wedges Growth Framework and the General Development Policies recommend that new development should respect and preserve the City's historic character, integrating existing historic buildings, artifacts and landscapes into the modern urban fabric; to protect and enhance the character of existing neighborhoods, and to discourage tearing down historic or architecturally significant structures. 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 petition establishes a local historic district overlay. The underlying zoning requirements and entitlements remain. One of the goals of the Central District Plan is to pursue measures to protect historic resources in the Central District. Local historic districts protect the unique and vibrant character of each designated historic neighborhood; maintain the historic human scale, pedestrian orientation, and visual variety of the streetscape; preserve areas of green space and the tree canopy and manage changes to accommodate modern living.

Motion was made by Councilmember Winston, seconded by Councilmember Mitchell, to approve Petition No. 2020-037 by City of Charlotte Planning Design and Development and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan. The petition is also consistent with Centers, Corridors and Wedges Growth Framework and General Development Policies based on the information from the final staff analysis and the public hearing and because the plan recommends single-family residential development and greenway use and the Centers, Corridors and Wedges Growth Framework and the General Development Policies recommend that new development should respect and preserve the City's historic character, integrating existing historic buildings, artifacts and landscapes into the modern urban fabric; to protect and enhance the character of existing neighborhoods; and to discourage tearing down historic or architecturally significant structures. 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 petition establishes a local historic district overlay. The underlying zoning requirements and entitlements remain. One of the goals of the Central District Plan is to pursue measures to protect historic resources in the Central District. Local historic districts protect the unique and vibrant character of each designated historic neighborhood; maintain the historic human scale, pedestrian orientation, and visual variety of the streetscape; preserve areas of green space and the tree canopy, and manage changes to accommodate modern living.

The vote was recorded as follows:

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Graham, Johnson, Mitchell, Watlington, and Winston.

Councilmember Newton lost his signal and is recorded as no vote.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 436-437.

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ITEM NO. 10: ORDINANCE NO. 9944-Z, PETITION NO. 2020-042 BY BOULEVARD REAL ESTATE ADVISORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.236 ACRES LOCATED EAST OF SOUTH TRYON STREET, SOUTH OF TRYCLAN DRIVE, AND WEST OF DEWITT LANE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO O-1(CD) (OFFICE, CONDITIONAL)

The Zoning Committee voted 7-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Scaleybark Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Scaleybark Transit Station Area Plan recommends residential up to 5 units per acre with the following note: "Similarly, the single-family properties on Ellenwood Place and Yorkshire Drive are recommended for residential at 4 DUA. However, if all property owners agree and the land is consolidated, redevelopment for TOD-Mixed would be appropriate. If redevelopment occurs, street connections to Dewitt Lane and Tryclan should be provided. 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 parcel is located at the end of the street and will serve as an interim buffer between TOD zoning and single-family residential uses. The project will be required to buffer all property lines abutting residential uses and/or zoning per ordinance. The proposed rezoning plan has included language restricting the use of the proposed vehicular access point to and from Ellenwood Place. The proposed rezoning plan incorporates possible amenities on the parcel, prohibiting dwelling units or habitable structures. The approval of this petition will revise the adopted future land use as specified by the Scaleybark Transit Station Area Plan, from current recommended residential up to 5 units per acre to the new recommended office use for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-042 by Boulevard Real Estate Advisors, LLC and approve the following Statement of Consistency: this petition is found to be inconsistent with the Scaleybark Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the Scaleybark Transit Station Area Plan recommends residential up to 5 units per acre with the following note: "Similarly, the single-family properties on Ellenwood Place and Yorkshire Drive are recommended for residential at 4 DUA. However, if all property owners agree and the land is consolidated, redevelopment for TOD-Mixed would be appropriate. If redevelopment occurs, street connections to Dewitt Lane and Tryclan should be provided. 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 parcel is located at the end of the street and will serve as an interim buffer between TOD zoning and single-family residential uses. The project will be required to buffer all property lines abutting residential uses and/or zoning per ordinance. The proposed rezoning plan has included language restricting use of the proposed vehicular access point to and from Ellenwood Place. The proposed rezoning plan incorporates possible amenities on the parcel, prohibiting dwelling units or habitable structures. The approval of this petition will revise the adopted future land use as specified by the Scaleybark Transit Station Area Plan, from current recommended residential up to 5 units per acre to the new recommended office use for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 438-439.

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ITEM NO. 11: ORDINANCE NO. 9945-Z, PETITION NO. 2020-052 BY SELWYN PROPERTY GROUP, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1 ACRE LOCATED ON THE WEST SIDE OF THE INTERSECTION OF EAST BOULEVARD AND SCOTT AVENUE, EAST OF KENILWORTH AVENUE, FROM NS PED (NEIGHBORHOOD SERVICES, PEDESTRIAN OVERLAY) TO MUDD (CD) PED (MIXED-USE DEVELOPMENT, CONDITIONAL, PEDESTRIAN OVERLAY).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Kelly) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the East Boulevard Pedscape Plan recommendation for proposed uses, but inconsistent with recommended height and proposed office uses, based on the information from the post-hearing staff analysis and the public hearing. 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 current entitlements under rezoning petition 1997-88 allow restaurant, retail and office uses. The design guidelines encourage the utilization of architectural elements that are attractive, functional, and will help to achieve a cohesive composition on all elevations. Places focus on the street level and pedestrian enhancement through design features. Minimizes the presence of driveways and parking areas by limiting the number of entrances to 2 and utilization of a parking structure. Encourages commercial revitalization by establishing a mixed-use project on an infill lot. The approval of this petition will revise the adopted future land use from multifamily/retail as specified in the East Boulevard Pedscape Plan to multifamily/office/retail.

The petitioner made the following changes to the petition after the Zoning Committee vote. Therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.

1. Petitioner increased the height of the cantilever to a minimum of 26' above the sidewalk.

2. Petitioner clarified that trees along East Boulevard may be located in grates along the sidewalk.
3. Petitioner revised building material notes to better define the preferred materials along the frontages of East Boulevard and Scott Avenue.

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously not to send this petition back to the Zoning Committee.

Motion was made by Councilmember Egleston, seconded by Councilmember Bokhari, to approve Petition No. 2020-052 by Selwyn Property Group, Inc. and adopt the following Statement of Consistency: this petition is found to be consistent with the East Boulevard Pedscape Plan recommendation for proposed uses, but inconsistent with recommended height and proposed office uses, based on the information from the final staff analysis and the public hearing. 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 current entitlements under rezoning petition 1997-88 allow restaurant, retail and office uses. The design guidelines encourage utilization of architectural elements that are attractive, functional, and will help to achieve a cohesive composition on all elevations. Places focus on the street level and pedestrian enhancement through design features. Minimizes the presence of driveways and parking areas by limiting number of entrances to 2 and utilization of a parking structure. Encourages commercial revitalization by establishing a mixed-use project on an infill lot. The approval of this petition will revise the adopted future land use from multifamily/retail as specified in the East Boulevard Pedscape Plan to multifamily/office/retail, as modified.

Councilmember Egleston said I just wanted to say there was work going on between the DCA (Dilworth Community Association) and the developer on this as late as this morning so I appreciate all the back and forth between them to get to the point where DCA is no longer opposing this rezoning, but DCA did want to reiterate as they have said to staff before that they are concerned about the possible future movement of the curb and they are hopeful that the City will not change the back of the curb in this block now in this new condition. The staff is aware of that concern and I just wanted to reiterate that, but I am supporting this.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Graham, Johnson, Mitchell, Watlington, and Winston.

*Councilmember Newton was recorded as no vote due to technical problem.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 440-441.

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ITEM NO. 12: ORDINANCE NO. 9946-Z, PETITION NO. 2020-073 BY BLUE AZALEA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.8 ACRES LOCATED ALONG BOTH THE NORTH AND SOUTH SIDES OF SHARON VIEW ROAD, WEST OF COLONY ROAD AND EAST OF SHARON ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (Motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the South Park Small Area Plan for the part of the site on the north side of Sharon View Road and inconsistent with the South District Plan for the part of the site on the south side of Sharon View Road. However, the General Development Policies support the requested density for the southern portion of the site.

The site northern portion of the site is located within a mixed-use activity center as designated by the Centers, Corridors, and Wedges Growth Framework. 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 majority of the site is consistent with land use plan recommendations and the proposed density of 7.0 DUA is less than the recommended density in the South Park Small Area Plan for the northern portion of the site. The 4.1 DUA proposed for the southern portion is less than the density supported by the General Development Policies. The proposed development is similar in scale and density to other townhome developments along the north side of Sharon View Road and the 3 unit building on the south side of Sharon View has a limited impact on nearby single-family homes due to the orientation of the building on the parcel and limited building height of 40 feet. There is limited opportunity to increase connectivity in the South Park area. Connectivity policies and recommendations in Centers Corridors & Wedges, the General Development Policies, Urban Street Design Guidelines, and the South Park C-NIP Playbook each recommend additional connections within the designated activity center area, and this block is one of the only remaining locations which can help improve connectivity in the South Park area. The petitioner has committed to providing public bicycle and pedestrian connectivity through the site from Sharon View Road to the rear of the northern portion of the site, which has the potential to be extended to Philips Place in the future. The approval of this petition will revise the adopted future land use for the parcels south of Sharon View Road as specified by the South District Plan, from single-family residential at 3 units per acre to Residential at less than 5 units per acre for the site.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, to approve Petition No. 2020-073 by Blue Azalea and adopt the following Statement of consistency: this petition is found to be consistent with the South Park Small Area Plan for the part of the site on the north side of Sharon View Road and inconsistent with the South District Plan for the part of the site on the south side of Sharon View Road. However, the General Development Policies support the requested density for the southern portion of the site. The site northern portion of the site is located within a mixed-use activity center as designated by the Centers, Corridors, and Wedges Growth Framework. 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 majority of the site is consistent with land use plan recommendations and the proposed density of 7.0 DUA is less than the recommended density in the South Park Small Area Plan for the northern portion of the site. The 4.1 DUA proposed for the southern portion is less than the density supported by the General Development Policies. The proposed development is similar in scale and density to other townhome developments along the north side of Sharon View Road and the 3 unit building on the south side of Sharon View has a limited impact on nearby single-family homes due orientation of the building on the parcel and limited building height of 40 feet. There is limited opportunity to increase connectivity in the South Park area. Connectivity policies and recommendations in Centers Corridors & Wedges, the General Development Policies, Urban Street Design Guidelines, and the South Park C-NIP Playbook each recommend additional connections within the designated activity center area, and this block is one of the only remaining locations which can help improve connectivity in the South Park area. The petitioner has committed to providing public bicycle and pedestrian connectivity through the site from Sharon View Road to the rear of the northern portion of the site, which has the potential to be extended to Philips Place in the future. The approval of this petition will revise the adopted future land use for the parcels south of Sharon View Road as specified by the South District Plan, from single-family residential at 3 units per acre to Residential at less than 5 units per acre for the site.

Councilmember Bokhari said I just wanted to thank everyone. There was some complexity to this one and the neighbors, the petitioner, and the staff all came together with a rather elegant solution to a challenging issue. I want to shine a light on that for a second. We have tough decisions in front of us as it relates to this principle that the

Department of Transportation and Planning has to put into practice which is connectivity and sometimes that means opening up streets for broader connectivity which also brings more traffic, so it is never simple. It is always impactful and can be controversial and I am just so proud of the neighbors that activated in a positive way and had their voices heard, the petition that worked very hard, and the staff who I think really worked hard, stuck to their guns where necessary but figured out ways to find concession. I think this is a model in how you take something hard and you figure it out. Thank you, guys.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 442-443.

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ITEM NO. 13: ORDINANCE NO. 9947-Z, PETITION NO. 2020-076 BY GREEN BIRD PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.51 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF PARKWOOD AVENUE AND ALLEN STREET IN THE VILLA HEIGHTS COMMUNITY FROM B-1 (NEIGHBORHOOD BUSINESS) TO NS (NEIGHBORHOOD SERVICES).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to consistent with the Belmont Area Revitalization 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 multi-family/office/retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the request is similar in use, height, and scale to two adjacent approved rezoning petitions along Parkwood Avenue (2020-005 & 2019-156). The retail component of this project (up to 10,000 SF) satisfies the Plan's economic development goal of increasing retail services within the Belmont neighborhood. The request is consistent with current entitled uses within the existing B-1 district. The request aligns with the plan's recommendation of a neighborhood-scale mixed-use node (retail and residential) at the intersection of Pegram Street and Parkwood Avenue. The request helps Belmont achieve its land use goal of "preserving its single-family character" while developing a "mixed-use plan to enhance the quality of life" for its residents. Orienting residential density and mixed uses along major thoroughfares, as this project proposes, preserves the character of the surrounding single-family neighborhood while providing proximal neighborhood services.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-076 by Green Bird Properties, LLC and adopt the following Statement of Consistency: this petition is found to consistent with the Belmont Area Revitalization 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 multi-family/office/retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the request is similar in use, height, and scale to two adjacent approved rezoning petitions along Parkwood Avenue (2020-005 & 2019-156). The retail component of this project (up to 10,000 SF) satisfies the Plan's economic development goal of increasing retail services within the Belmont neighborhood. The request is consistent with current entitled uses within the existing B-1 district. The request aligns with the plan's recommendation of a neighborhood-scale mixed-use node (retail and residential) at the intersection of Pegram Street and Parkwood Avenue. The request helps Belmont achieve its land use goal of "preserving its single-family character" while developing a "mixed use plan to enhance the quality of life" for its residents. Orienting residential density and mixed uses along major thoroughfares, as this project proposes, preserves the character of the surrounding single-family neighborhood while providing proximal neighborhood services.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 444-445.

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ITEM NO. 14: ORDINANCE NO. 9948-Z, PETITION NO. 2020-090 BY REMOUNT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.566 ACES LOCATED ALONG THE SOUTH SIDE OF WATSON DRIVE, WEST OF REMOUNT ROAD, AND NORTH OF WEST BOULEVARD FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO TOD-TR (TRANSIT-ORIENTED DEVELOPMENT – TRANSIT TRANSITION).

The Zoning Committee voted 7-0 (motion by Barbee, 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 Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Central District Plan recommends multifamily residential uses up to 22 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 subject site is approximately .35 mile walk of the proposed Remount Road Transit Station on the LYNX Silver Line. The use of conventional TOD-TR (transit-oriented development-neighborhood center) zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. CATS staff is in the process of refining the LPA and will begin station area planning in 2021 which will include urban design, land use, and infrastructure recommendations. CATS is supportive of zoning districts that allow transit-oriented development form and density within 1 mile of transit stations. The approval of this petition will revise the adopted future land use from multifamily residential uses up to 22 dwelling units per acre as specified in the Central District Plan to transit-oriented development for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, to approve Petition No. 2020-090 by Remount, 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 Central District Plan recommends multifamily residential uses up to 22 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 subject site is approximately .35 mile walk of the proposed Remount Road Transit Station on the LYNX Silver Line. Use of conventional TOD-TR (transit-oriented development-neighborhood center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. CATS staff is in the process of refining the LPA and will begin station area planning in 2021 which will include urban design, land use and infrastructure recommendations. CATS is supportive of zoning districts that allow transit-oriented development form and density within 1 mile of transit stations. The approval of this petition will revise the adopted future land use from multifamily residential uses up to 22 dwelling units per acre as specified in the Central District Plan to transit oriented development for the site.

Councilmember Watlington said I just wanted to express thanks to Parker-Poe as well as the petitioner. We spoke last time about this particular parcel and its relation to our Corridors of Opportunity investment and the need for ensuring that we would not be using this for a gas station or that type of property. I wanted to make sure that folks were aware that there is a Declaration of Restrictive Covenants inclusive in this particular rezoning, and I will just read a couple of key points from it. The declarant desires to preserve the character of the property by imposing certain restrictive covenants on the property as set forth in this Declaration. To promote the property and most desirable use in the development of the property in accordance with the TOD-TR zoning classification of the City subject to the restrictions and limitations imposed hereunder, but limit and restrict the use of the property by prohibiting in any form the use of the property for a gas station without the expressed written approval of the City. With that, I am prepared to support.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 446-447.

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ITEM NO. 16: ORDINANCE NO. 9949-Z, PETITION NO. 2020-113 BY CATALYST CAPITAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.95 ACRES LOCATED ALONG THE SOUTH SIDE OF WILKINSON BOULEVARD AND ALONG THE WEST SIDE OF BERRYHILL ROAD FROM I-1 (LIGHT INDUSTRIAL) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT – COMMUNITY CENTER).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent 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 Bryant Park Land Use and Streetscape Plan recommends 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 subject site is less than .15 mile from the proposed Remount Road Transit Station on the LYNX Silver Line. The 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. TOD (transit-oriented development) standards include requirements for

appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. CATS staff is in the process of refining the LPA and will begin station area planning in 2021 which will include urban design, land use, and infrastructure recommendations. CATS is supportive of zoning districts that allow transit-oriented development form and density within .50 mile of transit stations. The approval of this petition will revise the adopted future land use from warehouse/distribution as specified in the Bryant Park Land Use and Streetscape Plan to transit-oriented development for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, to approve Petition No. 2020-113 and adopt the following Statement of Consistency: this petition is found to be inconsistent 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 Bryant Park Land Use and Streetscape Plan recommends 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 subject site is less than .15 mile from the proposed Remount Road Transit Station on the LYNX 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. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. CATS staff is in the process of refining the LPA and will begin station area planning in 2021 which will include urban design, land use and infrastructure recommendations. CATS is supportive of zoning districts that allow transit-oriented development form and density within .50 mile of transit stations. The approval of this petition will revise the adopted future land use from warehouse/distribution as specified in the Bryant Park Land Use and Streetscape Plan to transit oriented development for the site.

Councilmember Watlington said we spoke last months about a concern about eliminating light industrial in other parts of the City and essentially relocating its [inaudible] concentration in other parts and I am absolutely interested to see how we continue to go about navigating that space. This particular area, given that we are planning for the Silver Line and given that the local neighborhood associations were supportive. I am obviously supporting this, but I do want to note that is something that I think from a Planning perspective we should take a hard look at, particularly as we go about doing this 2040 piece. I think we need to make sure that there are spaces for light industrial in other parts of the City because we get into situations where we see that there are certain communities that bear the brunt of this industrial area. I am hopeful that as we do the place types that we are able to start to communicate what the different types of industrial look like to the community so that we can better plan some complete communities.

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

Mayor Lyles said that is all of our decisions and Ms. Johnson had a question; I don't know if it is for the staff or for the Planning folks or the Attorney.

Councilmember Johnson said it is for a couple of staff members; I wanted to know if Mr. Pettine could describe when zoning is conditional and when it is conventional. I'm concerned, we hear from our constituents that it appears that we rubber-stamp these petitions and most of us put a lot of work into the zoning. I want to know when it is appropriate that a developer would file for conventional versus conditional.

Mr. Pettine said thank you Ms. Johnson; as you and I discussed on Friday it is a bit of a process right now that when the staff gets requests in during our pre-submittal meetings and we talk to the potential petitioners we take a look at surrounding land uses, we take a look at what the potential project may be and then we look to see are there other types of general impacts that could be mitigated through a potential conditional plan versus conventional. In some cases, if the ordinance really addresses most of the items that we

would address through a conditional plan then there is often that time where it can be considered as a conventional petition. If there are transportation items that need to be addressed or we feel we need to limit potential use conflicts or other things that are when we certainly consider conditional petitions over those conventional ones, but it really comes down to taking a look at the property, what is around it, what mitigating factors could be incorporated through a conditional petition and whether or not those mitigating factors are anything different than the actual base ordinance would permit. If so, then we consider something more than just a conventional petition. We are looking to create a little bit more of a streamlined kind of template for when those would be deployed versus a conventional. We hope to have something that is a little bit more structured that gives everybody more guidance in place, but currently, that is how those are evaluated.

Ms. Johnson said so in the conventional petition the developer is not required to meet with the neighborhood?

Mr. Pettine said that is correct, conventional petitions do not require a community meeting per our ordinance.

Ms. Johnson said okay, we can discuss offline, but that is concerning for the residents and I think perpetuates the opinion that we are rubber stamping. If there is a development in your neighborhood and you haven't had an opportunity to see what the site plan is and to speak with the developer, I think that lends to it appearing as though we are rubber-stamping these petitions, especially when we know in so many of the Districts, we lack the infrastructure to support the petition.

Mr. Pettine said I certainly understand that challenge. The one thing I would caution is that in a conventional petition, there isn't a site plan associated with it so a petitioner could go out and present a project to the community that they aren't committed to maintaining that level of development or the standards that they present to the community just by the nature of it being conventional. So, that is why that community meeting isn't something that is required. We do have some petitioners that do meet with the community on conventional petitions. I think we have a few this evening that is conventional but did meet with the community just to talk to them about their intent, but because they can't commit to a set number of units or other types of development standards because it is a convention, that is why they don't have that community meeting because it is more of an informational thing versus them actually locking in a set of standards. We do have some that meet with them, but I think that is why we generally don't have that requirement is because it is not a committed process. It is more you go by what the base ordinance would allow you to develop.

Ms. Johnson said when you say ordinance, is that state ordinance or city ordinance?

Mr. Pettine said state, city, federal, any of the standards that come along with developing a piece of property.

Ms. Johnson said then my next question, I've also had an opportunity to speak with C-DOT extensively on the process as I'm looking at pending zoning, and Ms. Hull mentioned service levels and she was explaining service level grades. Can she explain that to the public and the rest of the Council what the service level grades are on specific intersections? I know we were discussing an intersection that had a grave level of an F so I wanted to know if you could explain that whole process?

Lakeisha Hull, Charlotte Department of Transportation said when it comes to the level of service for a road, we basically look at the delays at intersections and so when roads have different letters like from an A to an F it is based on the delay patterns and how long the delay happens on certain roads. If you have, of course, an A rating there is not a longer delay at that intersection. If you have an F there is potentially delays that are cueing up that go to a point where you need to start looking at other mitigation measures. That is kind of what is the grading of the level of service and so it is the industry standard that

is across the entire country and how do you look at level delays in those areas.

Mayor Lyles said I just want to remind the Planning staff that there is supposed to be a Planning Workshop so that we could go through some of the zonings in more detail with the Councilmembers that wanted to attend. Let's not forget that at the end of this year and just carry it forward into January so that we can get some of these kinds of thoughts out for folks.

Mr. Bokhari said if people need to get up to speed, I think we need to figure out a way for the staff to do that offline Mayor.

Mayor Lyles said that is what the request was to have a session and you can choose to come if you would like to learn more. Let's just not forget it is on our to-do list.

Ms. Johnson said I just obtained this information, I wanted to be sure that the public is aware that there are service level grades for these intersections once the traffic study has been done. I think the best information should be a part of the Zoning package for the Council and for the public that we are being presented sometimes zonings that have a service level at the intersection of an F, and I think that is important information. I'm just speaking transparency for the residents as well as for the Council.

Mayor Lyles said I agree with you; our infrastructure ratings should be out there and be known to people all over because that is why we are trying to make a difference and change them. At the same time, I know there are some things that you can't consider in your decision making and so some of those things, just like you probably have a number of Fs all the way around town and not everything can be based on a conventional or a conditional. It is just too complicated for us to ignore what we need to be talking about, which is infrastructure improvements across every part of our City. We just need to get about it. We can talk about it a lot, but those Fs shouldn't exist, and they exist because we need to make funding decisions to get them better. Traffic congestion is a huge part of what we need to resolve here so thank you for bringing that up. I think it is an important point that our constituents and residents need to hear.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 448-449.

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ITEM NO. 17: PETITION NO. 2020-114 BY FREEDOM DRIVE TERMINAL, LLS FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.01 ACRES LOCATED EAST OF LITTLE ROCK ROAD, NORTH OF FRED D. ALEXANDER BOULEVARD, AND SOUTH OF OLD MOUNT HOLLY ROAD FROM B-1 LLWPA (NEIGHBORHOOD BUSINESS, LOWER LAKE WYLIE PROTECTED AREA), R-4 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-1 LLWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 6-0 (motion by Nwasike, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northwest District Plan with respect to land use, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential up to four dwelling units per acre for the eastern portion of the site and multi-family residential for the western portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is adjacent to heavy industrial uses and a Duke Energy substation. The site is just south of the heavy industrial tank farm uses along Freedom Drive and Old Mt. Holly Road. There are Duke Energy power lines on the southern portion of the site. The site may not be best suited or compatible for residential uses given the industrial uses and zoning around it. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from single-family residential and multi-family residential use to light industrial use for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Ajmera, to defer for one month to give the petitioner and agent sufficient time to talk to the community.

Councilmember Bokhari said I'm trying to play catch-up here, obviously hearing about it for the first time today, but I had this petitioner reach out to me just really looking for help and I just figured we would talk about it as a group. Clearly, Ms. Watlington has gotten to a point where deferral is on her mind and she feels that is the right course of action. The petitioner told me, and I put a grain of salt next to it because I don't necessarily know this person at all, that today at 1:00 they received a message from Ms. Watlington for the first time making them aware there could be an issue here and as it relates to, at a glance at their proposal it doesn't seem that out of the ordinary for what would be asked. This plot of land is between a Marathon Tanker Field and a Duke Energy Power Sub-Station and the rail goes right next to it. This is not very far off there plus it had staff's support and Zoning Committee support. I don't mean, and don't want to necessarily metal around in another District's activities, but when a petitioner reaches out, I'm a little confounded by what is going on there. There is no indication there was any issue and none that shows me there is anything that needs to be solved here, so I just would pose the question to the Council, what is going on exactly and is this something that we want the development community to think can happen to any of their proposals, not having heard of it but four-hours before we go into a meeting.

Mayor Lyles said are you asking Ms. Watlington?

Mr. Bokhara said I don't know if staff wants [inaudible]

Ms. Watlington said I can answer that question.

Mayor Lyles said I think he asked the staff first.

Ms. Watlington said the staff doesn't have the answer, I do.

Mayor Lyles said well, that may be correct, but he asked the staff a question, if they would defer that to you that would be great. Mr. Pettine, have you heard anything about the deferral?

David Pettine, Planning, Design & Development said just this afternoon; I'm not aware of any communication we've had with the community up to this point so I would defer that to Ms. Watlington.

Ms. Watlington said I want to be clear that I don't want the development community or our community at large to think that they will not have good information in advance. A couple of things on this, and I was very clear a month on this. When I called, I actually reached out to the petitioner's agent today because I had not heard anything from them at all. I later found that the petitioner's agent, this is his first rezoning operating I guess by himself, which is fine. And so, with that, I made sure to reach out today because I had actually already received a letter, as we all did, from members of the community last months when 2020-049 came through that mentioned that they were in opposition to this particular petition. This is not new news, but I reached out because I want to make sure because I hadn't heard anything or hadn't been spoken to in regard to this from the petitioner or the agent that there was not an issue. That is when I found out that the petitioned agent didn't know that he could reach out to me directly, and he actually had reached out to staff and felt like he had not gotten a clear answer and wasn't sure that he could talk to me personally. That is what happened here. I did also speak with him and let him know that the community leaders that had reached out were not in support and because I did not want this to get denied, due to the fact that if this was denied this would prevent a rezoning for the next two years, and because he explained to me that this was a long-term owner, I felt that the right thing to do would be to give them time to reach out to the community and have that discussion. That is why I'm moving for deferral and not a denial here.

Mayor Lyles said Mr. Bokhari, you have heard the response from Ms. Watlington and the staff.

Mr. Bokhari said all I've heard is last-minute conversations. I haven't heard anything from the staff analysis, the Zoning Committee Analysis, or anything else that says this is not completed within the wheelhouse of what we do dozens of times each month that requires another month of conversation. What he told me was in October the only thing that he had discussed was that Ms. Watlington had asked for a site plan of which is when he said he thought Councilmember Eiselt had stepped in and said in a conventional rezoning that is not something we have. He also said he was new to me, he didn't say that he had indicated there was any takeaway and for me, I'm just put all of that aside. I don't necessarily know what has to be figured out between now and next month that would compensate for a needed deferral at this point.

Mayor Lyles said I just wanted to check with the staff if this is a conventional petition, is this a conventional petition without any conditions that can be related to it?

Mr. Pettine said that is correct.

Mayor Lyles said I think there has to be some discussion around since it is conventional, the Council certainly has the prerogative to defer. Usually, that would include the petitioner being aware of it, and I'm not sure where that is. Is there anyone else who would like to weigh in on this?

Councilmember Driggs said I've been sort of blindsided by this whole conversation. I didn't realize there was a controversy about this, and I would like to understand the issues better. Normally, I'm inclined to support the District, but I take Mr. Bokhari's point. I guess my question is, do we know whether deferring this creates any particular hardship for the petitioner in terms of say money going hard or other scheduling concerns. Is this a big issue to them or do we know that?

Mayor Lyles said are you asking Ms. Watlington if she knows that or the staff?

Mr. Driggs said I would like to know if the staff has any ability to answer that or Ms. Watlington in that order.

Mr. Pettine said I'm not aware of any potential timeline issues. We did advise if they needed time to work with the community, they might want to consider deferral. After they considered that they said they would like to proceed forward. I think we do have the petitioner on the line, and they can always answer that question if we want to pose it to them.

Mayor Lyles said would you like to ask Ms. Watlington and we can ask the petitioner?

Mr. Driggs said I would like to hear from the petitioner if the petitioner is available. I must say I have had no communication that I'm aware of from them or at least no outreach. If they want to tell us at this point what it means to them to wait another month, I would be interested to hear it.

Mayor Lyles said I want to make sure that when we are doing this that ordinarily because this is a direct question on another motion for deferral, that it is acceptable to have the petitioner responded to the request for deferral.

Mr. Pettine said the petitioner is John Riordan.

Councilmember Winston said I support this deferral because I would be voting no against this right now. With taking into consideration Mr. Bokhari's comments, just to put it out there to the community that pays attention to this stuff. I did raise my concerns at

last month's hearing that the question kind of align with the question that I spoke about. I have not been reached out by the petitioner or anybody about this so if anybody is paying

attention, pay attention to the questions and the concerns that are raised in the hearings. We have several kinds of pressures put on efficiencies for communicating throughout the month, so as it might not come to a surprise next month when I vote no on something that hasn't necessarily been met about, I guess.

Ms. Watlington said Mr. Driggs did say the staff or Watlington, so was waiting on the petitioner but I would like to respond if Mr. Driggs would just let him know that when I asked that question to the petitioner's agent, he didn't indicate that there was any particular issue in terms of deferring as far as there being any stated monetary issue.

Mayor Lyles said Mr. Riordan, you heard the question from Mr. Driggs?

John Riordan, 8511 Davis Lake Parkway said yes, I did, and thank you for everyone's time. I apologize for causing any controversy, that was not my intention as is now evident, I am a little bit green to this process and so I was seeking advice as to what the process would look like for deferment, etc. I would like to answer, first by apologizing to Ms. Watlington if I miscommunicated earlier today, I did not hear your direct question about any hardship. To be clear and to answer everyone's question, including Mr. Driggs, this would present a hardship for my client considering this has been a project that has been on the books for a number of years now and has hit a couple of different roadblocks. The most recent is he has already turned in a notice to leave the current location as operating in Kings Mountain to begin operations here. We've engaged site plan errors and the contractor to do the work and we are well on our way to answering any comments from Charlotte Water, Erosion Control, and Environmental studies for the wetlands. We've made deposits etc. so to be clear Kings Mountain location closes on Christmas Day of this year so to basically shut down completely a service that provides emergency roadside assistance and repair essential from Christmas day until January 19th would certainly cause financial and other hardships to my client, the petitioner.

Ms. Watlington said I see other hands and I don't know if they are re-hands or old hands.

Mr. Riordan said Mr. Winston I also apologize to you for not directly answering your question. I did hear your comments, I made note of them actually. I remember you mentioning you would like to have a conversation with staff concerning why the area didn't seem to be following the area plan that was in place. I wasn't necessarily sure if that was something you wanted me to address to you, so I apologize for that and if this is deferred ultimately, I will try to address that.

Mayor Lyles said it would be the third week in January of 2021. I just want to make sure our timelines are straight. Mr. Riordan, do you understand that?

Mr. Riordan said I did not hear the first portion, I heard the third week of January. I assume you mean that would be when the next voting session?

Mayor Lyles said if it is deferred it would be deferred until about the third week of January.

Mr. Riordan said January 19th, yes.

Mr. Driggs said Mr. Riordan, you understand that if we don't defer that means we will vote tonight, and as it stands it sounds like you have the District Rep and at least one other member of Council in opposition and therefore the outcome of that vote would be uncertain. If it is not favorable, I think you do know there is a lockout created of two-years of the site. There are consequences to an unsuccessful but to denial, so I guess under the circumstances my preference would be to approve a deferral with the kind acquiescence of the petitioner rather than the case of objections but in that situation, if your preference be to roll the dice on how the vote turns out or to wait a month.

Mr. Riordan said thank you, Mr. Driggs, I do appreciate the explanation. I have discussed the outcome and the possible results with my client. At first, we were fairly confident given the staff and Committee approved unanimously, and also know really opposing comments in prior meetings, however, after hearing today I think it would be safer to take the deferral. We would consent to that rather than getting a denial for sure.

Mr. Driggs said I think the whole situation is regrettable, but I'm going to support the deferral.

Mr. Bokhari said I guess that is how I feel as well; this is regrettable, and I would support it. I guess my final question would be, other than just making a quick statement, we have to figure out ways to operate better than this. We have expert staff for a reason. We have a Zoning Committee that spends an incredible amount of time doing the work and to not just throw that out and not pay attention to it, but to do so within hours of this to me sends the wrong message to the community, particularly, a commercial real estate community that is struggling right now that isn't the right one. But, with that Mr. Pettine, I would just ask you a final question as we prepare for next month because regardless, I think Mr. Winston kind of made it clear. He isn't looking to support this. If we are prolonging the inevitable as well, I'm sure this group would like to know that. So, from your perspective and when you look at all of the kinds of rezonings that we see, how out there and complicated and perhaps clearly it is consistent, but even within consistency we can't see things. Is this pretty much something that you see as a standard rezoning that we would typically see or is there something to this that makes it something different than what we've seen from the staff and the Zoning Committee should lead us to believe?

Mr. Pettine said our evaluation of the petition was the area that it was located in right there along the railroad tracks and within real close proximity on the other side of those to the majority of the tank farms that were over there that the industrial on the back end of this access drive and road was appropriate in that location. I certainly understand what some of the concerns were that were brought up, but I think the staff did a reasonable job of conveying in their rationale as to why the industrial request was appropriate. It was adjacent to heavy industrial uses and the Duke sub-station, it was just south of the industrial tank farms long Freedom Drive and Old Mount Holly Road. Duke Energy power lines were on the southern portion of the site and it really wouldn't be a very compatible site for residential uses long-term and the other industrial zoning that exist around it. So, that was our evaluation of the site and the petition and that seems to have been the Zoning Committee's viewpoint as well. I will just leave it at that with our rationale.

Mr. Bokhari said understood, thank you.

Mayor Lyles said I want to do a follow-up to Mr. Bokhari, and I think the question is appropriate for Ms. Watlington because this is a conventional petition. I'm not sure what question, we want to make sure that the questions that you've spoken about this with the petitioner are important to approve the deferral. I just wondered if you could address that this is something that you feel you have the ability to work with the petitioner and what adjustments there might be?

Ms. Watlington said just a couple of things. First, I would not have a question about the deferral if I didn't feel like it was going to be a value add. Second of all, in response to Mr. Bokhari, we vote for a reason as well and if we are going to consider the voice of the community then I feel that you are doing the community a disservice. It is not just about what staff wants, it is not about just what the Zoning Committee wants, and I've already expressed several times my concern that this particular Zoning Committee does not have anybody from this District represented it so, while I appreciate the work of the Zoning Committee, I will not take that as the community's voice when it comes to District 3. Also, when we are talking about our processes it is important, just like Mr. Winston said that we pay attention. We both expressed concerns about this last meeting and again, how community members wrote, particularly, about this rezoning last month and that they did not support it, but to say that this is last minute, or you hadn't heard anything I would say is not factual. So, when we talk about our processes, they are only as effective as we execute them. Of course, we don't want to wait until the last minute to do anything and in

this case, we actually didn't. So, let's be clear with the community about what has actually transpired. We don't need to be inciting a lack of confidence in the process or what would execute in the process, but we all need to be paying attention.

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

YEAS: Councilmember Ajmera, Bokhari, Driggs, Egleston, Graham, Johnson, Newton Watlington, and Winston.

NAY: Councilmember Mitchell

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ITEM NO. 18: ORDINANCE NO. 9950-Z, PETITION NO. 2020-115 BY CROSLAND SOUTHEAST AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2 ACRES LOCATED ON THE WEST SIDE OF PECAN AVENUE, NORTH OF INDEPENDENCE BOULEVARD, SOUTH OF CENTRAL AVENUE FROM B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO TOD-UC PED (TRANSIT-ORIENTED DEVELOPMENT – URBAN CENTER, PEDESTRIAN OVERLAY).

The Zoning Committee voted 6-0 (motion by Kelly, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Plaza Central Pedscape Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Plaza Central Pedscape Plan recommends multi-family residential uses greater than 12 units per acre/office/retail. Therefore, we find this petition to Choose an item. public interest based on information from the post-hearing staff analysis and the public hearing and because the request is less than 1/4 mile from the proposed Pecan Avenue Station along the LYNX Silver Line. The site is just over a 1/4 mile from the proposed LYNX Gold Line Plaza stop at the intersection of Central Avenue and The Plaza. The adopted plan recommends multi-family residential greater than 12 units per acre/office/retail for surrounding parcels. The adopted plan recommendation is consistent with the uses in areas planned for TOD. A portion of the subject parcel was rezoned to B-2 PED via petition 2020-036 in order to establish zoning for acreage that was previously part of Independence Boulevard right-of-way. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. This petition would allow a richer mix of uses to help this property be in keeping with the vision of the Plaza-Central Pedscape Plan's overall vision of "creating a vibrant, mixed-use district...".

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to approve Petition No. 2020-115 by Crosland Southeast and adopt the following Statement of Consistency: this petition is found to be consistent with the Plaza Central Pedscape Plan, based on the information from the final staff analysis and the public hearing and because the Plaza Central Pedscape Plan recommends multi-family residential uses greater than 12 units per acre/office/retail. Therefore, we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because the request is less than 1/4 mile from the proposed Pecan Avenue Station along the LYNX Silver Line. The site is just over a 1/4 mile from the proposed LYNX Gold Line Plaza stop at the intersection of Central Avenue and The Plaza. The adopted plan recommends multi-family residential greater than 12 units per acre/office/retail for surrounding parcels. The adopted plan recommendation is consistent with the with the uses in areas planned for TOD. A portion of the subject parcel was rezoned to B-2 PED via petition 2020-036 in order to establish zoning for acreage that was previously part of Independence Boulevard right-of-way. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. This petition would allow a richer mix of uses to help this property be in keeping with the vision of the Plaza-Central Pedscape Plan's overall vision of "creating a vibrant, mixed use district...".

Councilmember Egleston said separate from the rezoning, it is a conventional rezoning, but I did want to thank Crosland for their continued work with me and others to come up with a solution for the preservation of those two historic buildings on this site. They are fully committed to that and I think the site will be that much better for it and I think that the community certainly appreciates their sensitivity to those I think really beautiful buildings. I appreciate their help with that. That is separate but it is part of this site, so I just wanted to mention it.

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

YEAS: Councilmember Ajmera, Bokhari, Driggs, Egleston, Graham, Johnson, Newton Watlington, and Winston.

Councilmember Mitchell recorded as a no vote because of technical problems.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 450-451.

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ITEM NO. 19: ORDINANCE NO. 9951-Z, PETITION NO. 2020-117 BY VULCAN MATERIALS COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15 ACRES LOCATED ON THE EAST SIDE OF OLD NATIONS FORD ROAD AND THE SOUTH SIDE OF HEBRON STREET FROM R-17 MF (MULTI-FAMILY RESIDENTIAL) AND I-1 (LIGHT INDUSTRIAL) TO I-2 (GENERAL INDUSTRIAL).

The Zoning Committee voted 6-0 (motion by McMillan, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Southwest District Plan for the eastern portion of the site and inconsistent with the plan for the western portion of the site based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends industrial uses for the eastern portion of the site and the plan recommends multi-family/greenway use for the western portion of the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site is in an area with industrial uses west of Nations Ford Road. The area currently zoned multifamily is not suitable for residential development due to its close proximity to the existing quarry to the east and south of the site. The petition aligns the zoning designation with other industrial operations and zoning to the east of south of Old Nations Ford Road

and East Hebron Street. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, for the western portion of the site from multi-family/greenway use to industrial use.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-117 by Vulcan Materials Company and adopt the following Statement of Consistency: this petition is found to be consistent with the Southwest District Plan for the eastern portion of the site and inconsistent with the plan for the western portion of the site based on the information from the final staff analysis and the public hearing and because the plan recommends industrial uses for the eastern portion of the site and the plan recommends multi-family/greenway use for the western portion of the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is in an area with industrial uses west of Nations Ford Road. The area currently zoned multifamily is not suitable for residential development due to its close proximity to the existing quarry to the east and south of the site. The petition aligns the zoning designation with other industrial operations and zoning to the east of south of Old Nations Ford Road and East Hebron Street. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, for the western portion of the site from multi-family/greenway use to industrial use.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 452-453.

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ITEM NO. 21: ORDINANCE NO. 9952-Z, PETITION NO. 2020-119 BY THE MAINTENANCE TEAMS, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.78 ACRES NORTH OF SHOPTON ROAD, EAST OF STEELE CREEK ROAD, AND WEST OF PINECREST DRIVE FROM R-3 AIR (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO I-2 (CD) AIR (GENERAL INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).

The Zoning Committee voted 6-0 (motion by Kelly, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Westside Strategy 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 office, business park, and industrial uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed use is consistent with the office/business park/industrial uses recommended for this site and surrounding area. Industrial uses are prevalent in the surrounding area, which is part of the Shopton Road Industrial Activity Center as part of the Centers, Corridors, and Wedges Growth Framework. The petition commits to transportation improvements along Shopton Road including a 5' bicycle lane, 8' planting strip, and 6' sidewalk. The proposed industrial uses will be screened from adjacent residential zoning and uses by a minimum 75' buffer with a berm.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, to approve Petition No. 2020-119 by the Maintenance Team, Inc. and adopt the following Statement of Consistency: this petition is found to be consistent with the Westside Strategy 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 office, business park, and industrial uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed use is consistent with the office/business park/industrial uses recommended for this site and surrounding area. Industrial uses are prevalent in the surrounding area, which is part of the Shopton Road Industrial Activity Center as part of the Centers, Corridors and Wedges Growth Framework. The petition commits to transportation improvements along Shopton Road including a 5' bicycle lane, 8' planting strip, and 6' sidewalk. The proposed industrial uses will be screened from adjacent residential zoning and uses by a minimum 75' buffer with a berm.

Councilmember Watlington said this one, in particular, I did receive an e-mail from the gentlemen who spoke last time to let me know that he did go back to his Board and they did talk about this one and they were generally in support of this one. Forgive me for not mentioning that before we started the vote.

The vote was taken no motion to approve and recorded as follows:

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Graham, Johnson, Mitchell, Newton, and Watlington.

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 454-455.

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ITEM NO. 22: ORDINANCE NO. 9953-Z, PETITION NO. 2020-123 BY COLLETT PROPERTIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.22 ACRES LOCATED ON THE NORTH SIDE OF BUSINESS CENTER DRIVE AND INTERSTATE 85 AND WEST OF LITTLE ROCK ROAD FROM R-3 AIR LLWPA (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREAS) AND B-2 AIR LLWPA (GENERAL BUSINESS, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA TO I-1 (CD) AIR LLWPA (LIGHT INDUSTRIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 6-0, (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northwest District 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 retail for the southern portion of the site and single-family residential at up to four dwelling units per acre for the northern portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is along a frontage road to Interstate 85 and Little Rock Road at the entrance to Charlotte Douglas International Airport, where a number of airports supporting uses such as hotels as well as park and ride lots are located. The proposed site plan includes a Class A buffer (a minimum of 75' with a berm) to provide a transition between the proposed industrial uses and the adjacent existing single-family neighborhood. The site may not best be suited for residential uses within the Airport Noise Overlay Zoning District. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from retail and single-family residential to light industrial.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, to approve Petition No. 2020-123 by Collett Properties, Inc. and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northwest District 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 retail for the southern portion of the site and single-family residential at up to four dwelling units per acre for the northern portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is along a frontage road to Interstate 85 and Little Rock Road at the entrance to Charlotte Douglas International Airport, where a number of airport supporting uses such as hotels as well as park and ride lots are located. The proposed site plan includes a Class A buffer (a minimum of 75' with a berm) to provide transition between the proposed industrial uses and the adjacent existing single-family neighborhood. The site may not best suited for residential uses within the Airport Noise Overlay Zoning District. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from retail and single-family residential to light industrial.

Councilmember Watlington said I just wanted to say that this one does have the support of the Northwest Community Alliance, given its location on the service road right in front of I-85.

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

YEAS: Councilmember Ajmera, Bokhari, Driggs, Egleston, Graham, Johnson, Newton, and Watlington

NAYS: Councilmember Mitchell and Winston

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 456-457.

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ITEM NO. 23: ORDINANCE NO. 9954-Z, PETITION NO. 2020-124 BY MISSION PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.33 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF DUNLOE STREET, THE SOUTHWEST SIDE OF SYLVANIA AVENUE, WEST OF TRYON STREET FROM I-2 (GENERAL INDUSTRIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL.)

The Zoning Committee voted 6-0 (motion by McMillan, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the North Tryon Area Plan (2010) future land use designation of office/retail/residential, but at 63 dwelling units per acre (DUA), it is inconsistent with the area plan's recommendation of residential uses up to 22 DUA based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office/retail/residential land uses up to 22 DUA. 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 proposes one building with up to 21 multi-family units. The multi-family development fulfills the area plan's recommendation of encouraging a mix of office, retail and residential uses and serves as an appropriate transition between the Lockwood neighborhood and the commercial and industrial uses on Dunloe Street and North Tryon Street. The petition commits to a building design that is not monolithic and will include various architectural features to improve the pedestrian experience. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan (2010), from Office/Retail/Residential to Residential >22 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and to approve Petition No. 2020-1224 by Mission Properties and adopt the following Statement of Consistency: this petition is found to be consistent with the North Tryon Area Plan (2010) future land use designation of office/retail/residential, but at 63 dwelling units per acre (DUA), it is inconsistent with the area plan's recommendation of residential uses up to 22 DUA based on the information from the final staff analysis and the public hearing, and because the plan recommends office/retail/residential land uses up to 22 DUA. 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 proposes one building with up to 21 multi-family units. The multi-family development fulfills the area plan's recommendation of encouraging a mix of office, retail and residential uses and serves as an appropriate transition between the Lockwood neighborhood and the commercial and industrial uses on Dunloe Street and North Tryon Street. The petition commits to a building design that is not monolithic and will include various architectural features to improve the pedestrian experience. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan (2010), from Office/Retail/Residential to Residential >22 DUA for the site.

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

YEAS: Councilmember Ajmera, Bokhari, Driggs, Egleston, Graham, Johnson, Newton, and Watlington.

NAYS: Councilmember Mitchell and Winston.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 458-459.

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ITEM NO. 24: ORDINANCE NO. 9955-Z, PETITION NO. 2020-148 BY BOWMAN SUMNER, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.92 ACRES LOCATED ON THE SOUTH SIDE OF EASTFIELD ROAD, NORTH OF INTERSTATE 485, AND WEST OF BROWNE ROAD FROM MX-1 INNOV (MIXED USE, INNOVATIVE) TO MX-2 INNOV (MIXED USE, INNOVATIVE)

The Zoning Committee voted 6-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Prosperity Hucks Area Plan (2015), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential uses up to 6 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 this site was rezoned in July 2020 to MX-1, proposing up to 48 townhomes and 38 single-family homes at DUA of 4.2. The petitioner of this site requests MX-2 zoning because it allows for reduced front yard setbacks. Reduced yard setbacks will preserve the aesthetics of the historic farmhouse located on the property and will create a community that complements the historic preservation of the farmhouse. This proposal carries out the area plan's recommendation of including a mixture of thoughtfully arranged housing types in the Prosperity Hucks area, such as single-family detached homes and single-family attached homes.

Motion was made by Councilmember Johnson, seconded by Councilmember Newton, to approve Petition No. 2020-148 by Bowman Sumner, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Prosperity Hucks Area Plan (2015), based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to 6 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 this site was rezoned in July 2020 to MX-1, proposing up to 48 townhomes and 38 single-family homes with at DUA of 4.2. The petitioner of this site requests MX-2 zoning because it allows for reduced front yard setbacks. Reduced yard setbacks will preserve the aesthetics of the historic farmhouse located on the property and will create a community that compliments the historic preservation of the farmhouse. This proposal carries out the area plan's recommendation of including a mixture of thoughtfully arranged housing types in the Prosperity Hucks area, such as single-family detached homes and single-family attached homes.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Graham, Johnson, Newton, Watlington, and Winston.

Councilmember Mitchell was recorded as no vote due to technical problems.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 460-461.

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Mayor Lyles said before we go to our hearings, Ms. Hagler-Gray wants to make a statement.

Teri Hagler-Gray, Senior Assistance City Attorney said I just wanted to correct something I said earlier when Mr. Newton lost connection. Instead of him being a "no" vote, he would actually be counted as not present for those votes.

Councilmember Newton said I am signing off now; thank you all so much for tolerating the technical difficulties on my end and thank you for that clarification as well, Ms. Attorney.

Mayor Lyles said we'll have a great rest of the Holiday Mr. Newton, enjoy every minute of it.

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HEARINGS

ITEM NO. 27: HEARING ON PETITION NO. 2019-037 BY JAY KAMDAR FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.08 ACRES LOCATED ON THE WEST SIDE OF SAM WILSON ROAD, NORTH OF PERFORMANCE ROAD, FROM R-17 MF LWPA (MULTI-FAMILY RESIDENTIAL, LAKE WYLIE WATERSHED-OVERLAY, PROTECTED AREA) TO B-2 (CD) LWPA (GENERAL BUSINESS, LAKE WYLIE WATERSHED – OVERLAY, PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Petting, Planning said this is just over three-acres off Sam Wilson Road, just north of the interchange with I-85. The current zoning is R-17 MF, the requested zoning is B-2 (CD), both have a Lake Wylie protected area overlay on those zoning classifications. The adopted future land use is part of the Catawba Area Plan from 2010, it does recommend the office, industrial, warehouse, and distribution land use for this site and the surrounding areas. You can see in the hatched, gray, purple, and brown color. The site plan for this proposal would permit the following uses on-site, those would be health institutions,

schools, religious institutions, a max of 10,000 square feet of possible retail, car wash, hotel and office, banks, daycares, restaurants, and neighborhood food and beverage services. Residential uses would not be permitted on this site. There are commitments to transportation improvements as a result of this possible petition and that would be a left-turn lane into the site, also a right-turn into the site with 100-feet of storage both on Sam Wilson Road. The petitioner is also proposing to contribute \$25,000 towards a future traffic signal at Sam Wilson Road and Performance Road, and also there are sidewalk and planting strip improvements along with a 7.5-foot bike lane on Sam Wilson Road.

The staff does recommend approval of this petition. We do have a few outstanding issues related to land use and transportation to work through. As mentioned, it is inconsistent with the office industrial warehouse land use recommendations of the Catawba Area Plan. The staff does feel that the B-2 and the surrounding B-2 zoning just next door are still appropriate transitions for this property. We do recommend approval upon resolution of those issues and will be happy to answer any questions following Mr. Overcash.

Erica Kennedy, 2010 South Tryon Street said I'm speaking on behalf of Mr. Overcash. I guess the biggest thing we had two community meetings to discuss this property and we do have a letter from [inaudible] that did speak on behalf of the North West Community Alliance and they are in favor of this petition as well. Did you want me to speak a little bit about what we are looking to do here or is there anything particular you would like me to speak about?

Mayor Lyles said no, you don't have to speak about anything. Council will address questions to you if they need additional information.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2019-089 BY ALPA PARMAR FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.7 ACRES LOCATED ON THE NORTH SIDE OF QUEEN CITY DRIVE, EAST OF LITTLE ROCK ROAD, SOUTH OF TUCKASEEGEE ROAD, NORTH OF INTERSTATE 85 FROM R-17 MF AIR (MULTI-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY TO B-2 (CD) AIR (GENERAL BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 16.7 acres on Queen City Drive just off of I-85. The current zoning is R-17 MF and the proposed zoning is B-2 (CD), both have an airport noise overlay applied to those zoning districts, both existing and proposed. The adopted future land use is from the Westside Strategic Plan that was adopted in 2000. It does recommend the office, and business park land uses for the site as it is located just north of I-85 and Charlotte Douglas International Airport. The proposal with this site plan and conditional zoning request allows all uses permitted by right and under the prescribed conditions in the B-2 District. There are seven buildings proposed on-site spread out throughout the property. We have several roads that are constructed that will stub for future connectivity as well as tree save and buffers around some of the existing multifamily residential zoning adjacent to the property. There is enhanced architectural guidelines that are incorporated into the project as well as an eight-foot planting street and five-foot sidewalk along all proposed public and private streets. We also have a 150-foot northbound left-turn storage lane along Queen City Drive that is proposed as part of this project.

The staff does recommend approval of the petition upon resolution of some technical revisions relating to environmental features and land use. It is inconsistent with the official business park recommendation in the West Side Strategic Plan, but staff does feel like the proposed uses are still consistent with some of the existing development and ongoing

development along Queen City Drive and do recommend approval of the petition. We will be happy to take any questions following any comments or presentation by Ms. Kennedy.

Erica Kennedy, 2010 South Tryon Street said I will talk a little bit about this property. It was rezoned in the past portion of it and we are currently designing a hotel for that property which also the adjacent property has a hotel existing. We are looking at this Master Plan to be a couple of hotels, potential office, restaurant spaces as well. We think this will be a great addition and being as close as it is to the Airport as a sort of destination space that you could sort of while you are traveling away from the City, but close enough to the City and also be close to the Airport. We do have enough parking, and everything is shown as desiring. I think everything else was presented so if anyone has any questions please let me know.

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

ITEM NO. 29: HEARING ON PETITION NO. 2019-173 BY MCCRANEY PROPERTY COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 150.0 ACRES LOCATED OFF GARRISON ROAD, WEST OF INTERSTATE 485 AND SOUTH OF WEST BOULEVARD FROM R-3 AIR LLWPA (SINGLE-FAMILY RESIDENTIAL) AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREAS) TO I-1 (CD) AIR LLWPA (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is about 150-acres off Garrison Road, west of I-485 and south of West Boulevard. The current zoning is R-3, the proposed zoning is I-1 (CD), both would have the Airport Noise Overlay and Lower Lake Wylie Protected Area overlay on those properties. The adopted future land use for this property is from the Dixie Berryhill Strategic Plan that was adopted in 2003 that recommends office, retail, and light industrial uses for the site. The proposal with this rezoning is for limiting the site to 1.45 million square feet of uses permitted in the I-1 zoning district that could potentially be located in seven buildings throughout the site. We do have phases of transportation improvements that are committed to including designing and constructing Garrison Road as a median divided roadway from Dixie River Road and extending north to the intersection of Garrison Road and the future Catawba Crossing. There is also an off-site widening of Garrison Road from the subject property to West Boulevard. We do have limitations on building materials and the use of vinyl as a primary building material. We also have street-facing pedestrian entrances for each building that are connected to a public street, full cut-off lighting fixtures, and then coordination with greenway connectivity to the adjacent Berewick Regional Park with Mecklenburg County Parks and Rec as well as 24-hour [inaudible] monitoring for any of the water features on the site.

The staff does recommend approval of this petition. We do have outstanding issues related to transportation. In the staff analysis, there are a good handful of those. My understanding is the petitioner has coordinated with the Department of Transportation as recently as last month and got most of those resolved. They weren't able to submit a revised plan for this hearing, but I'm confident that we will be able to work through those issues and have already worked through quite a bit of those. The petition is consistent with the recommendation in the Dixie Berryhill Strategic Plan and again staff does recommend approval. We will be happy to answer any questions following the petitioner's presentation.

John Carmichael, 101 North Tryon Street said I am here on behalf of the petitioner, The McCraney Property Company and with me tonight are Dave Williams of the petitioner, Greg Welch of Oak Engineering, and Randy Goddard and Mike Wickline of

Design Resource Group and they are available to answer your questions. As Mr. Pettine indicated the site does contain 150-acres, it is located on Garrison Road between Dixie River Road and I-485. The site is largely vacant and undeveloped. The request is to rezone the site to the I-1(CD) zoning district to accommodate a business park on the site that would contain up to 1,450,000 square feet of gross floor area devoted to office, warehouse distribution, and other light industrial uses. The request is consistent with the Dixie Berryhill Strategic Plan. These are some pictures on the screen that show other light industrial developments that have been developed by the petitioner. As Mr. Pettine said, among other things, the petitioner would design a four-lane and construct a two-lane median divided section of Garrison Road from Dixie River Road North through the site to the intersection of Garrison Road and the future Catawba Crossing Road. Seven principle buildings maximum, the site would be buffered as required by the ordinance.

This slide shows you the developable areas or the limits of development within the site. The light green represents those limits. Architectural standards are part of the petitioner's rezoning plan. We certainly appreciate the staff's favorable recommendation. As David said the outstanding issues are transportation issues and I understand the petitioner has discussed each of those issues with the Department of Transportation and the issues will be resolved upon the filing of the revised plan next Monday. We appreciate your consideration of this request and are happy to answer any questions. I apologize for the technical difficulties and I appreciate your patience.

Councilmember Watlington said my question is for staff; I'm looking at this map that has existing zoning and land use and I see the R-3 and then surrounding it I see MUDD-O and this MX-1 and then a little bit away I see MX-2. Can you talk to me a little bit about what the thought process is around this area?

Mr. Pettine said what are those other zoning districts or just what the general long-term thought is for this area?

Ms. Watlington said I'm trying to understand, you've got this MX-1; what is allowed in the MX-1?

Mr. Pettine said that MX-1 I would have to look specifically, but MX-1 is typical of a residential zoning district that just allows a mix of residential housing types. It doesn't allow any kind of commercial uses; the MX-3 district does, so MS-1 would primarily be just a residential district. It looks like most of that is dedicated to the regional park, so again I don't know the specifics of that MX-1 (CD) plan outside of it looks like it is committed to the Berewick Regional Park facility.

Ms. Watlington said okay, and this MX-2 over here on the other side, just to be clear, you said no commercial within the MX-2?

Mr. Pettine said not that I'm aware of; the MX-3 does allow a mix of residential and commercial. If MX-2 does it is a small amount, but it looks like this MX-2 would probably be primarily a residential project as well.

Ms. Watlington said then the MUDD-O, what is allowed?

Mr. Pettine said the MUDD-O, from what I can recall is likely the River District Rezoning and that just allowed a mix of uses from residential, non-residential. Without looking at the site plan and where they were interspersed, but that was a fairly large mixed-use rezoning through the River District.

Ms. Watlington said okay, I will go on record right now, I've got questions about this and I imagine the community will; more to come.

Mayor Lyles said it might be helpful to get Ms. Watlington a copy of the River District Plan that was approved I think a couple of years ago. That might be helpful in her review so she would have all of that information, Mr. Pettine.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2020-088 BY WSB RETAIL PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 58.04 ACRES LOCATED ALONG THE NORTHEAST SIDE OR PROSPERITY CHURCH ROAD AND THE SOUTH SIDE OF JOHNSTON OEHLER ROAD FROM MX-1 (MIXED USE) AND R-3 (SINGLE-FAMILY RESIDENTIAL) TO CC (COMMERCIAL CENTER) UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS.

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 58.04 acres, a conglomeration of properties between Johnston Oehler Road and Prosperity Church Road. The current zoning of the site is both MX-1 and R-3 and the proposed zoning is CC commercial center and UR-2 (CD) and also requesting five-years vested rights for the project. The Prosperity-Hucks Area Plan from 2015 does recommend residential up to eight dwelling units per acre. This project proposes up to 300 multifamily units, 132 townhomes alongside 145,000 square feet of commercial and retail uses stretched out across five development areas. There are use limitations on development areas A and C as it relates to the type of retail and commercial uses that are permitted. That allows things like a max of automotive service stations, convenience store, uses of drive-throughs and drive through accessory windows, and where those uses can be placed. Development areas B and D are limited to residential units and open space and other amenities and then development area E permits the only path of active open space, two-acres of that area would be dedicated to Mecklenburg County Parks and Rec for a public park.

There are also some transportation improvements associated with this potential project; those are eight-foot planting strips, six-foot-wide sidewalks along both frontages on both Prosperity Church Road and Johnston Oehler Road as well as an eight-foot-wide planting strip and a 12-foot wide multi-use path along Prosperity Church Road Extension that would be constructed by the developer. We do have an ADA bus waiting for pads that would be committed to and constructed along Prosperity Church road and additional turn lanes and added storage along with the site's entrances and exits. Looking at that site plan, the dotted yellow line that runs between Johnston Oehler Road and Prosperity Church Road is what we mentioned as Prosperity Church Road Extension. That is a long-term road that has been on some of the area plans that we've had on our books. The developer is proposing to build that entirely through private funds. I just wanted to mention that.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation that need to be worked through. Part of the project development areas B, D, and We are consistent with the Prosperity-Hucks Plan, but they are inconsistent with the recommendation of eight DUA (dwelling units per acre). If we look at the density overall for the site it really calculates out to 7.4, but if we look at the actual just concentrated areas for that residential use, we get about 15.6 so it really depends on how we want to calculate that density out, but it is looked at overall as just having some inconsistency with the Prosperity-Huck Area Plan, but again staff does recommend approval once we have resolved some of those outstanding issues. We will be happy to take questions following the petitioner's and the public's presentation.

Councilmember Mitchell left the meeting at 6:58 p.m.

John Carmichael, 101 North Tryon Street said I represent the petitioner, WSB Retail Partners. With me are Daniel Senden and the petitioner, Justin Houston and Dillon Turner of Kimley-Horn and Associates, and Will Russell of the Prosperity Village Area Association. Will will address you in a moment and Daniel, Justin, and Dillon are able to answer your questions. The site contains approximately 58 acres and is located on the

north side of Prosperity Church Road and the south side of Johnston Oehler Road. I-485 is just north of the site as is Prosperity Ridge Road. The site is currently zoned R-3 and MX-1 and the request is to rezone the site to the commercial center and UR-2 (CD) zoning district. The purpose of this rezoning request is to accommodate a multi-use development on the site. It would be comprised of a maximum of 145,000 square feet of commercial uses, a maximum of 300 multifamily dwelling units, and a maximum of 132 single-family attached townhome dwelling units.

The working name of the proposed development is Smith Farms at Prosperity Village. This is the rezoning plan, as Dave mentioned the petitioner will construct an extension of Prosperity Ridge Road from its current terminus at Johnston Oehler Road, through the site to Prosperity Church Road, and this would be a thoroughfare. The petitioner would also install a traffic signal at the intersection of Prosperity Ridge Road Extension and Prosperity Church Road. This new thoroughfare would improve the network of local streets in this area and enhance connectivity.

The commercial component of this development would be located along Prosperity Church Road, a portion of Prosperity Ridge Road Extension, and a portion of Johnston Oehler Road. The multifamily component would essentially be located in the center of the site and the townhome component would be located here on the east side of Prosperity Ridge Road Extension. With respect to the commercial component, a maximum of one convenience store, gas [inaudible] would be permitted and the fuel pumps would be required to be located to the rear of the building. A maximum of four uses could have accessory drive-thru windows and two of these four uses could be restaurants. A maximum of two of the four uses with accessory drive-thru windows could be located on Prosperity Church Road, but the other two being located on Prosperity Ridge Road and one restaurant with accessory drive-thru windows could be located on Prosperity Church Road. If a use located on the site has accessory drive-thru windows then neither a menu board nor a speaker box nor a service window, nor the drive-thru service lane could be located between the use and the adjacent public street. This would preserve the streetscape and shield these items from view from the adjacent public street. It will allow the 145,000 square feet of commercial uses, a maximum of 125,000 could be devoted to retail service and restaurant use.

The petitioner would convey a portion of the site located on the east side of Prosperity Ridge Road here between the two ponds two Mecklenburg County for a passive neighborhood park. The petitioner will construct an eight-foot-wide planting street and a 12-foot wide multi-use path along the east side of Prosperity Ridge Road Extension to provide bicycle and pedestrian connection to the passive neighborhood park. That was a request of a member of the community. The petitioner will construct an eight-foot-wide planting strip and six-foot-wide sidewalks on the site of the public street frontages except that an eight-foot sidewalk located at the back of the curb could be located on Prosperity Ridge Road Extension, adjacent to the on-street park.

As Mr. Pettine said architectural and design standards for each type of use are included on the petitioner's additional rezoning plan but the stake for the commercial component, the buildings will be pulled to the streets with parking located to the side and rear of the building to enhance the streetscape and to provide a more urban design. The commercial buildings would be placed to present a front or side façade to all adjacent streets. The multifamily buildings would also be pulled up to Prosperity Ridge Road Extension as you can see here, and parking would be located to the sides and rear of these buildings. The maximum height of the multifamily buildings would be three-story, vinyl siding would be prohibited. With respect to the townhome component, vinyl siding would also be prohibited, and the primary building materials would be a combination of brick veneer, similar masonry products, stone, manufactured stone, stucco, and cementitious siding. Each townhome unit would have a garage and the townhome units that front Johnston Oehler Road and Prosperity Ridge Road Extension would be alley loaded to enhance the streetscape and the pedestrian environment. The units would be located around the center green and the center of the site as you can see. An urban open space would be provided at the corner of Prosperity Church Road and Prosperity Ridge Road Extension.

The petitioner will install numerous off-site transportation improvements in addition to constructing Prosperity Ridge Road Extension.

We appreciate the staff recommendation for approval. There is one minor outstanding issue that we will resolve this week. I will turn it over to Mr. Will Russell of the Prosperity Village Area Association. Thank you for your consideration, members of the Council and the Zoning Committee.

Will Russell, 6601 Blue Sky Lane said I am speaking on behalf of the Prosperity Village Area Association. We are a neighborhood organization that has taken it upon ourselves to essential be the caretaker of the Prosperity Village Area which is right around I-485 exit #26. We've been working with WSB and Attorney Carmichael for over a year and a half when they first brought this project to us a lot different from what you see before you. Mr. Carmichael and WSB really have been responsive to the needs of the community. As such we were involved in extensive negotiations with them and what we got from our discussions were the buildings to be fronted on Prosperity Ridge Road and Prosperity Church Road as you see. They also included the 12-foot multi-use path on the eastern side of Prosperity Ridge Road Extension which would connect our pedestrian area around I-485 to the pedestrian area on Prosperity Church Road.

One of the things we are most proud about is the three-acres of park space that we are having donated to Mecklenburg County. That was definitely a gracious offer by WSB to give us some public space that is sorely needed in the Prosperity Village Area and one of the other nice things that were done was naming this development after Stan Smith, the owner of a majority of these properties and the naming this Smith Farms, who has owned this property for decades was a really nice touch.

One other thing that WSB did is they met with us when we had our meet the developers meeting where we had three different developers who were developing almost 100-acres of property in the Prosperity Village Area. We had those three developers who met with at least 75 people with an unprecedented move on our part to get, not only the developers to work together, but for them to have an open book with the neighbors of Prosperity Village. It took us about a year and a half worth of work, but we are proud of the work that we've done with WSB and we ask that you support this petition.

Daniel Senden, 474 Wando Park Boulevard, Suite 205 Mount Pleasant, SC said I won't take up any more of the Council's time. Just certainly appreciate everyone's work on this project and appreciate your consideration.

Kris Klenke, 12530 Panthersville Drive said I did send some PowerPoint presentation of some artifacts. I don't know if we can pull that up. As you saw I am strongly opposed to this rezoning. This is what I currently look at right now outside of a residential neighborhood. I see these beautiful trees, they may not look the best right now because all the leaves are gone, but during the summer it is a beautiful green area. I don't want it to look like the right where it is an IHOP (Original House of Pancakes), a gas station, all that smell from the gas. I would rather keep it nice and green like it is right now.

I talked with the developer and there is an already zoned commercial section, not even a mile up the road from me. It is right by the highway, it will have minimal impact to the residents that are in that area. It of course will not affect me then. It has been sitting vacant since I-485 was finished I believe. It is right there, there are gas stations up the road, there are restaurants up the road, there are restaurants on the other side of I-485. I walk to most of them, they are well within walking distance so there does not need to be a reason to have another commercial area right across the way from me. When we had the talk with the developers the biggest thing that came up by us, why are you turning this from a residential area into a commercial? Their response was it is not viable to make this a residential area. So, basically, that said alright, they are greedy, they are trying to capitalize on this land. Everywhere around me is all residential land that someone thought it viable to make that so why can't this developer make it viable to you keep it as residential. They talked to the HOA (Home Owners Association) long before they talked

to the residents of that area. The only requirement that the HOA requested was no affordable living, so once again they are putting profits before the people.

I live on Panthersville Drive, if this petition goes forward, I will no longer have the ability to turn left to get out of my residential neighborhood. I will be stuck only going right unless I want to take this long, long way to go sit at a long, long light just so the developers can put in a couple of gas stations and a Starbucks. Once again, the trend continues to profit before people. That is what they are after. They are after the profits rather than the people that are directly impacted in this area. I don't want to look at gas stations, I don't want to look at Starbucks, I don't want to look at CHICK-FIL-A. I like the trees. I don't mind residential, I have no objection to leaving it residential and turning it into a residential area. I would actually welcome more houses in the area.

So, what do the residents get out of this? A park; I'm sorry I'm not going to write home to Mom about a park that is going to be put over there. Most of the communities in the area already have parks in their area. We are not going to walk over there. Like I said, pedestrian deaths account for more than 33% of all traffic fatalities, and you are asking me now to cross the road that will have even more traffic on it just to go to a park. No, I'm not going to cross that. So, once again that park is purely for the developer to try to get a yes vote. Don't let them do that. It is all about profit before people.

I'm asking you please stop this, don't let the developers go in here and destroy our land. We need residential. I pulled this statistic from one of the Charlotte news sites, the average house in Charlotte is \$350,000. How many of you can say today I can go down and buy those houses? They are projecting Charlotte to be the number three housing market in 2021, and you are trying to take away residential areas to make it commercial, just so they can get profits. Earlier in this presentation, Mr. Bokhari said that it was somewhere in the teens that the developers work for the community to come to a concession, come to an agreement on what would make their area better. When the developers had the roundtable with us, they didn't give us any concession. They didn't give us, what do you guys think about this, they steamrolled in with their agenda and said this is what we are going to do. We asked tons of questions and they were like we will follow-up on this. We never heard back.

I just want to say John has been great; I had to constantly reach out to him, but they never reach back out to us. That just said whatever, this is our thing. I wish they would have worked with the community, but they didn't.

Peter Bozza, 8541 Highland Glen Drive said I appreciate the opportunity to speak pertaining to this rezoning issue. My comments are somewhat similar to the former speaker. I am not real comfortable having this very large commercial development to be put in place because it does not fit into what is being called the Prosperity Village concept, what was designed by rezoning a number of years ago and that was projected to the neighbors and residents at a community meeting a number of years ago. In that design, it showed a village being implemented around the intersections of I-485, Prosperity Church Road, Prosperity Ridge Road, Ridge Road, Benefield Road. All the buildings are going to be two-story, retail on the bottom, office space upstairs. This is the complete reverse, this is a very large box store and from what I understand it is going to be a health club, about 70,000 square feet and one massive big asphalt parking lot and a lot of retail around to the sides, which is going to be around Prosperity Church Road. Then off to the other side, there is going to be about a dozen or more large commercial buildings for professional use or medical use or other uses. I have to really question, is that really following the Master Plan of what the residents in the area are actually looking for. I understand what Will Russell said and now there have been a number of changes to the original plan that was going to be put in here and that is great, but this plan is still not needed in our area. This is primarily a residential area and I'm hoping that the City Council won't approve this and make this into a development of a large commercial development like what has happened down on the south side in Ballantyne with lots of office buildings, that that is going to be the same thing that is going to happen here. Once City Council approves one large commercial development what is going to stop you in a year from now not allowing the next one to go in at this great big intersection of I-485?

I am just praying that you will reanalyze this. I don't think this is a fit for a large residential community at all. As I said earlier, the original Prosperity Village does not show anything to this concept or size. There are also suggestions for putting in another gas station. There are two more gas stations just a quarter of a mile or a half-mile up the road. Do we really need a third gas station? The gentlemen in his presentation was talking about the possibility of adding some drive-up windows for fast-food restaurants. That is also something we don't want, and we don't need. The additional traffic that is going to be put in here is going to be incredible.

I shared a phone conversation with Councilwoman Johnson last week about this. She encouraged me to come and speak this evening pertaining to this issue. If Councilmember Graham is still on, he and I worked on an issue a number of years ago where the developer wanted to put in a gas station at the corner of Browne Road and DeArmon, and fortunately that never happened. I know that Mr. Graham has moved, but if he was still living in a residence where he is, how would he like to have this massive development go in right at the end of DeArmon Road and Prosperity Church Road? They are going to add another traffic light and there is already one traffic light 200-yards away.

In rebuttal, Mr. Carmichael said I'm going to ask Daniel to talk about most of the interactions with the neighborhood, but I understand Mr. Kelenke's concerns. We have talked to him numerous times and we had a zoom meeting with him and unfortunately, we couldn't accommodate his concerns. Mr. Kelenke lives here, and this will be a right in/right out if this development goes forward. That was the requirement of the Department of Transportation. I will say there is a traffic signal here that he can access and a traffic signal at the new road here. I'm not diminishing his concern or comment, I'm just saying what would be in place. The gas pumps would be in the rear. We've offered to provide enhanced landscaping at this intersection so when he drives out hopefully, that would be of some benefit to him. I will ask Daniel to talk briefly about what they have done with the neighborhood.

Mr. Senden said we have worked with multiple neighborhoods adjacent to ours and understood their concerns. We met with Will and his team at the Prosperity Village Area Association multiple times. We have attended annual HOA meetings so we could get as many attendees as possible and hear concerns. I think we've designed a plan that really addresses as many possible concerns as we could and certainly understand and don't want to diminish any of what their concerns are, but I think we have worked really hard with City staff and constituents in and around that area to address and to design something that really is going to help from a traffic standpoint by putting in this arterial road.

Councilmember Winston said just for a point of clarification, the acreage that Mr. Carmichael mentioned was about 58 acres, and in our book, it says approximately 49-acres so just for consistency sake I just wanted to point that out. I got caught up with some technical difficulties. I just wanted to say for the last petition that I was not able to comment on, which was Mr. Carmichaels, can you just look at my comments from October and September of 2020 about my concerns around industrial to residential zoning?

Councilmember Johnson said I have had an opportunity to speak with Mr. Bozza and also Mr. Russell on this petition. I also received your e-mail, Mr. Klenke. So, a couple of things; I think this developer has demonstrated that they are working with the community. As they stated, they are donating a three-acre park, there is a 12-foot wide multiuse path, there is an extension of Prosperity Ridge Road, sidewalks, and connectivity. So, I think that this developer has demonstrated that they are willing to listen. I have spoken to John and the developer myself and I know he reached out to some of the neighbors. So, I hope that we can continue to possibly work on a couple more of the concerns. Mr. Bozza mentioned a large parking lot, and I know that is required per the current parking ordinance which is subject to change in a new Comprehensive of UDO (Unified Development Ordinance) policy, so I would like to know from the staff if there is an opportunity, if we can look at possibly less parking so we can make it more attractive or aesthetically attractive area for that area? If that is an opportunity to look at the parking

variance and I hope that we can continue to work with the residents, but right now this is what we want from developers. They have worked with Prosperity Village for the past year. This is how it should be. We know that growth is necessary in this District, we know that this is a very fast-growing District so, I would like to applaud this developer. They have shown that they are willing to work with the community.

Councilmember Ajmera said only Ms. Johnson has asked about the rating and I know one of the speakers had mentioned pedestrian safety concerns close to this development. Could the Department of Transportation comment on that and what is the grade we have for that specific location that one of the speakers had mentioned? I believe Mr. Klenke had mentioned that in his remarks.

Mayor Lyles said I think that was the grade for the intersection; is that correct Ms. Ajmera?

Ms. Ajmera said can you confirm it with one of the speakers? Mr. Klenke, I believe.

Mr. Klenke said I was just mentioning it in general. The developers are saying, hey, we are giving you this park, but for me to get to that park I have to cross multiple crosswalks to get there. So, what is the incentive of me taking that chance, walking across traffic when there is a 30% chance that I could get hit by a car and killed? Why would I want to walk over to this park? It is not promoting me to go over there, it is just another incentive to say hey, we are going to throw in a park.

Ms. Ajmera said let me stop you there; I was asking specifically were concerned about this specific intersection or is it just in general? If it is in general, then I don't get a response from the Department of Transportation.

Mr. Klenke said it would more so in general. They would need to improve where they are. There is only one crosswalk currently there, so you have to go down to one section. There is only one actual like they let you get across there, so any vast improvement would help dramatically, but just in general.

Ms. Ajmera said to the petitioner or Mr. Carmichael; are there any improvements to crosswalks here.

Mr. Carmichael said our Transportation Engineer is on; I don't know the answer to that question. We can certainly add crosswalks, I know we are adding a signal here and I'm sure there will be crosswalks at this intersection. I'm not aware of any in mid-block crossings.

Dillon Turner, 115 Fairchild Street, Suite 250 Charleston, SC said there are not mid-block crossings, but we will have additional signals at Stone Park Drive, Prosperity Church Road, and Prosperity Ridge Road and there will be pedestrian accommodations there. We've also committed to some money at Loganville Drive and Prosperity Church Road and Prosperity Ridge Road to do some pedestrian improvements there. Those pedestrian improvements have not been defined yet, but that has been agreed to with the Department of Transportation. We are trying to accommodate better pedestrian access.

Ms. Ajmera said I appreciate that. To Mr. Klenke; does that address your concerns or would you like to see specific improvements that is not being included in the proposal? You don't have to answer this right now if you don't have the specifics, you can e-mail that to us, but I'm just curious.

Mr. Klenke said I was actually writing an e-mail, could you repeat that, please?

Ms. Ajmera said the petitioner just walked us through a number of improvements that they are making to make this more pedestrian-friendly and my question to you as you are satisfied with those. I know you were writing an e-mail while the petitioner responded to that question, but I would suggest that you sit down with the petitioner and look at all those improvements that are being proposed in this petition and if there are any specific

improvement that you would like to see included, please let us know and that could be part of our follow-up e-mail.

Mr. Klenke said that is fine I can let them know. I've asked many times before and there were no definitive answers from them. They just said they were doing improvements, but there was never a game plan of what they were actually going to do.

Mayor Lyles, I think Ms. Ajmera is suggesting that you e-mail the specific comments that you have about transportation and safety to the Council. If you would do that, that would be great.

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

The following persons submitted written comments regarding this item pursuant to S. L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

Ola Shofoluve, ooshofol@gmail.com

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ITEM NO. 31: HEARING ON PETITION NO., 2020-038 BY CLOVER GROUP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.96 ACRES LOCATED ON THE EAST SIDE OF STEELE CREEK ROAD AND SOUTH OF ERWIN ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just under 10-acres on Steele Creek Road at the intersection of Steele Creek Road and Erwin Road. The current zoning is R-3, the proposed zoning for this project is R-12 MF (CD). The adopted future land use from the Steele Creek Area Plan from 2012 does recommend residential uses at no more than four dwelling units per acre. This proposal is for up to 119 senior living apartments in one building. Access would be provided from Cedar Crossings Drive. There would be an eight-foot planting strip and a 12-foot multiuse path along Steele Creek Road, and we do have architectural features including preferred building materials, modulations, and building massing and limitations on blank walls, etc. as well as some lighting requirements for height and full cut-off.

The staff does not recommend approval in its current form. We would like to see the petition go down in density just a bit to either come in line with the Steele Creek Area Plan or be within a little bit more reasonable density of the Steele Creek Area Plan. It is inconsistent with that recommendation and we will be happy to take some questions following the presentation by the petitioner.

Christopher Clifton, 21300 Nautique Boulevard, Cornelius, NC said this is a pretty easy project; it is senior independent living. This is all we do in development, a single building, 135,000 square feet with 119 units on three-stories. It will be about 27.5 feet above finished floor elevations. With the tree save area and the fact that it is 10.02 acres we have about 30% open space and as you can see, we have tucked the project further in towards the intersection at Erwin Road and Steele Creek Road and utilized an access point and private drive off the back of the property in the southeast corner, accessing Cedar Crossing Drive. As you may know, it is a senior independent living. We make a lot of right-turns in our life and we go out of our way because we non-peak traffic so the access point off Cedar Crossing Drive and Erwin Road will not add to the traffic density and some of the other issues on NC 160 at Steele Creek Road and Erwin Road itself.

The property has 93 of the 119 units as two-bedroom. Our typical resident is a 71-year old female widowed who occupies two-bedrooms with a .8 [inaudible] per unit on-site so we have a low density in traffic, a low density in parking, and obviously with seniors we have a low density on water and wastewater usage as well. We do have sidewalks and we are doing out setbacks along Steele Creek Road to allow for the expansion of NC-160 if and when that happens. We gladly welcome the opportunity to dedicate the land along the periphery of the site on Steele Creek Road for that expansion.

This is a housing opportunity for us to retain our seniors in this part of our community. What happens is seniors at about 70-years old have a housing decision to make to leave the large home and their family and relatives and move to other locations where they provided this type of housing or stay within the area that this development occurs. Probably 80% of our tenants come within five miles of our location. They are looking for a location that is safe, secure, and all in with our rents at \$1,400 per month which includes approximately all utilities, all trash pick-up, parking, lighting, security, energy, and the space of the common areas within the building itself. We also provide our residents with a common area annual budget that they can use to decorate their common area and utilize that for the purposes that communal living occurs within the senior independent living. I think this is an opportunity to retain our seniors within an area. Our seniors are independent, they will continue to go to the church and the post office and Harris Teeters and all the other locations that they normally would go to, still being close to their relatives and family without having to leave the general area for a higher cost unit. Our seniors also do not like to congregate within other high-end rental properties since they are only going to be in this space for approximately six to seven-years until they will unfortunately have to move either to independent living which requires some skillsets and some semi-skilled nursing or memory care. Again, I think it is an opportunity to retain our seniors within our market place.

Councilmember Watlington said I have a couple of questions for Dave and Chris. I know this one has been worked on for quite some-time, so I'm interested to hear a couple of things. First Dave, in reading over this one obviously the density had unfractured and school and traffic concerns. I want to understand a little bit about the open space that is already a part of the parcel. This is a silly question, but when you talk density, you are looking at all of the lands on that parcel, not just built portion so even if there was not 30% open space the density would remain?

Mr. Pettine said we calculate over the entire acreage of the site.

Ms. Watlington said the second question I have in regard to that, the traffic numbers and the car numbers, that .8, I can't remember if it was per resident or per dwelling unit. Is that consistent with the standards that you are using when you are looking at infrastructure needs?

Mr. Pettine said from the staff's standpoint?

Ms. Watlington said yes.

Mr. Pettine said let me make sure I understand so, the calculations for the trips that are generated by the site. Is that what you are asking if that is what we were using?

Ms. Watlington said right, I'm just wondering he quoted some numbers as far as the car uses that would lead someone to believe that there were fewer cars here than you might anticipate if this were not a senior living center. I wanted to know if that was reflected in the staff's speculations as well.

Mr. Pettine said yeah, that is reflected in our staff analysis. I think there is an entitlement number; entitlement actually is 335 trips per day based on 29 single-family units and then the proposed zoning with 119 senior apartments generates 450 so there is actually an increase of 115 trips per day, even though they are senior. If it were non-senior apartments it was 650 so, there is a decrease between 119 standard multifamily versus

119 senior multifamily, but there is still an increase overall from the entitlement under the current zoning which is about 30 homes.

Ms. Watlington said and then lastly to you I see the left-hand turn-lane has been extended a good bit of the length of the property. What would it take infrastructure wise in order for this density to be supported here?

Mr. Pettine said one of the things we do have a little bit of concern about is the access off Cedar Crossing Drive is actually through the property that isn't part of the rezoning. So, typically we like to have that buttoned up before we approve a rezoning. We don't like to provide conditions, particularly for access that on the property that is outside the zoning boundary or under the control of the property of the owner. I know they are working on an access easement, but that is not currently in place yet, or I'm not aware of that being in place. So, that is a general concern, if that easement weren't ever granted then we are looking at a reconfiguration of the site back to having access on Steele Creek Road. That is one of the factors that we were looking at as well. We would like to see that, even though we mentioned density, I think that access point making sure it is going to stay where it is proposed on Cedar Crossing Drive, that may be an element that we can revisit in our recommendation if that gets ironed out a little bit more clearly.

Ms. Watlington said from a traffic trip standpoint, is there anything that has been identified that could potentially, and the reason I ask this is because I think about some of the high priority areas, and I think about the Pulte rezoning in which they really attack some of those high [inaudible] point intersections and so I'm just wanting to know if that is thought about places in which the developer could potentially assist to mitigate the traffic here or is it just astronomical versus the size of the development?

Mr. Pettine said that may be a question for the Department of Transportation. I would imagine it may not be cost-effective for them to look at off-site improvements like Pulte did, but certainly, it is something we need to explore. We can look into that, but I would let the Department of Transportation lead that effort and any other comments on it.

Robyn Byers, Department of Transportation Manager said I can address some of those questions if you would like. Ms. Watlington, this is in the area of concern that we've been looking at for you and talking about. It is not that far away from Gambrell. There are a lot of improvements going on in the area. You are right, there is a proportionality factor that we will have to look into, but the trips don't trigger a Traffic Impact Study, so we don't have a lot of that extra information that we would have for a larger project.

Ms. Watlington said my last question is for Mr. Clifton; do you anticipate being able to reduce the density here? I'm not sure if you all have already gone back and forth on this. I just want to understand what the barrier will be [inaudible].

Mr. Clifton said we looked at reducing the density and it is just not economically feasible to proceed with the project in this location. Typically, I would say that a site of about 10-acres would hold about nine to 12 units per acre in our field; 117, 116 is probably about as low as we ever go; 125 is as high as we ever go. It really a convenience factor for the seniors; they feel uncomfortable with more units than that or fewer units by not having the opportunities to save money into a place of residency for a short period of time by only having 50 units or 60 units. If we could do it in some other kind of plausible function on a building, say a two-story building with 50 or 60 units on less acreage we would do it, but it just doesn't economically pay itself off.

Ms. Watlington said remind me, are all these units market rate?

Mr. Clifton said all of them are market rate. As I said of the 119 units, we are proposing 94 of them are two-bedroom, one bath which is the preferred unit which figuration gives the resident about 1,000 square feet and still gives her an opportunity to have family and others over and utilize more space than just being in a single confined space. There is a central elevator and they are three-story. There is a common area space, community room on all three levels.

Ms. Watlington said one last thing and I'm not sure if Tracy is around, but I'd be interested because I do think that this serves a unique need in the area, however, I absolutely appreciate that staff has lifted up the infrastructure concern. I hear that there is an economic burden with reducing the density and so I would be interested to see if there is an opportunity for partnership here that might enable a lower density and also benefiting the community. I'm not sure if Tracy is here, but if not, I will follow-up with her afterward.

Mr. Clifton said I can address the issue on the entrance and the property that we are proposing if you want me to do that. We do have an agreement with the property owner, it hasn't been posted yet, but we are going to purchase the property shown where the entry point is, and it will be a private drive since it is not long enough to meet City Code standards for a public infrastructure entry point. So, where that red arrow is, that will be a private drive. We will purchase that property in the corner and trade it out with the property on the northwest corner that fronts on Steele Creek Road so it will reconfigure that corner lot of which is not being considered for zoning, but we will be assured that the property will, before we present it to Council, be secured and we will have a title and we will have a consent agreement that we can upload a [inaudible] so Planning staff and the Council and the Planning Board can have access to know that is going to be a permanent feature.

Ms. Watlington said Madam Mayor, is Tracy in the room at all, if not we can do it offline.

Mayor Lyles said Tracy is not in the room tonight. Do you just e-mail her?

Ms. Watlington said yes.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to close the public hearing.
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The following person submitted written comments regarding this item pursuant to S.L. 2020-3, sb 704. To review comments in their entirety, contact the City Clerk's Office.

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Felicia J. Murrill, fajones06@gmail.com

J Chang, oltmail@gmail.com

Jeff Carter,

Jenifer Abubakari, 12717 Swann Branch Drive

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Patricia and James Ragaina, 10718 Camden Meadow Drive

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Tricia Freeman, 11019 Southfield Drive

Yolanda Baxter, lala1978.ys@gmail.com

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ITEM NO. 32: HEARING ON PETITION NO. 2020-086 BY GREYSTAR GP II, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 71.94 ACRES LOCATED ON THE SOUTH SIDE OF UNIVERSITY CITY BOULEVARD, WEST OF INTERSTATE 485, NORTH OF MINERAL SPRINGS ROAD FROM RE-2 (RESEARCH AND RE-2 (CD) (RESEARCH, CONDITIONAL) TO R-12MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS.

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just under 72 acres on University City Boulevard at the I-85 on-ramp. The property is currently zoned RE-2 and RE-2 (CD). They are looking for R-12 MF (CD) with five-year vested rights. The adopted future land use for this property from the University Research Park Area Plan, which was adopted in 2010 does recommend the residential, office, and retail for this site. This proposal is for up to 712 multi-family and single-family attached units. Those would be built in two phases; Phase one up to 341 units and then Phase Two with 364 units being proposed. The max building height is 60-feet. They would have access from University City Boulevard as well as an internal network of private streets and drives provided. Multiple transportation improvements with the eight-foot-wide planting strip and 12-foot wide multiuse path along University City Boulevard. Also, internally there would be a 12-foot wide multiuse path connecting to the greenway. To the western boundary of the site, we would have dedication and conveyance of the Doby Creek Floodplain to Mecklenburg County Park and Rec for a future greenway. Internal sidewalks and pedestrian connections and turn-lane improvements at the three access locations along University City Boulevard as well as architectural commitments worked into the petition.

The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and the environment. Even with a large amount of units being requested the petition is consistent with the area plan that recommends up to 22 dwelling units per acre. This comes in just under 10 at about 9.6 so, again staff does recommend approval and we will be happy to answer questions following Mr. Carmichael's presentation.

John Carmichael, 101 North Tryon Street said I am with the petitioner, Greystar. With me tonight are Zack Spencer and John Glover of Greystar, Mark [inaudible] of Land Design, and Randy Goddard and Michael Wickline of Design Resource Group, they are available to answer any questions. The site contains just under 72 acres and it is located on University City Boulevard on the southwest quadrant of I-85 and University City Boulevard. North Tryon Street, Walmart, and Ikea are to the east of the site.

The site is currently zoned RE-2 (CD) on the southern portion and RE-2 on the northern portion. With respect to the southern portion under the current zoning, you could build up to 400,000 square feet of office and research uses. On the northern portion, you could develop any use allowed in the RE-2 zoning district. The petitioner is requesting that the site be rezoned from RE-2 and RE-2 (CD) to R-12 MF (CD) to accommodate a multifamily community that could contain up to 712 multifamily dwelling units. The density would be just under 10 units per acre. The request is consistent with the University Research Area Plan which recommends residential, office, and retail with a maximum residential density of 22 units per acre. A minimum of 26 of the units would be townhome-style dwelling units. That was a request of the University City Partners to have a mixture of product types.

Architectural standards are included on the rezoning plan. As Dave said the petitioner will convey land to the county for the greenway and the petitioner will actually construct the greenway trail through the site and the site would be developed in two phases. I'll show you that greenway trail.

Greystar is a vertically integrated real estate company that develops, owns, and operates the multifamily property. They have done a multitude of projects in Charlotte. The greenway trail that will be constructed would run from Mineral Springs Road to University City Boulevard and then there would also be a greenway connector from the greenway trail to be constructed by the petitioner to Doby Springs Drive. The petitioner will install a 12-foot wide multiuse path along the site's frontage on University City Boulevard. These are the townhome units here and here requested by University City Partners. There would be an abundance of open space, the amenity for each phase of the project. There will be three access points from University City Boulevard. We appreciate the positive recommendation of the Planning staff and will address the two remaining outstanding issues. We want to thank Darlene Heater and Toby Homes of University City Partners for the time that they have given to the petitioner in connection with this rezoning. Thank you for your consideration.

Motion was made by Councilmember Driggs, seconded by Councilmember Johnson, and carried unanimously to close the public hearing.
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Councilmember Johnson said I just wanted to thank this developer again. He has worked very closely with the community and donated land for a park and greenways and he has worked to improve the infrastructure. We appreciate him working to get them approved.

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ITEM NO. 33: HEARING ON PETITION NO. 2020-091 BY MECKLENBURG COUNTY FOR A CHANGE IN ZONING FOR APPROXIMATELY 40.85 ACRES LOCATED EAST OF NATIONS FORD ROAD, WEST OF INTERSTATE 77, AND SOUTH OF SHARVIEW CIRCLE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO INST (CD) (INSTITUTIONAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 40.85 acres on Nations Ford Road. The property does back up to I-77. This property is zoned R-4, the proposed zoning is institutional (CD). The Southwest District Plan which is from 1991 does recommend single-family residential with up to four dwelling units per acre. This proposal is for up to 300,000 square feet of government clinics, offices and civic facilities spread out around three buildings, which would be a max. It does prohibit some incompatible and primary and accessory uses from the site. We do have full movement driveways proposed at both Glenrock Drive and Echodale Drive as well as private internal drives, a 10-foot wide multi-use trail connection to Reynolds Avenue as well as an eight-foot planting strip, and a 12-foot multiuse path along Nations Ford Road. There are also transportation improvements that are incorporated into the project per the TIS (Traffic Impact Study) recommendations and architectural standards as part of the conditional notes for the three principal buildings as well.

The staff does recommend approval of this petition; there are no outstanding issues to be resolved. As mentioned, it is inconsistent with the single-family residential recommendation per the Southwest District Plan, however, institutional land uses are typically considered compatible. We don't see recommendations for institutional uses in a lot of our plans unless they are established institutional uses already existing, but they do provide needed public services to area residents, so even though it is inconsistent staff does feel the proposed uses are appropriate and would serve the community as a whole and we do recommend approval. We will be happy to take questions following Mr. Carmichael's presentation.

John Carmichael, 101 North Tryon Street said I am here on behalf of Mecklenburg County. With me tonight are Mark Hawn and Steve Sweat of Mecklenburg County, Shawn [inaudible] and Richard Peterson from Land Design, and Randy Goddard and Michael Wickline of Design Resource Group, they are available to answer your questions.

The site does contain approximately 41-acres and is located on the eastside of Nations Ford Road across from Edgegreen Drive and Echodale Drive next to I-77. The site is currently zoned R-4, the request is to rezone the site to institutional (CD) to accommodate a maximum of 175,000 square feet for a Community Resource Center, a potential regional library, a potential future building. The maximum [inaudible] square would be 300,000 square feet. As you know Community Resource Centers offer a range of community services such as veteran services, food, and nutrition services, family planning, and public health services. This would be a one-stop-shop for community services and by the way, taking on this site would bring such services to the community. As Dave said there would be two vehicular access points, maximum of three principal buildings, a library, a Resource Center, and then a future building here. To the north, there would be a 10-foot wide multiuse path connection through the site to Reynolds Avenue, a 12-foot multiuse path along the site's frontage on Nations Ford Road. There are architectural standards, buffers would be provided as provided by the ordinance. We appreciate Planning's positive recommendation and the work they have done. We also appreciate the positive feedback received from the community and we appreciate your consideration. Our team is happy to answer any questions that you may have.

Councilmember Watlington said I just wanted to ask John to reiterate the [inaudible] with Swann. You all are meeting soon to talk about this one, correct?

Mr. Carmichael said we met last week Ms. Watlington. It was a great meeting and they actually thanked the County for bringing these services to their community. They are very excited about the Resource Center and about the potential for a future library. The library would be a little further in the future; they have to get funding and construct it. It was a great meeting, I would say there were four or five folks there from Swann and they were very appreciative of the County.

Ms. Watlington said thanks, John, thanks for doing that.

Mr. Carmichael said I am glad to do it.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2020-102 BY J. S. & ASSOCIATES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 23.369 ACRES LOCATED ALONG THE NORTHWEST SIDE OF NEAL ROAD, ON THE SOUTHWEST SIDE OF IBM DRIVE, WEST OF HIGHWAY 85 FROM R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) AND R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (MF) (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 23.369 acres located along the northwest side of Neal Road and also along IBM Drive. This property is currently zoned R-8 MF (CD) for a portion you can see in orange. The yellow portion is zoned R-4; the proposed zoning is to round out that R-8 zoning in that yellow area and take the entire property to R-8 MF (CD). This property actually has two area plans that govern it, the Northeast District Plan is from 1996 and that calls for residential up to eight dwelling units per acre and then the General Development Policies (GDP) actually provide guidance for residential densities greater than four units per acre and the petition does meet the GDP policies for up to eight dwelling units per acre. I'm sorry it doesn't have two district plans, it has one plan with two recommendations. My apologies. That yellow is for four and the green is for eight.

The proposal is for up to 157 duplex, triplex, and/or single-family attached dwelling units. There are comments for an eight-foot-wide planting strip and 12-foot wide multiuse path along Neal Road and then an eight-foot-wide planning strip and six-foot-wide sidewalk along IBM Drive. We do have a commitment to a new bus waiting for pad along Neal Road and at the intersection of Neal Road and IBM Drive. There are just a little under .7 acres set aside as open space and amenities areas as well as architectural commitments and improvements for the units themselves.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation and some sight and building design items to work through. As mentioned, a portion of the petition is inconsistent with the four DUA (dwelling units per acre) recommendations, but it is consistent with GDP. The rest of the petition is consistent with the University Research Park Area Plan recommendation of office, residential, retail of up to 22 DUA. So, overall, we just have that minor inconsistency, but generally consistent with the adopted area plan. We will be happy to answer questions following Mr. Shaffer's presentation.

Ty Shaffer, 101 North Tryon Street said I am for the petitioner, we also have James Scruggs and Dennis [inaudible] with the petitioner here to answer any questions. Austin Coleman with Block Design and Robby Harvey with [inaudible] are here and are happy to answer any questions you might have. Thanks to Dave for his presentation, we are pleased staff recommends approval. We will be working on outstanding issues. We have been in contact with the Department of Transportation in particular and we will be working through those issues in the coming days.

The site is a little over 23-acres at the corner of IBM Drive and Neal Road, currently has a mixture of zonings, but I do want to point out this parcel, a little over 13-acres in orange with the red hatching. This is a parcel that this same petitioner took through the rezoning process in 2019-108. Council approved that petition in November of last year. Rezoned that parcel to the R-8 and that conditional zoning for up to 92 townhome units. A density right at 70 dwelling units per acre and there was an affordable commitment in that project as well. Five percent of the units would be reserved for buyers at or below 100 AMI (Area Median Income) which is the House Charlotte threshold for those buyers to participate in

that program. This is a quick snapshot of that approved plan. You can see it was a very narrow single touch of the site on Neal Road.

The current petition is before you because the petitioner is going to incorporate another parcel of a little over 10-acres into the project, requesting that the entire site be rezoned R-8 MF (CD) so he same district, the same type of dwelling unit, virtually identical density. This would be 157 units at a density of 6.72 units per acre. They are also carrying over the same commitment to set aside five percent of the units for buyers at or below 100% of AMI. This is the site plan, a couple of things to point out, two access points on Neal Road, some pedestrian-related intersection improvements as well. One of those intersections will line-up with the entrance to the school across Neal Road. Proposing a multiuse path along Neal Road, a single entrance to and from IBM Drive, and two connections to the project to the north which Council approved in Petition 2020-035 just in the past few months. I'm happy to answer any questions you may have. I have folks from the rezoning team also on the call that can answer any questions and I thank you for your consideration.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2020-107 BY DRAKEFORD COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.3 ACRES LOCATED ALONG THE EAST SIDE OF BRIAR CREEK ROAD, NORTH OF CAROLYN DRIVE AND SOUTH OF CENTRAL AVENUE FROM R-4 SINGLE FAMILY RESIDENTIAL) TO R-8 (CD) (SINGLE-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 1.3-acres on Briar Creek Road, just north of Carolyn Drive, south of the intersection of Briar Creek Road and Central Avenue. This property is currently zoned R-4, the request in the petition is for R-8 (CD) which would be single-family residential, conditional. The Central District Plan which I believe was from 1993 recommends single-family residential up to four dwelling units per acre for the property. The petition is proposing to develop to three single-family detached dwelling units along with transportation improvements to include a six-foot sidewalk and eight-foot planting strip along Briar Creek Road as well as a five-foot bike lane with a three-foot buffer along the site's frontage. Also, commitment to preferred building materials and setbacks that are consistent with the existing single-family homes on Briar Creek Road to maintain that same kind of development pattern of those existing single-family lots.

The staff does recommend approval of this petition upon resolution of one outstanding issue related to the environment. Just some notes from our Storm Water Department. The petition is consistent with the Central District Plan recommendation for single-family up to four DUA (dwelling units per acre). Again, the staff does recommend approval and we will take any questions you may have following Mr. Drakeford's presentation.

Robert Drakeford, 1914 Brunswick Avenue suite 1A said I really don't have a lot to add unless there are questions. I think the staff has certainly addressed everything and I would imagine you guys have other things to do with your time so, I will defer unless there are any questions.

Councilmember Egleston said Mr. Drakeford; I am looking, and I admittedly missed following with this person in my e-mail so I'm going to have to get with them after the hearing tonight. In searching through my e-mails to see if I had gotten any about this one, I had, and I missed it. There were a couple of neighbors who I believe had met with you, the last name is Campbell, Thomas, Smith, and Dungan, and I think at the time you all had met there were a couple of sites plans that you were looking at. It looks like you have

settled on one now. That was one of their concerns, but this might actually be better for Dave. With the density actually being lower than R-4 where you are proposing three houses on 1.3 acres, is this simply a matter of needing a more narrow width of each parcel, or what is the need for the rezoning here because it is not density.

Mr. Pettine said I believe it was the lot dimension and lot development standards for the current district wouldn't allow for the three single-family lots even though the R-3 district does allow three per acre, the development standards themselves I think were limiting how many lots could actually be split out along that piece of property. Mr. Drakeford or Mr. Bushon may have a little bit more knowledge on some of those standards that we are limiting, but that was the premise of the rezoning as far as I understand.

Mr. Drakeford said that is correct. The current zoning requires I think a 50-foot or 60-foot frontage and we are subdividing into lots that are about 44-feet, so it was really to allow for more narrow lots. There is a tremendous amount of depth with the property and that is why the acreage is so high.

Mr. Egleston said if you were to build this site by right, but you have to build a private drive perpendicular to Briar Creek Road, and then the four or five houses you could build by right would be oriented to that private drive instead of oriented to Briar Creek Road?

Mr. Drakeford said that is correct. We could get four houses in; the zoning would allow for five but they would not be oriented to the street so we didn't think that would be consistent with the streetscape. It would actually be a public street that would have to be built perpendicular to the street. I don't have that plan here, we did show what was allowed by right and it just was not in an orientation that was consistent with the streetscape. The rezoning as you noted is to allow for an orientation that is consistent with the streetscape as opposed to more units.

Mr. Egleston said this drawing is showing three units, it is just that one of the units is significantly bigger than the other two.

Mr. Drakeford said in my PowerPoint the fourth slide or actually, the fifth slide reflects what we are proposing and other concepts that we had contemplated are the sixth and seventh slide which was two duplexes. The one that you see is the sixth one with two duplexes that we contemplated, but we just thought it would be better for the streetscape and the staff was interested in retaining single-families as opposed to attached housing. That is why we defaulted back to that.

Mr. Egleston said have you been back in touch with those neighbors who had voiced some concerns when you had not settled on a site plan?

Mr. Drakeford said we told them that that was the plan. We opened the meeting and stated that we were contemplating the duplex plan, but at the end of the meeting, we committed to this three-house plan. I didn't realize that we needed to follow-up, but we certainly will confirm that this is the final plan.

Mr. Egleston said part of that is on me because I missed this and have not had a chance to talk to them, but I will this week and then I will circle back with you from there.

Mr. Drakeford said I apologize for not being in regular contact with you as well.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2020-111 BY MR3 DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.61 ACES LOCATED NORTH

OF DIXIE RIVER ROAD, JUST WEST OF SHOPTON ROAD FROM R-17 MF (CD) LLWPA (MULTIFAMILY RESIDENTIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA) TO NS LLWPA (NEIGHBORHOOD SERVICES, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 1.6 acres on Dixie River Road, just off of Shopton Road. That is in the area of the Outlets, and Berewick Elementary School. The current zoning of the property is R-17 MF (CD) and the proposed zoning is NS (Neighborhood Services) and currently has the Lower Lake Wyile Protected Area and will maintain that should the property be rezoned as an overlay. The Dixie Berryhill Strategic Plan from 2003 recommends multi-family dwellings up to 17 dwelling units per acre for the site. This petition does limit the site to a childcare center, you can see there is one proposed building and parking area off of Dixie River Road. There is a three-foot buffer, five-foot bike lane of there would be a buffered bike lane with three-feet separating it, an eight-foot planting strip, six-foot sidewalk along Dixie River Road.

The staff does recommend approval of this petition. There are some outstanding issues related to land use. That is really to just better clarify that the intended end use is just for daycare and no other uses in that NS district. It is inconsistent with that recommendation for multifamily at 17 dwelling units per acre, but staff does consider childcare centers more as institutional land uses and feel they are still compatible in those residential areas at an appropriate location and feel that this is one of those locations. We will be happy to answer questions following the presentation by the petitioner.

Bill Butz, 250 East 96th Street, Indianapolis, IN said I think the staff did a great job so unless Mr. Mulnar has anything to add I will yield it back to the floor.

Andrew Molnar, P.O. Box 11067, Pittsburg, PA said I have no comments.

Councilmember Johnson said it was a problem hearing the question, I can wait until after the vote.

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

ITEM NO. 37: HEARING ON PETITION NO. 2020-121 BY JAMES DOYLE – CHAMBERLAIN TOWNHOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.10 ACES LOCATED ALONG THE EAST SIDE OF SOUTH TURNER AVENUE, THE WEST SIDE OF BACON AVENUE AND SOUTH OF ROZZELLES FERRY ROAD FROM I-1 AND R-22 MF (GENERAL INDUSTRIAL AND MULTIFAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just over an acre off South Turner Avenue and Bacon Avenue, just south of Rozzelles Ferry Road. There are two properties involved, one is zoned I-1, that is the property that fronts on South Turner Avenue. The property off Bacon Avenue is zoned R-22 MF. The proposed zoning is to take both of those properties to combine them into UR-2, an urban residential zoning district. The adopted future land use for these properties are from the Central District Plan from 1993. You can see one portion of the property along South Turner Avenue is recommended to remain industrial in nature as an I-1 property and then the property on the back with that hatching is recommended for single-family or multifamily at no more than eight dwelling units per acre. However, given the age of the plan, we do run the General Development Policies and the guidance under those policies does recommend

densities greater than four units per acre and this petition does meet the criteria for consideration of over 17 dwelling units per acre.

The proposal associated with this petition is up to 15 single-family attached dwellings in three separate buildings, the max height is 40-feet. There are commitments to architectural standards as well as proposing rear-loaded units via private alleyways. Also, we have an eight-foot planting strip and eight-foot sidewalk along Bacon Avenue and then a 12-foot multiuse path along the existing right-of-way on Chamberlain Avenue.

The staff does recommend approval of this petition. We do have some outstanding issues related to some technical revisions and site and building design that we need to work through. As I mentioned, it is inconsistent with the Central District Plan recommendations however, it is consistent with the General Development Policies that recommend up to 17 dwelling units per acre. I think overall this project comes in at about 13 units per acre, so we are still under that General Development Policy recommendation. We will be happy to take any questions following Mr. Pennell's presentation.

Paul Pennell, 1318 Central Avenue said thank you so much for this opportunity to speak tonight in regards to Petition No. 2020-121. I am with Urban Design Partners representing the petitioner. Dave did a wonderful job in providing a great presentation. I would like to run through a couple of items here. Most notably we have been working with Planning and sub-division regarding the improvement of Chamberlain Avenue. There are quite a lot of environmental features that are currently existing that is preventing the improvement for vehicular connection between South Turner Avenue and Bacon Avenue, so we have arrived at a unique 12-foot wide multiuse path to provide a pedestrian connection between South Turner Avenue and Bacon Avenue. Also, most notably one of the items that had changed and came out of our community meeting on October 8th, the community let us know that most of the homes in this area are front-loaded and include porches. The community enjoys getting to know their neighbors and the previous petition had included front-loaded garages. As David previously mentioned, we now include a rear load garage within this petition. With that, I will open up to any potential questions.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2020-126 BY CAROLINA CAPITAL REAL ESTATE PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.25 ACRES LOCATED ALONG THE EAST SIDE OF YEOMAN ROAD, SOUTHWEST OF VERBENA STREET AND WEST OF OLD PINEVILLE ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-TR (TRANSIT-ORIENTED DEVELOPMENT – TRANSITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 4.25-acres stretching between Verbena Street and Yeoman Road just off Nations Crossings. The property is currently zoned I-2 general industrial, the proposed zoning is TOD-TR. As you can see on this slide, we do have some TR just next door to this project as well as up off of South Side Drive and Old Pineville and then TOD on the other side of Old Pineville Road along the light rail corridor. This is from the Woodlawn Station Area Plan that does recommend the office, industrial warehouse for the subject site and talks about the different types of modern intensity and office industrial warehouse uses. The property south of Verbena and west of Nations Crossing currently have that mix of office and light industrial. The area west of Old Pineville Road has a similar mix of uses. The plan does support a mix of office and industrial warehouse uses at a lower density. Again, this would be for transit-oriented and transit-supportive types of uses.

The staff does recommend approval of this petition. It is inconsistent with the Woodlawn Station Area Plan, it is just under one mile from Woodlawn Station on the LYNX Blue Line. Since the adoption of the plan, TOD and mixed-use development has certainly advanced in the area of this property. The use of conventional TR does apply within that one-mile walking distance of an existing rapid transit station and would be consistent with the types of redevelopment that we've seen in this area. Again, the staff does recommend approval, it is convenient so no site plan conditions to speak of. We will be happy to answer questions following any presentation by Mr. Brown or Ms. Lins.

Brittany Lins, 1420 East 7th Street said I am with the law firm of Alexander Ricks. I am here today Todd Harris representing the petitioner, Carolina Capital. I won't belabor the point, this is a conventional case, I want to really quickly orient you to the site. This is what some affectionally call the [inaudible] or maybe not so affectionally. This area has seen a lot of investment, a lot of amenities in the area so you are probably familiar with the breweries, the restaurants, there is a doggie daycare a block away, Lower Left Brewery a block away from the site. The light rail going right to the right of the site. We are actually within walking distance of two different light rail stations, both the Scaleybank and the Woodlawn Stations. We are requesting TOD-TR which is the same as what is next door and also what is to the north on Southside Drive.

We think [inaudible] is going to keep it consistent. Design standards and streetscape and building sighting along that block. TOD-TR is a transitional TOD district which we are seeing a lot of transition in this area with the amenities and the desire to really live, work and play in this area. We think that is a more appropriate use here along with the investment in the light rail rather than the heavy industrial use that is currently zoned for. We also see this TOD-TR as a transition or a buffer to the areas from the TOD light rail areas to the industrial and other uses that might be further away from the light rail. That is why we have chosen this TOD-TR district. We are happy to have the staff's support and will be happy to answer any questions.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2020-129 PROVIDENCE GROUP CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.264 ACRES LOCATED SOUTH OF THE INTERSECTION OF DUNAVANT STREET AND TRYON STREET, NORTHEAST OR REMOUNT ROAD FROM TOD-NC (TRANSIT ORIENTED DEVELOPMENT – NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT – URBAN CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 3.264 acres on South Tryon Street and Dunavant Street as well as some frontage back on Distribution Street. The existing zoning is TOD-NC and when we get to that map you may see some of that area doesn't look like it has a color on it. Apparently, there is some issues with GIS mapping for those TOD-NC parcels, but everything you see that doesn't have a color on it is associated with TOD-NC zoning currently. This petition is part of the New Bern Transit Station Area Plan from 2008. It does recommend TOD uses. These properties were part of the alignment rezoning back when we did 2019-102. This petition is requesting to go from the TOD-NC that was applied now to TOD-UC. Part of the main rationale for that is that this property is now within a quarter-mile walk of the proposed Rampart Station and a little over a half-mile of the East/West Boulevard Station so really the addition of Rampart that is being proposed is really the justification of taking this up from an NC to a UC district. The staff does feel that transition is appropriate given that new station that is proposed.

We support the petition and recommend approval and will be happy to take questions following Mr. McVean's presentation.

Keith MacVean, 100 North Street said I am with Moore and Van Allen representing Providence Group Capital, LLC. With me, tonight is [inaudible] representing the petitioner. I think Dave has hit all the hot points here. The site was zoned to TOD-NC as part of the realignment rezoning back in November of 2019. The MTC (Metropolitan Transit Coalition) in June of this year voted to add a new station along the Blue Line transit line at Rampart Street. That is within a quarter-mile of that future station and therefore supports the change from one transit supported category to the more intense urban transit-supportive district and that is our request tonight. I'll be glad to answer any questions and Mr. Freeman is also available to answer any questions.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2020-130 BY US 21 HOLDING COMPANY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.769 ACRES LOCATED ALONG THE WEST SIDE OF STATESVILLE ROAD, ALONG THE NORTH SIDE OF LAKEVIEW ROAD, AND EAST OF INTERSTATE 77 FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (GENERAL INDUSTRIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just over 12.7-acres along the west side of Statesville Road and the north side of Lakeview Road just off of I-77. The property is currently zoned I-1 and the proposed zoning is I-2. Again, a conventional, no conditional district or site plan. The North Lake Area Plan from 2008 does call for warehouse distribution uses for this site. Those are typically more aligned with I-1 zoning; this one again is an I-2 request.

The staff does find the petition inconsistent with that warehouse distribution but when looking at the petition and the current zoning there is a good bit of I-2 zoning surrounding the area as well as I-1. This is a pretty consistent industrial area along Statesville Road, particularly this north side of Lakeview Road so staff does feel the I-2 is appropriate even with that inconsistency we do recommend approval. Will be happy to take any questions following Mr. MacVean's presentation.

Keith MacVean, 100 North Tryon Street said I am with Moore & Van Allen assisting US 21 Holding Company, LLC. As Dave mentioned the conventional request I-1 to I-2 to allow the existing use on the site which is a truck yard storage facility. It has been used that continuously since 2001 and prior to 1997 as well. Once the rezoning is completed if we are successful, they will be working with City Engineering and Land Development staff to bring the site into compliance with other aspects of the zoning regulations as well as TCL and Tree Ordinance. As Dave mentioned the North Lake Area Plan recommends industrial warehouse distribution uses here. As mentioned in the Staff Analysis, the area is predominantly developed with industrial uses and there are similar uses to this surrounding the site and this would be consistent with that. Be glad to answer any questions.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2020-131 BY JOHN NICHOLS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.54 ACRES LOCATED ALONG THE SOUTH SIDE OF CENTRAL AVENUE, THE EAST SIDE OF HAWTHORNE LANE, AND NORTH OF INDEPENDENCE BOULEVARD FROM B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO TOD-CC PED (TRANSIT-ORIENTED DEVELOPMENT – COMMUNITY CENTER, PEDESTRIAN OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just over an acre and a half on Central Avenue between Hawthorne Lane and Lamar Avenue. All the properties within those intersections are included in this proposal. The current zoning is B-2 PED, the proposed zoning is TOD-CC PED. The Plaza/Central Pedscape plan from 2003 does recommend the office, mixed-use for this site which would be an office, multifamily greater than 12 units per acre as well as some limited retail for the subject parcels involved in the rezoning. This is a conventional TOD-CC petition, it is consistent with the Central/Plaza Pedscape Plan. It is within .08 miles of the adopted LYNX Gold Line Sunny Side Avenue stop so it is consistent with TOD zoning.

We do recommend approval of this petition and will be happy to answer any questions. I believe we have Mr. Nichols on the call just for questions.

Councilmember Egleston said Mr. Nichols, you and I can talk more about this off-line if you would like. Obviously, this being a conventional rezoning you are not committing to any plan here. I am curious though what the vision is for this block. This is a great block with great buildings on it as you well know, one of which is this fairly new construction which was done in a way that really fits in well with the neighborhood, both the design and the businesses that went into it. I don't know a lot of information about the building that was Pour Tap House and I think a new eating and drinking establishment just opened up where Pour had been, but I think that building has got some age to it, but don't know what sort of historic value it has. I would be more curious to hear, and again if you prefer, we can do it off-line, but hear what the vision is or if this is something that would lead to likely clearing this block of the buildings that are there. It would be a shame to see some of those go.

John L. Nichols III, 1204 Central Ave said we spend entirely too much money to clear any of these buildings. The original house that sits on the corner was built in 1910; that was our first office here. In 2017 we built the new building which is a 10,000 square foot multi-tenant building you just mentioned, and we actually occupied the second floor with our own office. Pour Tap is sold to another tenant during this COVID period and they are still occupied. Also, there is some new tenants going in the next building in the block as well so, the purpose, one we are right next to the light rail stop, and yay for the Hawthorne Bridge opening today. We see that the rail work is hopefully coming along soon, but we are just really trying to use these old buildings and have the ability to put multi-uses in here. Most of our tenants are long-term. We've been really involved with the PED overlay zoning and the TOD zoning and the light rail streetcar coming to the neighborhood and we felt like TOD gave us the best options as tenants turn over and for us to fully utilize the property. I believe the City recommended it just so we could use all of the space for multi-uses.

Mr. Egleston said it is more about the parking requirements and things of that nature with the current buildings than it is about some sort of new vision for tearing down the building though.

Mr. Nichols said it allows us to use the patios more, the parking space more. It helps us pretty much to bring the buildings to life and being able to use all the space that we have.

Mr. Egleston said perfect, that is exactly what I was looking for. Thank you.

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

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ITEM NO. 42: HEARING ON PETITION NO. 2020-132 BY 1124 GALLOWAY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.04 ACRES LOCATED ON THE NORTH SIDE OF GALLOWAY ROAD, EAST OF INTERSTATE 85, WEST OF INTERSTATE 485 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Petting, Planning said this is just over 8-acres at the end of John Adams Road fronting Galloway Road. The property is currently zoned R-3, the petitioner is seeking R-12 MF (CD). The adopted area plan which is the Northwest Area Plan from 2008 does call for office uses for the site. You can see there is also residential at 12 DUA (dwelling units per acre) and some retail further down John Adams Road. That is the recommendation in that plan. This proposal is for up to 63 attached single-family residential units. We would be looking at an eight-foot sidewalk and planting strip along Galloway Road, and internal sidewalks throughout the site. We do have curb and gutter installation that would go along Galloway Road frontage. A minimum of 2,000 square foot amenity area and then enhanced architectural standards to limit blank wall expanses and include recessed garage doors.

The staff does recommend approval of this petition; there are no outstanding issues. It is inconsistent with our recommendation of office use, however, the proposal for 63 single-family attached at a density of 7.8 still fulfills the area plan's recommendation to provide a mix of land uses and a pedestrian-oriented environment. The property just adjacent to this was recently rezoned for a mixed-use project for multifamily, apartments, townhomes, and office space so we do feel this kind of compliments what has been happening transition-wise in that area. We do feel it is appropriate and do recommend approval. I will be happy to answer any questions following Ms. Lins' presentation.

Brittany Lins, 1420 East 7th Street said I am with Alexander Ricks; I also have Mark Maynard here with me representing the petitioner. The staff did a great job of summarizing this one for us so I will hit a few highlights, but not keep you guys too long in the interest of time. As Dave mentioned we are requesting R-12 (CD) which is consistent with the 12 units per acre that is recommended in the plan across the street on the other side of Galloway Road. We also as part of this conditional plan, are restricting our density to 7.8 DUA even though it is an R-12 request. David hit the points of the amenity area, I do want to stress that we are improving the streetscape along Galloway Road. Right now there is no curb, there is no gutter, there is no sidewalk, there is no planting strip so we would be installing an eight-foot sidewalk, an eight-foot planting strip, and in response to staff's comments on those units fronting Galloway Road we have oriented them so their front doors are toward Galloway Road and they are alley set so the garages are in the back to really create this pedestrian environment along the front. We are not seeing garages and driveways, just the fronts of homes. We did think that is consistent with the area plan, which has language that it is promoting a mixture of land uses and also a pedestrian-oriented environment.

We held a community meeting but there were no attendees. We are not aware of any opposition and we are happy to have staff's support. I'm happy to answer any questions you may have.

Councilmember Mitchell arrived at 8:55 p.m.

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

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ITEM NO. 43: HEARING ON PETITION NO. 2020-136 BY SCAFFOLDING SOLUTIONS FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.95 ACRES LOCATED ALONG THE SOUTH SIDE OF W. T. HARRIS BOULEVARD, EAST OF OLD STATESVILLE ROAD, AND SOUTH OF DAVID COX ROAD FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (CD) (GENERAL INDUSTRIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just under nine-acres on Harris Boulevard at the end of Henderson Road, just to the east of Old Statesville Road and David Cox Road. The property is currently zone I-1 as mentioned; the requestor proposed zoning is I-2 (CD). The area plan is the Northeast District Plan from 1996 does call for industrial uses on this site. The proposal is for limited uses to those allowed in I-1 plus a contractor's office and outdoor storage. They do commit to maintaining landscape screening along Harris Boulevard and also an eastbound right-turn lane on W. T. Harris Boulevard as well as into the site.

The staff does recommend approval of this petition. We do have outstanding issues related to transportation and the environment to work through. As mentioned, it is consistent with the Northeast District Plan recommendation of industrial uses so staff does recommend approval and we will be happy to answer any questions following Mr. Field's presentation.

Walter Fields, 1919 South Boulevard said Roger [inaudible] of Scaffolding Solutions, my client is also on the line and available for questions if you have any about the specifics of his business. We appreciate working with the staff and the staff's support for this particular request. We find ourselves standing in front of you tonight because one of your other government processes has been shut down by the COVID regulations. Scaffolding Solutions received a letter from the City in September of 2019 verifying that the use they had, which was equipment rental, could go on this property and in November they closed on the property. When they went to get permits in May of 2020 someone else looked at the application and came around with a different interpretation which said they couldn't go in an I-1 district, and they would have to have I-2 zoning. We verified that with the Zoning Administrator and an appeal was actually filed to the Board of Adjustments regarding that interpretation. As fate would have it, the COVID restrictions have put the temporary end to quasi-judicial proceedings and so we were left only with the option to seek rezoning for the property since we weren't able to avail ourselves of the appeal process.

We are here before you tonight and asking for a simple rezoning from an I-1 to an I-2 (CD) with a restricted number of uses and I understand because my conversation with the Department of Transportation and City staff have indicated the notes in the Staff Analysis; we've already had conversations with both of those Departments and we believe that those issues have essentially been resolved verbally, we just have to make the changes to the site plan. We are consistent with the Northeast District Plan, we are consistent with the City's requirements for this type of use. The Staff Analysis recommends approval. We did have a community meeting, actual, a real live meeting on the site complete with spacing requirements, masks, hand cleaning, etc. sadly, no one chose to join us on that occasion, so we had no one at our community meeting.

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

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ITEM NO. 44: HEARING ON PETITION NO. 2020-138 BY ROSEMARY BURT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.472 ACRES LOCATED ALONG THE SOUTH SIDE OR RUTGERS AVENUE, THE EAST SIDE OF LIGUSTRUM STREET,

AND WEST OF SUGAR CREEK ROAD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is .472 acres on Rutgers Avenue as well as Ligustrum Street, just west of Sugar Creek Road. The current zoning is R-4, the zoning that is being proposed this evening is for UR-2 (CD). This is from the Central District Plan that calls for single-family up to four dwelling units per acre, however, given the date of the plan we do run General Development Policies which support up to 12 dwelling units per acre on this site. The proposal this evening is for the construction of an additional duplex, there is an existing duplex currently fronting on Rutgers Avenue. This would be to construct one more duplex on the site which would also include improvements for a six-foot sidewalk along both Ligustrum Street and Rutgers Avenue and I believe some other conditional elements that involve ADA ramps and some other architectural commitments.

Overall, the staff does recommend approval of this petition. We do have some outstanding issues related to transportation and some technical revisions related to the environment to work through. As mentioned, it is inconsistent with the base recommendation of the Central District Plan, but consistent with General Development Policies which support up to 12 dwelling units per acre. This petition comes in at 8.4 so we are under that recommendation from the General Development Policies. Staff will be happy to answer any questions following the presentation by Ms. Burt or Mr. Stansick.

Rosemary Burt, 172 Williamson Road, Mooresville, NC said I am the petitioner and thank you to the Planning Department staff professionals, you have been a tremendous resource to this process. With me tonight is Glenn Stansick, we are here to address any questions. Petition No. 2020-138 proposes adding a second affordable housing duplex to this site along the 500 block of Ligustrum Street. I am the petitioner and own the existing duplex of the site as well as the three adjacent duplexes on the 600 block of Ligustrum Street. I have made significant improvements to these duplexes since my company purchased them in 2018, including new roofs, windows, central air and heat, new baths, kitchen, and plumbing. Every effort has been made to keep the existing long-term tenants in place during the renovation process. The site has been the location of several past neighborhood cleanup efforts and [inaudible] amount of illegal activity in the past. We had a community meeting, unfortunately, it was not well attended. We did, however, reach out to the Farm Crest Neighborhood Community members and they have extended their support as well as two CMPD (Charlotte Mecklenburg Police Department) Officers that work in the neighborhood. The petitioner agreed to address all outstanding issues related to transportation and the environment. I'll be happy to take any questions.

Councilmember Egleston said just will say that I think us continuing to find ways to pursue duplex and triplex and quad type options is going to continue to be one of the best ways that we can keep housing more affordable in Charlotte, but also specifically in this part of my district. This will be an area where housing prices will start to go up sooner than later and they have already started to. I appreciate Ms. Burt for what she is doing here to strengthen this neighborhood and try to help keep it affordable in the meantime.

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

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ITEM NO. 45: HEARING ON PETITION NO. 2020-139 BY RED CEDAR CAPITAL PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.89 ACRES LOCATED ALONG THE WEST SIDE OF BROWNE ROAD, EAST OF SWEETBRIER RIDGE DRIVE, AND NORTH OF HUCKS ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is 12.89 acres on Hucks Road and Browne Road and has some adjacency with Sweet Grove Court. The property is currently zoned R-3, the proposed zoning with the petition is for conventional R-4. This is part of the Prosperity-Hucks Area Plan from 2015 which does call for residential uses up to four dwelling units per acre.

The staff does recommend approval of this petition. It is consistent with the four DUA recommendations that would be consistent with the R-4 zoning district. There is no conditional plan to speak of so we will be happy to answer any questions following the presentation by Ms. Lins and their team.

Brittany Lins, 1420 East 7th Street said I am speaking on behalf of Alexander Ricks and the petition, Red Cedar Capital Partners. I also have John [inaudible] here with me to answer any questions you might have. The staff did a good overview as always. This is a conventional case. I just want to reiterate the point that this is consistent with the Prosperity-Hucks Area Plan which is one of the relatively new ones. The recommendation for four dwelling units per acre is what we are requesting. We are happy to have the staff's support for this modest increase in density. Also, I want to reiterate a point that was said an earlier meeting about conventional petitions that we believe this is appropriate for conventional and we have staff's support believing as well that the ordinance contains the necessary protection or sufficient protection for the density and the height and setback and all of those components of an ordinance to protect the adjacent single-family and keep single-family in this area. We recognize that Charlotte is a growing city and there is a need for housing of all types and modest increases in density that are supported by the plan.

We held a meeting voluntarily, we had an outreach meeting for this site even though it is a conventional case. We did hear concerns about traffic and some of the interactions between the existing single-family homes and the single-family homes that we would be proposing. Again, this is a conventional petition, but we have listened to the neighbors and hope to provide them with a plan that they are satisfied with. I will be happy to answer any questions you may have.

Councilmember Mitchell said just a couple of questions; one staff, do you look at the vehicular trip generation in our right-up and they go from existing 10-trips per day to proposed zoning 560-trips per day? That seems like an enormous amount of trips from an R-3 to an R-4, particularly for those of us who live in the Hucks Road area. That is a farm road, so Brittany are you all proposing to do any infrastructure like you did on the previous rezoning on Galloway Road for this particular rezoning?

Ms. Lins said to Mr. Mitchell, since this is a conventional case, we can't commit to transportation improvements as part of the rezoning. We would be doing streetscape improvements as part of the rezoning so to the extent that there isn't sufficient curb and gutter and sidewalks and planting strips those would be included in our petition.

Mr. Mitchell said let me go back to the point you made; you said you can't commit, but you heard some feedback from the citizens at the community meeting. What is the win/win for the developer as well as the community who has voiced strong opposition on the traffic impact it would have on this development?

Ms. Lins said by saying that I can't commit, it is that there is not a mechanism for committing to improvements outside of what the ordinance would require for R-4 zoning, so, we believe it is a modest increase in the density and that on top of the recommended area plan for it to be this density of four DUA is sufficient.

Mr. Mitchell said Dave, Brittney said they can't commit because of the R-4 zoning, is that our ruling?

Mayor Lyles said we just had this conversation a little while ago at the beginning of the meeting about the difference between conditional and conventional. I'm going to ask Mr. Pettine to explain again. I ask that question all the time about the conventional which is that you cannot ask those kinds of questions or have them do that. Dave, do you want to talk about that again?

Mr. Pettine said this petition, the entitlement if somebody came in and built this out under current zoning as R-3 they could get potentially 38 single-family dwellings which would generate up to 430 trips a day. Under the proposed zoning we could look at a maximum of 51 single-family dwellings, that would generate 560 trips per day. We would be looking at a difference of about 130 trips a day under what could be built currently versus what is being proposed under the zoning. Given that this is conventional what Ms. Lins was conveying was that they can't commit with any mechanism to transportation improvements just because the conventional zoning district would just have them build under the ordinance of the City and then any other guidelines that they would be having to adhere to for environmental issues. There is no conditional plan to say as a result we are going to commit to doing any intersection improvements or any of that just because it is a conventional petition versus a conditional petition. That is the reason there is not a mechanism to commit. If there are things that are found out during the permitting process that could trigger different things that may be needed like a turn-lane into the site, something to that effect, but it wouldn't be part of the entitlement process that we have in front of us right now.

Mr. Mitchell said let me do a follow-up. What is in front of Council right now is that driven by this City Council, changing that policy, or is that at the state level?

Mr. Pettine said the conventional petition by nature is asking for by-right zoning which would be to ask for the ability to just build under the ordinance. The conditional is when there are other mitigating factors that you need to bring into a petition that would need to be committed to through more of an agreement between the petitioner and the jurisdiction. So, in this case, it is just conventional and that is really based on enabling legislation the state gives us to handle rezonings through either avenue.

Mr. Mitchell said so are you saying it to the state instead of the City who could change the policy?

Mr. Pettine said it a statutory policy.

Mayor Lyles said Dave gave a whole of words, but I'm going to say this way; under the State Law you can't ask specific questions about a rezoning if they file conventionally, they can do whatever is allowed in the zoning district. So, on this one, they get to do R-4.

Mr. Mitchell said Brittany, what is going to be your follow-up to the citizens because some of us have received some strong opposition, so what is going to be your follow-up to the neighborhood leaders?

Ms. Lins said we have received most of their contact information, at least the ones that attended our outreach meeting and we would be happy to reach out to them again and talk through some of their concerns. Again, this would be outside the rezoning entitlement for our conventional case but will be happy to talk with them about their concerns. I know a few of them to live adjacent to the site on Sweetbriar Ridge Drive and they just want to know what they are going to be seeing from their back yard. I think we've talked about where they prefer to see a fence or prefer to see landscaping. Those are all things that we are happy to talk through, but would not be part of the rezoning, but certainly happy to continue the conversations with them.

Mr. Mitchell said if you could do me one favor; when you all reconvene that meeting can you send Councilmember Johnson and I an invite. We are in close proximity to this rezoning.

Ms. Lins said I have that noted; thank you so much, Mr. Mitchell.

Councilmember Johnson said I have also spoken to Dave about this petition and I realize that it is conventional, but this is part of the concern that the residents have and also District Reps have. These decisions feel like they are made in a bubble, so although this might only have 560 trips, this is a farm road and less than a mile away, I would say, is a huge development that is pending. Also, down Browne Road there is another development-pending so, I think this is something that the developer does want to work with the residents if possible because this is an area that is growing too fast for the infrastructure. I have a concern about the Hucks Road intersection; Hucks Road and Statesville, there is already a 40-minute queue time before COVID and right now it is about 20 minutes. So, to add 560 trips, although it might be conventional, I'm not sure that this is a great location for this type of influx so suddenly. I don't know what type of traffic study was done or any type of memo, but I would like to know from the Department of Transportation, if possible, what that intersection at Hucks Road and Browne Road, what the current grade is, or if there is any type of study that is done there. As Mr. Mitchell said, this is a farm road, the neighbors are opposing it and also there is current development that is pending very, very close that is going to increase the traffic in that area.

Councilmember Ajmera said I have a question for our Attorney; how the petition is filed whether it is conditional or conventional, can that be taken into account in our decision making?

Terrie Hagler-Gray, Senior Assistance City Attorney said the petitioner has the right to file either a conventional or a conditional plan. I think that there is a meeting with the staff so I will defer to Dave and Taiwo about whether they will support a particular petition, but if I understand you correctly, it is entirely at the discretion of the petitioner whether they want to pursue either a conventional plan where they are allowed to develop any of the uses in that particular district or if they want to apply for a site-specific plan, which we call a conditional plan.

Ms. Ajmera said I understand that statutorily; what I'm trying to understand can Council make a decision based on whether the petition was filed using conventional or conditional. Could that be part of our decision making, that is what I'm trying to understand.

Mayor Lyles said if you were able to vote on a conventional petition what factors are there versus what is factors on the conditional. Is that a fair question Ms. Ajmera?

Ms. Ajmera said yes, alternatingly, but in other words, what I'm trying to understand is if we don't have a site plan, which we don't with this kind of request and this kind of petition, if we don't have details could we deny the petition just because of that?

Ms. Hagler-Gray said I see; I think you have to be very careful because with the conventional plan they are allowed to develop any use allowed in the particular district. So, it would be difficult to think of a reason to deny it just because it was conventional without knowing exactly what they were going to do. In other words, if you are asking can you deny it just because you would prefer to see a conditional plan, is that what you are saying?

Ms. Ajmera said yes.

Ms. Hagler-Gray said if you as a Councilmember think it is more appropriate as conditional and not conventional, that could be your reasoning.

Ms. Ajmera said ultimately you could deny the petition if it does not have a site plan or more details. That is within Council's purview, is that correct?

Ms. Hagler-Gray said I would rather say it this way; because they have an absolute right to file a conventional plan without a site plan. I think what you are asking is if you think it

is more appropriate that you have a site plan with particular conditions and you had rather see that on the site, that could be your basis for the denial.

Ms. Ajmera said I understand, so ultimately yes, we could do that, and I think that is the message I have for the petitioner regard.

Mayor Lyles said one of the questions I wanted to ask if you vote to deny a conventional, is the block-out period still the same. If you block someone out and I think one of the things that we would have to think about. There is a reason that the state has it, so I think this is a broader discussion that if we are really going to talk about denial of conventional petitions it is a bigger question than just this one. It is probably something that we need to have some review because once you say no to this, they couldn't come back with a conditional plan. It is not like you say well, I don't like this, and I want you to do conditional. I don't think that Terrie is really prepared, but I know Taiwo wants to say something so I'm going to recognize Taiwo.

Taiwo Jaiyeoba, Assistant City Attorney/Planning Director said what I will say is that we need to get ourselves organized around that and give you a better response. I will caution doing that because that is actually the direction we are heading with our Comprehensive Plan and our Unified Development Ordinance, to have less conditional and more conventional. Understanding that the public has provided input into the Comprehensive Planning process as to what they want to see in an area and then the Unified Development Ordinance designed regulations around that. Today 80 percent of what you approve goes through the conditional process, which is why we are here until almost 10:00 p.m. The plan is to swing the pendulum in the other direction where we can do less conditional, more conventional because the community has already weighed in on the land use process. I'm going to be really careful by saying we can deny something simply because it is conventional or because we feel it doesn't have enough details. Maybe there are other reasons we can provide to that and we can organize ourselves on. There is a reason why there is a conventional and a State Statute that supports that. I just want us to be very careful around that.

Ms. Ajmera said Taiwo, thank you for clarifying that. I know that is the direction moving forward once we have the UDO and the 2040 Plan is [inaudible] in place, but currently, we don't have that. I guess if we don't have additional details then my question becomes; they are making a decision based on what is presented to us and if there is not enough information provided Council could make a decision and say no., I guess I will forward a response from our City Attorney's Office in our follow-up report.

Councilmember Driggs said I just wanted to clarify in this conversation; our zoning proceedings are legislative; they are not quasi-judicial. So, we are not here to make a determination about whether certain laws have been adhered to. We make a determination about kind of the public interest as it relates and for years Council has looked at conventional rezonings and the concern has been what might be possible if we grant that conventional rezoning, what it might allow that we don't want. So, if we objected, we would not be saying we don't like conventional rezonings, you can't do that, and shame on you for bringing us a conventional rezoning. We would say that in this circumstance some of the things that could happen under a conventional rezoning concern us, and therefore, we would be more comfortable entertaining a conditional rezoning where we know exactly what is going to happen. So, think a little more about what you won't do and see if you can come in and exclude the things that might be allowed under a conventional by submitting a conditional. We don't have to vote and turn it down, we just have to send back that message if that is the way it looks like we are going and encourage the petitioner to think in terms of a conditional rezoning that meets their requirements and doesn't arouse our concerns.

Councilmember Watlington said I think Mr. Driggs said exactly what I was going to say.

Mayor Lyles said I think that is a good way of looking at it. That is why we have these hearings that go on until 10:00.

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

ITEM NO. 46: HEARING ON PETITION NO. 2020-140 BY RJS PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.53 ACRES LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF ZEBULON AVENUE AND ROZZELLES FERRY ROAD AND WEST TRADE STREET FROM I-2 (CD) (INDUSTRIAL, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is about a half-acre on Rozzelles Ferry Road and Zebulon Avenue. The current zoning is I-2 (CD), the proposed zoning is for UR-2 (CD) and you can see the existing zoning, we do have a mix of industrial, residential, and some UR from a recent approval on Zebulon Avenue as well. The Central District Plan as amended by the previous rezoning Petition 2007-106 does recommend industrial uses and greenway uses for this site. However, GDP (General Development Policies) does provide guidance for residential densities greater than four DUA (dwelling units per acre). This petition does meet GDP policies for consideration of up to 17 dwelling units per acre. The proposal under this petition is to permit up to eight single-family dwelling units limiting the building height to 60-feet. We do commit to enhance architectural details as well as fully capped detached lighting. One other element I would like to point out on this plan that is not on the presentation is that the existing streetscape along Rozzelles Ferry Road and I think there is also some pedestrian lighting that would be maintained that wouldn't be disturbed or modified. I know that some recent improvements so those would be maintained and preserved along that frontage.

The staff does recommend approval of this petition, we do have some outstanding issues related to transportation and some technical revisions for the site and building design to continue to work through. While it is inconsistent with the 1993 District Plan for heavy industrial uses, it is consistent with the GDP policies supporting up to 17 DUA on the site. We will be happy to take any questions following the petitioner's presentation.

David Butts, 2730 Rozzelles Ferry Road said you can see the parcel identified falls kind of within the range of a recent rezoning of just over 11-acres to UR-C. That is this development, our star is the half-acre parcel we are discussing. That is our development here. We are working to address the outstanding issues and we will have those addressed by our zoning submittal. Other than that, I feel the staff has done a great job presenting the case and we are open to questions.

Councilmember Winston said I would just have the petitioner and staff look at my comments from October and November as it relates to going from industrial to residential or residential to industrial.

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

ITEM NO. 47: HEARING ON PETITION NO. 2020-149 BY WHITE POINT PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1 ACRE LOCATED IN THE WESTERN QUADRANT OF THE INTERSECTION OF KINGSTON AVENUE AND SOUTH BOULEVARD, EAST OF CAMDEN ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) AND 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, Design & Development said this is about an acre on South Boulevard and East Kingston Avenue. The existing zoning is both TOD-M (O) as well as MUDD-O shown in that hatched colored area. The South End Transit Station Area Plan from 2005 recommends mixed-use, transit supported development for the subject site which would be consistent with TOD zoning.

The staff does recommend approval of this petition, as mentioned it is consistent with the South End Station Area Plan, it is within a half-mile walk of the East/West Boulevard Station on the LYNX Blue Line. It is a conventional petition and we will be happy to take any questions following the presentation by Ms. Lins or Mr. Brown.

Brittany Lins, 1420 East 7th Street said I just have a couple of points to say about this petition. As you will see it is the two parcels that are stared, and it is within a block of the East/West Light Rail Stop. Everything around it is currently TOD-UC. Its current zoning is TOD-M with an optional provision and MUDD. Those parcels would have been part of the realignment rezoning for TOD-UC if they hadn't had those conditional plans on them. We are just really using them, and this is corrective zoning, to put these back to the TOD-UC that they would have been aligned to. The plan recommends TOD and we are happy to have staff's support. This is a petition by White Point Partners, I have Jay [inaudible] and Justin [inaudible] on the line as well to help answer any questions, but I just wanted to highlight some of the projects that they've done. Some really great adaptive reuse projects in the area. I think you guys know the White Point name well but wanted to make sure I hit that point as well. If you have any questions I'm here as well as Jay [inaudible] Justin [inaudible] and I believe Collin Brown is on the line as well.

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

Councilmember Graham showed off his new grandson, Carter Logan, and said he was doing double duty.

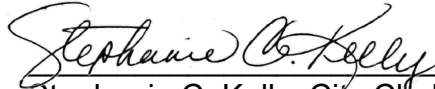
Mayor Lyles said thank you for giving us a great reason to feel good at the end of this meeting and I want to say thank you to all of the Councilmembers. I know that we sometimes have to modify things pretty quickly, but that is just the way the world works, and I really appreciate everybody. I want to say to everyone; this week is a very sacred week if you are of the Christian faith. Hanukah is over, Cuanza is coming up. It is just a great time to celebrate and we are grateful for everyone that makes it possible in this community, all of our Police Officers, our Firefighters, the people that have kept our City clean through the storms, and all of the folks, we just really appreciate everyone employee that works in this organization, I think should be very proud of the work that we've done this year with COVID. I'm especially grateful to my colleagues on the Council for the opportunities we've had to serve through our CARES ACT (Coronavirus Aid, Relief, and Economic Security) Act. I have not seen any other city that has really moved as quickly and as forward. If you look at all of the data that I've seen, it really does lend itself to some really great work. So, thanks everyone and God Bless all of your families and friends, be well, be safe, be healthy, ware your mask, wash your hands, and keep your social distance. Remember to take the wishbone out of the turkey and make a wish for a really better 2021.

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ADJOURNMENT

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 9:39 p.m.


Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours, 37 Minutes
Minutes Completed: January 8, 2021