

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, February 15, 2021 at 5:03 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro-Tem Julie Eiselt presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Malcolm Graham, Renee Johnson, Matt Newton, Greg Phipps, and Braxton Winston II.

ABSENT UNTIL NOTED: Councilmember Watlington

ABSENT: Mayor Vi Lyles

Mayor Pro-Tem Julie Eiselt said welcome to the February 15th Zoning Meeting. Tonight, is once again a virtual Zoning Meeting, and it's being held in accordance with the electronic meeting statute. The requirements of notice, access and minutes are being met through electronic means. The public and the media are able to view this meeting, and if they're watching it, then they're either on the Government Channel or City's Facebook page or on the City's YouTube page. Our Mayor is not feeling well tonight, so, I'm sitting in for her. And I am Julie Eiselt, Mayor Pro-Tem, and I serve at large.

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INVOCATION AND PLEDGE

Mayor Pro-Tem Julie Eiselt gave the Invocation and the Pledge of Allegiance to the Flag was led by Councilmember Graham.

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EXPLANATION OF ZONING MEETING PROCESS

Mayor Pro-Tem Julie Eiselt explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF ZONING COMMITTEE

Keba Samuel, Vice Chairperson of Charlotte Mecklenburg Planning Commission Chairperson of Zoning Committee introduced the members of the Zoning Committee. They will meet on Tuesday, March 2, 2021 to make recommendation on the petitions heard in the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at charlotteplanning.org.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Egleston, seconded by Councilmember Phipps, and carried unanimously to defer: a decision on Item No. 3, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC to March 15, 2021; a decision on Item No. 4, Petition No. 2020-038 by Clover Group, Inc. to March 15, 2021; a hearing on Item No. 25, Petition No. 2020-133 by D.R. Horton to March 15, 2021; a hearing on Item No. 26, petition No. 2020-155 by Go Store It South Tryon, LLC to March 15, 2021; and a hearing on Item No. 35, Petition No. 2020-141 by Flagship Healthcare Properties, LLC to March 15, 2021.

Councilmember Watlington arrived at 5:08 p.m.

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ITEM NO. 2: FOLLOW UP REPORT

There was not a follow-up report.

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DECISIONS

ITEM NO. 5: ORDINANCE NO. 9991-Z, PETITION NO. 2019-173 BY MCCRANEY PROPERTY COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 150.0 ACRES LOCATED OFF GARRISON ROAD, WEST OF I-485 AND SOUTH OF WEST BOULEVARD FROM R-3 AIR LLWPA (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA) TO I-1 (CD) AIR LLWPA (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA).

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 Dixie Berryhill Strategic Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/retail/light industrial land uses. 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 uses are consistent with the light industrial land use recommended for the site. The site is in close proximity to Charlotte Douglas International Airport as well as the Interstate 485 interchange with West Boulevard. The site is adjacent to rezoning petition 2017-189, which rezoned 46.2 acres to I-1(CD). The petition's site plan commits to a range of transportation improvements that will be beneficial to adjacent properties. The petition commits to

extending Garrison Road south to Dixie River Road, which will improve mobility in the surrounding community.

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.

- Petitioner has agreed to coordinate Greenway Connectivity to the adjacent Berewick Regional Park with the River District and Mecklenburg County Parks and Recreation. Additionally, Petitioner will agree to dedicate and convey to Mecklenburg County for future greenway purposes the entire 100-year floodplain on the site.
- Petitioner commits to revise its Rezoning Plan to increase the width of the Class A buffer located along the northern boundary of Development Area C (adjacent to the southern boundary of Tax Parcel No. 141-281-02) from 50 feet to 100 feet as requested.
- Petitioner agrees to revise its Rezoning Plan to commit to install a guard rail on each side of Garrison Road at the culvert crossing that is similar in appearance to the graphic in Chase Kerley's February 11, 2021 letter.
- Petitioner commits to add the following notes to its Rezoning Plan:
 - Prior to the issuance of a certificate of occupancy for the second new building constructed on the site, Petitioner shall dedicate and convey to Mecklenburg County for future greenway purposes the entire 100-year floodplain on the site (the "Greenway Area"). Prior to the dedication and conveyance of the Greenway Area to Mecklenburg County, Petitioner shall have the right to install and locate utility lines through such Greenway Area and to reserve such easements over such Greenway Area that are necessary to maintain, repair, and replace such utility lines, and to reserve such other easements as may be reasonably necessary in connection with the development of the site as long as these easements and utility lines do not interfere with the construction and maintenance of the greenway by Mecklenburg County. Any easements must be reviewed by Mecklenburg County prior to the dedication and conveyance of the Greenway Area to Mecklenburg County.
 - The area of the site located within the Greenway Area shall be considered when calculating the allowed density on the Site.
 - The trees located within the Greenway Area shall count towards the site's minimum tree save requirements.
 - The Greenway Area shall count towards the site's required open space.
 - Notwithstanding the foregoing, in the event that Mecklenburg County does not approve and accept the dedication and conveyance of the Greenway Area, then the Greenway Area shall be a part of the Site's tree save and/or open space areas.
- Petitioner will add a note to its Rezoning Plan committing to install supplemental landscaping along the Site's frontage on Garrison Road in addition to the required street trees. A detail of the supplemental landscaping will be included on Petitioner's construction drawings.

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

Motion was made by Councilmember Watlington, seconded by Councilmember Ajmera to approve Petition No. 2019-173 by McCraney Property Company and adopt the following Statement of Consistency: This petition is found to be consistent with the Dixie Berryhill Strategic Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/retail/light industrial land uses. 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 uses are consistent with the light industrial land use recommended for the site. The site is in close proximity to Charlotte Douglas International Airport as well the Interstate 485 interchange with West Boulevard. The site is adjacent to rezoning petition 2017-189, which rezoned 46.2 acres to I-1(CD). The petition's site plan commits to a range of transportation improvements that will be beneficial to adjacent properties. The petition commits to extending Garrison Road south to Dixie River Road, which will improve mobility in the surrounding community as modified.

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

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

NAYS: Councilmember Driggs (not on camera)

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 533-534.

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ITEM NO. 6: ORDINANCE NO. 9992-Z, PETITION NO. 2020-079 BY THE SEALY GROUP, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.99 ACRES LOCATED IN EAST CHARLOTTE, NORTH OF ALBEMARLE ROAD AND EAST OF HOLLIROSE DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES) AND R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition found to be inconsistent with the Eastside 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 residential uses up to 8 dwelling units per acre (DUA)

for 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 request for NS is consistent with previously approved rezonings with frontage along this portion of Albemarle Road, most recently 2019-107. The request for R-12MF(CD) is a reasonable transitional land use between commercial/retail uses and detached single-family homes. The requested density (10.38 DUA) for the single-family attached component is only a 25 percent increase in the recommended density for this parcel per the Eastside Strategy Plan. This petition's retail and residential components achieves the Plan's vision of "having a wide variety of desirable and affordable housing options available..." and "are able to live in close proximity to where they work and shop". The approval of this petition will revise the adopted future land use as specified by the Eastside Strategy Plan, from residential uses up to 8 DUA to residential uses up to 12 DUA for a portion of the site, and retail for the remainder of the site for the site.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-179 by The Sealy Group, Inc. and adopt the following Statement of Consistency: this petition is found to be consistent with the Eastside 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 residential uses up to 8 dwelling units per acre (DUA) for 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 request for NS is consistent with previous approved rezonings with frontage along this portion of Albemarle Road, most recently 2019-107. The request for R-12MF(CD) is a reasonable transitional land use between commercial/retail uses and detached single-family homes. The requested density (10.38 DUA) for the single family attached component is only a 25 percent increase in the recommended density for this parcel per the Eastside Strategy Plan. This petition's retail and residential components achieves the Plan's vision of "having a wide variety of desirable and affordable housing options available..." and "are able to live in close proximity to where they work and shop".

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 535-536.

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ITEM NO. 7: ORDINANCE NO. 9993-Z, PETITION NO. 2020-109 BY LEWIS RE GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.334 ACRES LOCATED WEST OF INTERSTATE 485, ALONG THE SOUTHEAST SIDE OF MCKEE ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Barbee, 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 South District Plan and inconsistent with the 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 up to 3 dwelling units per acre, and the General Development Policies support up to 6 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 site is located between McKee Road and I-485 which separate the proposed development from most of the surrounding lower density single-family residential. The petition proposes a density of 7.7 units per acre. There are existing developments zoned for attached single-family development along the south side of McKee Road adjacent to I-485. Moderate density residential development serves as a buffer and transition from I-485 to single-family development. The proposed site plan provides commitments that reduce impacts and makes the project compatible with surrounding development including the left turn lane into the site and Ordinance required buffers. Building height limited to 40 feet, same as for single-family zoning. Architectural standards including specified allowed façade materials, usable porches and/or stoops, and offsets or façade treatments to differentiate units. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single-family residential use up to 3 DUA to residential use up to 8 DUA for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Graham, and carried unanimously to approve Petition No. 2020-109 by Lewis RE Group, LLC and adopt the following Statement of Consistency: this petition is found to be with the South District Plan and inconsistent with the General Development Policies based on the information from the final staff analysis and the public hearing and because the plan recommends single family residential up to 3 dwelling units per acre; and the General Development Policies support up to 6 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 site is located between McKee Road and I-485 which separate the proposed development from most of the surrounding lower density single family residential. The petition proposes a density of 7.7 units per acre. There are existing developments zoned for attached single family development along the south side of McKee Road adjacent to I-485. Moderate density residential development serves as a buffer and transition from I-485 to single family development. The proposed site plan provides commitments that reduce impacts and makes the project compatible with surrounding development including left turn lane into site and Ordinance required buffers. Building height limited to 40 feet, same as single family zoning. Architectural standards including specified allowed façade materials, usable porches and/or stoops, and offsets or façade treatments to differentiate units. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential use up to 3 DUA to residential use up to 8 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 537-538.

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ITEM NO. 8: ORDINANCE NO. 9994-Z, PETITION NO. 2020-120 BY M/I HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 24.74 ACRES LOCATED ON THE SOUTH SIDE OF RIDGE ROAD, NORTH OF INTERSTATE 485 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (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 inconsistent 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 use up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-staff analysis and the public hearing and because this petition proposes up to 108 single-family attached townhomes, for a density of 4.36 DUA. While slightly inconsistent with the area plan recommendation of residential use up to 4 DUA, the area plan does recommend small clusters of slightly higher density residential at strategic locations as elements of a larger development, such as a small grouping of duplexes or townhouses along the edge of an open space. The site is situated between Rezoning 2020-051 and 2017-135, both of which were rezoned to R-8MF(CD) with a density up to 5 DUA. The petition commits to building street and sidewalk connections with the adjacent developments to increase street connectivity and the pedestrian experience. The petition proposes a 6-foot sidewalk on all internal streets and a 12-foot multi-use walking path along the site's frontage on Ridge Road. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), from Residential up to 4 DUA to Residential up to 5 DUA for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-120 by M/I Homes and adopt the following Statement of Consistency: this petition is found to be inconsistent 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 use up to 4 dwelling units per acre. However,, we find this petition to be reasonable and in the public interest based on information from the final analysis and the public hearing and because this petition proposes up to 108 single family attached townhomes, for a density of 4.36 DUA. While slightly inconsistent with the area plan recommendation of residential use up to 4 DUA, the area plan does recommend small clusters of slightly higher density residential at strategic locations as elements of a larger development, such as a small grouping of duplexes or townhouses along the edge of an open space. The site is situated between Rezoning 2020-051 and 2017-135, both of which were rezoned to R-8MF(CD) with a density up to 5 DUA. The petition commits to building street and sidewalk connections with the adjacent developments to increase street connectivity and the pedestrian experience. The petition proposes a 6-foot sidewalk on all internal streets and a 12-foot multi-use walking path along the site's frontage on Ridge Road. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), from Residential up to 4 DUA to Residential up to 5 DUA for the site.

Councilmember Johnson said I just wanted to thank the petitioner. They have worked with the community. There was no community public opposition. The petitioners agreed to construct the 12-foot multi-use path along Ridge Road. Their constructing traffic improvements and the site will contain a generous amount of green space. So, I want to thank M/I Homes, which I am familiar with their corporate offices in Ohio, where I'm from, they build a quality product. I just appreciate they're working with the community to enhance and improve the area. So, thank you.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 539-540.

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ITEM NO. 9: ORDINANCE NO. 9995-Z, PETITION NO. 2020-125 BY JOHN NICHOLLS – ACCENT HOMES CAROLINAS, INC. FROM AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.13 ACRES LOCATED ALONG BACK CREEK CHURCH ROAD, SOUTH OF UNIVERSITY CITY BOULEVARD, NEAR THE CABARRUS COUNTY LINE FROM R-3 (RESIDENTIAL) TO MX-2 (MIXED RESIDENTIAL).

The Zoning Committee voted 5-0 (motion by Barbee, 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 Rocky River Road 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 up to 8 dwelling

units per acre (DUA) 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 consistent with the Rocky River Road Area Plan's overall Vision statement in that it states that the area "should offer a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development." This project has accomplished that by implementing enhanced architectural standards for the proposed townhome units. The petition request for attached single-family dwelling units assists in accomplishing the Plan's Land use goals for this area which encourages a mixture of housing types. The petition's commitment to the preservation of the natural southeastern portion of the site allows for the possibility of the area plan's recommendation of utilizing buffers for trail opportunities in this area.

Motion was made by Councilmember Johnson, seconded by Councilmember Phipps, and carried unanimously to approve Petition No. 2020-125 by John Nicholls – Accent Homes Carolinas, Inc. and adopt the following Statement of Consistency: this petition is found to be consistent with the Rocky River Road 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 up to 8 dwelling units per acre (DUA) 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 consistent with the Rocky River Road Area Plan's overall Vision statement in that it states that the area "should offer a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development." This project has accomplished that by implementing enhanced architectural standards for the proposed townhome units. The petition request for attached single family dwelling units assists in accomplishing the Plan's Land use goals for this area which encourages a mixture of housing types. The petition's commitment to preservation of the natural southeastern portion of the site allows for possibility of the area plan's recommendation of utilizing buffers for trail opportunities in this area.

Councilmember Johnson said this another petitioner who worked closely with the community. There was a concern and by a neighbor adjacent to the property and the petitioner reached out to address those concerns with this neighbor. They're going to be constructing some road improvements through turn lanes. They're dedicating land to Mecklenburg County Parks and Rec, and they have committed to make some stormwater runoff improvements or to mitigate the impacts in this development. Again, another one in district four who's worked closely with the community to enhance and improve the area. So, I'm looking forward to this one as well.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 541-542.

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ITEM NO. 10: ORDINANCE NO. 9996-Z PETITION NO. 2020-127 BY RAM REALTY ADVISORY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.60 ACRES LOCATED ON THE SOUTH SIDE OF WEST TREMONT AVENUE, WEST OF TRYON STREET AND NORTH OF BROOKHILL ROAD FROM I-1 (LIGHT INDUSTRIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT-TRANSIT NEIGHBORHOOD CENTER).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the New Bern Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential up or equal to 22 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site is within ½ mile walking distance from the East-West transit station. The South End Station Area Plan recommends higher density development within ½ mile of transit stations and the provision of sidewalks and other pedestrian amenities to improve access around station areas. The proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit-supportive project. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and 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. The TOD-NC district may be applied to parcels within 1-mile walking distance of an existing rapid transit station. The approval of this petition will revise the adopted future land use as specified by the New Bern Transit Station Area Plan, from the current recommended use of multifamily residential uses up to or equal to 22 dwelling units per acre to new recommended use for transit-oriented development for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-127 by RAM Realty Advisors and adopt the following Statement of Consistency: this petition is found to be inconsistent with the New Bern Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential up or equal to 22 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is within ½ mile walking distance from the East-West transit station. The South End Station Area Plan recommends higher density development within ½ mile of transit stations and the provision of sidewalks and other pedestrian amenities to improve access around station areas. The proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project. Use of conventional TOD-NC 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. The TOD-NC district may be applied to parcels within 1-mile walking distance of an existing rapid transit station. The approval of this petition will revise the adopted future land use as specified by the New Bern Transit Station Area Plan, from current recommended use of multifamily residential uses up to or equal to 22 dwelling units per acre to new recommended use for transit-oriented development for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 543-544.

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ITEM NO. 11: ORDINANCE NO. 9997-Z, PETITION NO. 2020-128 BY MRL HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.17 ACRES LOCATED AT THE SOUTHERN CORNER OF THE INTERSECTION OF ALEXANDER STREET AND 15TH STREET FROM R-22MF (MULTI-FAMILY RESIDENTIAL) TO UR-3 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Blumenthal, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan 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 greenway uses for 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 prior requests for urban residential zoning districts have been approved near the existing request and are found throughout the Belmont and Optimist Park neighborhoods. The location is near transit and accommodates a moderate increase in residential density.

Since the Little Sugar Creek Greenway was constructed after the plan was adopted, the greenway is now located east of this site and the land use designation could be changed to a compatible use. The requested density (23.5 DUA) is near the entitled density found in the current R-22MF district. The request for an increase in density is reasonable in that the parcel is proximal (around 2,800 feet) to the Blue Line's Parkwood Avenue Station. Additionally, the request provides new housing that brings added density along the Little Sugar Creek Greenway. The approval of this petition will revise the adopted future land use as specified by the Belmont Area Revitalization Plan, from greenway uses to residential uses over 22 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Johnson, and carried unanimously to approve Petition No. 2020-128 by MRL holdings and adopt the following Statement of Consistency: this petition is found to be inconsistent 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 greenway uses for 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 prior requests for urban residential zoning districts have been approved near the existing request and are found throughout the Belmont and Optimist Park neighborhoods. The location is near transit and accommodates a moderate increase in residential density. Since the Little Sugar Creek Greenway was constructed after the plan was adopted, the greenway is now located east of this site and the land use designation could be changed to a compatible use. The requested density (23.5 DUA) is near the entitled density found in the current R-22MF district. The request for an increase in density is reasonable in that the parcel is proximal (around 2,800 feet) to the Blue Line's Parkwood Avenue Station. Additionally, the request provides new housing that brings added density along the Little Sugar Creek Greenway. The approval of this petition will revise the adopted future land use as specified by the Belmont Area Revitalization Plan, from greenway uses to residential uses over 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 545-546.

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ITEM NO. 12: ORDINANCE NO. 9998-Z, PETITION NO. 2020-137 BY JOHN CLARK, JR. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 24.35 ACRES LOCATED ALONG THE SOUTHERN PORTION OF WEST ROCKY RIVER ROAD FROM R-3 (RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Barbee, 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 Newell 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 single-family uses up to four dwelling units per acre (DUA) and greenway uses for 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 subject property's location is in a gap area for public open space. To offset that gap, the request provides a minimum of 12,000 square feet of amenitized open space. The requested increase in density is appropriate in this location as the Blue Line's University City Blvd. Park and Ride station is approximately 6,000 feet from the property's proposed entrance. The request satisfies the Plan's land use objective of "providing a broad range of housing" that will meet the needs of different types of households. The request provides a moderate increase in density in an area that is immediately adjacent to the future Toby Creek Greenway corridor. Although inconsistent with recommended density, the requested housing type (single-family attached) is consistent with the proposed land use recommendation. The approval of this petition will revise the adopted future land use as specified by the Newell Small Area Plan for a portion of the site, from single-family uses up to 4 DUA to residential uses up to 8 DUA for the site. The area recommended for greenway uses shall remain.

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. A conditional note that addressed architectural standards was amended to increase the limitation of blank wall expanses from 10 feet to 15 feet.
2. Removed the provision that would recess garage doors 12-24 inches.
3. Added a conditional note that referenced the commitment of a 12-foot multi-use path.

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

Councilmember Johnson said so, again, another developer that's adding to the improvements in District Four, as you see, they are adding to the multi-use path and is really bringing improvement to the area. So, I appreciate it when the developers work with the community in these developments.

Mayor Pro-Tem Julie Eiselt said I know when the developers appreciate when Councilmembers mentioned those changes that they did work into the proposal. So, thank you for mentioning that.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-137 by John Clark, Jr and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Newell 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 single family uses up to four dwelling units per acre (DUA) and greenway uses for 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 subject property's location is in a gap area for public open space. To offset that gap, the request provides at minimum 12,000 square feet of amenitized open space. The requested increase in density is appropriate in this location as the Blue Line's University City Blvd. Park and Ride station is approximately 6,000 feet from the property's proposed entrance. The request satisfies the Plan's land use objective of "providing a broad range of housing" that will meet the needs of different types of households. The request provides a moderate increase in density in an area that is immediately adjacent to the future Toby Creek Greenway corridor. Although inconsistent with recommended density, the requested housing type (single family attached) is consistent with the proposed land use recommendation. The approval of this petition will revise the adopted future land use as specified by the Newell Small Area Plan for a portion of the site, from single family uses up to 4 DUA to residential uses up to 8 DUA for the site. The area recommended for greenway uses shall remain. as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 547-548.

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ITEM NO. 13: ORDINANCE NO. 9999-Z, PETITION NO. 2020-143 BY CHARLOTTE WATER AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.34 ACRES LOCATED ALONG THE SOUTH SIDE OF NORTH TRYON STREET, WEST OF CIRCLE DRIVE, NEAR UNIVERSITY CITY AND MECKLENBURG/CABARRUS COUNTY LINE FROM UR-2 (CD) 9URBAN RESIDENTIAL COMMERCIAL, CONDITIONAL) TO R-8 (RESIDENTIAL.

The Zoning Committee voted 5-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast 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 up to 12 dwelling units per acre (DUA) 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 consistent with the recommended land use per the adopted land

use plan for the area. The request creates a complimentary density between lower-density residential uses to the west and non-residential zoning to the east.

Motion was made by Councilmember Johnson, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2020-143 by Charlotte Water and adopt the following Statement of Consistency: this petition is found to be consistent with the Northeast 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 up to 12 dwelling units per acre (DUA) 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 consistent with the recommended land use per the adopted land use plan for the area. The request creates a complimentary density between lower density residential uses to the west and non-residential zoning to the east.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 549-550.

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ITEM NO. 14: ORDINANCE NO. 1-Z, PETITION NO. 2020-145 BY CRESCENT COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.95 ACRES LOCATED ON THE NORTH SIDE OF MARVIN ROAD, THE WEST SIDE OF JOHNSTON ROAD, AND SOUTH OF PROVIDENCE ROAD WEST FROM O-2 (CD) (OFFICE, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 4-0 (motion by Blumenthal, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan and consistent with the General Development Policies based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office use as amended by petition 2018-014; and the General Development Policies supports residential over 17 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 previous rezoning allowed for a hospital and medical office which is now planned and approved for the east side of Johnston Road. Prior to the hospital rezoning, the site was recommended for institutional use. While the plan does not call for residential uses on the site, the proposed residential is compatible with the surrounding multi-family and non-residential uses. The proposal would introduce residential dwelling units to the area along Ballancroft Parkway which includes a mixture of retail, office, hotel, and institutional uses creating a mixed-use node. The proposal completes the connection of Ballancroft Parkway between Providence Road West and Marvin Road. The approval of this petition will revise the adopted future land use as

specified by the South District Plan, from office use to residential use greater than 22 DUA for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2020-145 by Crescent Communities and adopt the following Statement of Consistency: this petition is found to be inconsistent with the inconsistent with the South District Plan and consistent with the General Development Policies based on the information from the final staff analysis and the public hearing and because the plan recommends office use as amended by petition 2018-014; and the General Development Policies supports residential over 17 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 previous rezoning allowed for a hospital and medical office which is now planned and approved for the east side of Johnston Road. Prior to the hospital rezoning the site was recommended for institutional use. While the plan does not call for residential uses on the site, the proposed residential is compatible with the surrounding multi-family and non-residential uses. The proposal would introduce residential dwelling units to the area along Ballancroft Parkway which includes a mixture of retail, office, hotel and institutional uses creating a mixed-use node. The proposal completes the connection of Ballancroft Parkway between Providence Road West and Marvin Road. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from office use to residential use greater than 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 551-552.

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ITEM NO. 15: ORDINANCE NO. 2-Z, PETITION NO. 2020-146 BY ELMINGTON CAPITAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.23 ACRES LOCATED ON THE WEST SIDE OF REGAL OAKS DRIVE, EAST OF WINTERHAVEN DRIVE, AND NORTH OF ALBEMARLE ROAD FROM O-15 (CD) (OFFICE, CONDITIONAL) TO R-22 MF (MULTI-FAMILY RESIDENTIAL).

The Zoning Committee voted 5-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Eastland 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 single-family/multi-family/office/retail uses with a residential density of up to 12 dwelling units per acre (DUA) for 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 requested residential density at this location is an appropriate buffer between non-residential uses against Albemarle Road to the south and lower density multi-family and single-family uses to the

north. The residential uses to the north include R-17MF and R-22MF, while only a small portion of the site abuts single-family zoning. The proposed rezoning district helps achieve a portion of the vision for the Eastland area in that it provides a “variety of housing types”. The approval of this petition will revise the adopted future land use, as specified by the Eastland Area Plan, from single-family/multi-family/office/retail uses to residential uses up to 22 DUA for the site.

Motion was made by Councilmember Newton, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2020-146 by Elmington Capital and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Eastland 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 single-family/multi-family/office/retail uses with a residential density of up to 12 dwelling units per acre (DUA) for 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 requested residential density at this location is an appropriate buffer between non-residential uses against Albemarle Road to the south and lower density multi-family and single family uses to the north. The residential uses to the north include R-17MF and R-22MF, while only a small portion of the site abuts single family zoning. The proposed rezoning district helps achieve a portion of the vision for the Eastland area in that it provides a “variety of housing types”. The approval of this petition will revise the adopted future land use, as specified by the Eastland Area Plan, from single-family/multi-family/office/retail uses to residential uses up to 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 553-554.

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ITEM NO. 16: ORDINANCE NO. 3-Z, PETITION NO. 2020-147 BY BEACON PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.93 ACRES LOCATED ALONG THE NORTHWEST SIDE OF OLD STATESVILLE ROAD FROM B-2 (GENERAL BUSINESS) AND I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO I-1 (LIGHT INDUSTRIAL).

The Zoning Committee voted 5-0 (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 Northeast District Plan (1996), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends an industrial-warehouse-distribution use. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing, and because by rezoning these sites to I-1, the entire parcel will have consistent zoning. This petition is consistent with the Northeast

District Plan (1996) recommendation of industrial use for this parcel. This petition's request for industrial zoning will maintain consistency with the surrounding industrial land uses on the western side of Old Statesville Road.

Motion was made by Councilmember Graham, seconded by Councilmember Phipps, and carried unanimously to approve Petition No. 2020-147 by Beacon Partners and adopt the following Statement of Consistency: this petition is found to be consistent with the Northeast District Plan (1996), based on the information from the final staff analysis and the public hearing and because the plan recommends an industrial-warehouse-distribution use. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because by rezoning these sites to I-1, the entire parcel will have a consistent zoning. This petition is consistent with the Northeast District Plan (1996) recommendation of industrial use for this parcel. This petition's request for an industrial zoning will maintain consistency with the surrounding industrial land uses on the western side of Old Statesville Road.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 555-556.

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ITEM NO. 17: ORDINANCE NO 4-Z, PETITION NO. 2020-151 BY RANGE WATER REAL ESTATE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.455 ACRES LOCATED ALONG THE NORTH SIDE OF WEST TREMONT AVENUE, WEST OF TRYON STREET, AND SOUTH OF WOODCREST AVENUE FROM I-1 (LIGHT INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 5-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the New Bern Transit Station Area Plan recommended residential land use but inconsistent with the recommended density, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential land uses up or equal 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 project site abuts a townhome project under construction to the east and is directly north of a parcel recently rezoned to accommodate townhomes. The project is an infill development that will contribute to a mix of housing types. The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood. The request limits the building height to 75 feet. The site is located within 1 mile of the East/West Boulevard Transit Station along the LYNX Blue Line. TOD-NC is permitted within 1 mile of the station and allows a building height up to 75 feet. The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office,

residential and retail uses. The development commits to streetscape improvements and on-street parking. The approval of this petition will revise the adopted future land use as specified by the New Bern Transit Station Area Plan, from current recommended residential uses up or equal to 22 units per acre to new recommended residential uses greater than 22 dwelling units per acre for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-151 by Range Water Real Estate and adopt the following Statement of Consistency: this petition is found to be inconsistent with the New Bern Transit Station Area Plan recommended residential land use but inconsistent with the recommended density, based on the information from the final staff analysis and the public hearing and because the plan recommends residential land uses up or equal 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 project site abuts a townhome project under construction to the east and is directly north of a parcel recently rezoned to accommodate townhomes. The project is an infill development that will contribute to a mix of housing types. The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood. The request limits the building height to 75 feet. The site is located within 1 mile of the East/West Boulevard Transit Station along the LYNX Blue Line. TOD-NC is permitted within 1 mile of the station and allows a building height up to 75 feet. The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses. The development commits to streetscape improvements and on street parking. The approval of this petition will revise the adopted future land use as specified by the New Bern Transit Station Area Plan, from current recommended residential uses up or equal to 22 units per acre to new recommended residential uses greater than 22 dwelling units per acre for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 557-558.

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ITEM NO. 18: ORDINANCE NO. 5-Z, PETITION NO. 2020-152 BY SHREEJI HOSPITALITY UNCC, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.99 ACRES LOCATED AT THE EASTERN TERMINUS OF E. MCCULLOUGH DRIVE, EAST OF N. TRYON STREET IN THE UNIVERSITY CITY COMMUNITY FROM O-1 (CD) (OFFICE, CONDITIONAL) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER).

The Zoning Committee voted 5-0 (motion by Barbee, 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 Blue Line Extension – University City 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 TOD-mixed 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 for TOD at this location is consistent with the adopted land use plan for the area. The site is less than 1,000 feet from the Blue Line's McCullough Station. The requested district is appropriate considering adjacent zoning districts in this location. As this location is within 200 feet of single-family residential, the request for TOD-CC will limit the height of the structure to the same maximum height of the TOD-TR district – the prevailing TOD district on the eastern side of N. Tryon Street – thus creating no greater visual impact than a request for TOD-TR.

Motion was made by Councilmember Johnson, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. by Shreeji Hospitality UNCC, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Blue Line Extension – University City 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 TOD-mixed 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 for TOD at this location is consistent with the adopted land use plan for the area. The site is less than 1,000 feet from the Blue Line's McCullough Station. The requested district is appropriate considering adjacent zoning districts in this location. As this location is within 200 feet of single-family residential, the request for TOD-CC will limit the height of the structure to the same maximum height of the TOD-TR district – the prevailing TOD district on the eastern side of N. Tryon Street – thus creating no greater visual impact than a request for TOD-TR.

Councilmember Johnson said I just want to say this another petition petitioner that agrees to commit it to fund a traffic light at the intersection of Highway 49 and also agrees to traffic improvements for the area. So, I just appreciate so much when developers are willing to work with the community and contribute to the infrastructure and not just make silo decisions is so important in our politicians and our decision. So, I look forward to supporting this one as well.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 559-560.

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ITEM NO. 19: ORDINANCE NO. 6-Z, PETITION NO. 2020-154 BY CAROLINA URBAN PROPERTIES, LTD AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.11 ACRES LOCATED ALONG THE WEST AND EAST SIDES OF BEATTIES FORD ROAD, ALONG THE SOUTH SIDE OF FRENCH STREET, AND NORTH OF MILL

ROAD FROM B-1 PED (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY) AND R-22MF PED (MULTI-FAMILY, PEDESTRIAN OVERLAY) TO TOD-CC PED (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER, PEDESTRIAN OVERLAY).

The Zoning Committee voted 5-0 (motion by Blumenthal, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent for a portion of the site and consistent for a portion of the site with the West End Land Use and Pedscape Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends institutional. The plan recommends multi-family/office/retail. 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 consists of two sites located on opposite sides of Beatties Ford Road and are located within ¼ of a mile from the proposed CATS Lynx Gold Line transit stop at French Street and Beatties Ford Road. The site is an appropriate location for transit-oriented development, adjacent to Johnson C. Smith University and other mixed-use developments in the area. Transit-oriented mixed-use development is consistent with the overall vision of the West End Land Use and Pedscape Plan. The approval of this petition will revise the adopted future land use as specified by the West End Land Use and Pedscape Plan, from Institutional land use to Transit-oriented development Use for a portion of the site.

Motion was made by Councilmember Graham, seconded by Councilmember Johnson, and carried unanimously to approve Petition No. 2020-154 by Carolina Urban Properties, LTD and adopt the following Statement of Consistency: this petition is found to be inconsistent for a portion of the site and consistent for a portion of the site with the West End Land Use and Pedscape Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends institutional. The plan recommends multi-family/office/retail. 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 consists of two sites located on opposite sides of Beatties Ford Road and are located within ¼ of a mile from the proposed CATS Lynx Gold Line transit stop at French Street and Beatties Ford Road. The site is an appropriate location for transit-oriented development, adjacent to Johnson C. Smith University and other mixed-use developments in the area. Transit oriented mixed-use development is consistent with the overall vision of the West End Land Use and Pedscape Plan. The approval of this petition will revise the adopted future land use as specified by the West End Land Use and Pedscape Plan, from Institutional land use to transit oriented development Use for a portion of the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 561-562.

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ITEM NO. 20: ORDINANCE NO. 7-Z, PETITION NO. 2020-157 BY SPECIALTY PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.76 ACRES LOCATED ON THE WESTERN SIDE OF TUCKASEEGEE ROAD BETWEEN CAMP GREEN STREET AND BERRYHILL ROAD FROM B-1 (NEIGHBORHOOD BUSINESS) AND R-5 (SINGLE-FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan for the portion of the site currently zoned B-1 and inconsistent with the Plan for the portion of the site zoned R-5, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends retail for the portion of the site zoned B-1 and single-family up to 5 dwelling units per acre for the portion of the site zoned R-5. 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 neighborhood-serving land use, while inconsistent with the back portion of the site, is consistent with most of the site, and the context of the existing land uses on Tuckaseegee Road. The proposed site plan commits to improving the streetscape by providing an 8' planting strip and a 6' sidewalk. The proposed neighborhood services use will support the existing neighborhood as well as new residences being developed in the vicinity of the site. The site is within close proximity to bus stops for CATS routes 8 and 34, offering an alternative form of transportation for citizens to reach the proposed neighborhood services. The approval of this petition will revise the adopted future land use by the Central District Plan, from single-family up to 5 DUA to retail land use for the portion of the site zoned R-5.

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. A conditional note (6.F) regarding the building setback was clarified to state that "The building shall be located within the building envelope and the building envelope should be located at least 22 feet behind the back of curb as set forth on the site plan."
2. A conditional note (7.B) regarding the location of the planting strip and sidewalk was clarified to state "A setback of 14', measured from the future back of curb, shall be provided along Tuckaseegee Rd. The setback shall include a 6' sidewalk and an 8' planting strip. The planter strip will be located between the sidewalk and curb."

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

Motion was made by Councilmember Watlington, seconded by Councilmember Graham, and carried unanimously to approve Petition No. 2020-157 by Specialty Properties, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan for the portion of the site currently zoned B-1 and inconsistent with the Plan for the portion of the site zoned R-5, based on the information from the final staff analysis and the public hearing, and because the plan recommends retail for the portion of the site zoned B-1 and single family at up to 5 dwelling units per acre for the portion of the site zoned R-5. 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 neighborhood serving land use, while inconsistent with the back portion of the site, is consistent with most of the site, and the context of the existing land uses on Tuckaseegee Road. The proposed site plan commits to improving the streetscape by providing an 8' planting strip and 6' sidewalk. The proposed neighborhood services use will support the existing neighborhood as well as new residences being developed in the vicinity of the site. The site is within close proximity to bus stops for CATS routes 8 and 34, offering an alternative form of transportation for citizens to reach the proposed neighborhood services. The approval of this petition will revise the adopted future land use by the Central District Plan, from single family up to 5 DUA to retail land use for the portion of the site zoned R-5as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 563-564.

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ITEM NO. 21: ORDINANCE NO. 8-Z, PETITION NO. 2020-158 BY REVOLVE RESIDENTIAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .618 ACRE LOCATED AT THE NORTHERN INTERSECTION OF SPENCER STREET AND E. 36TH STREET IN THE NODA COMMUNITY FROM R-5 (RESIDENTIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Blumenthal, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the 36th Street Transit Station 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 up to five dwelling units per acre (DUA) for 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 request is similar to previously approved projects within the vicinity of the proposed rezoning, particularly projects that have significant frontage along this portion of E. 36th Street. Petition 2018-041, directly across Spencer Street, requested the same building type (attached single-family), a similar density (21.2 DUA), and maximum height (50 feet). The petition's commitment to

improvements such as widened sidewalks, planting strips, and public art aid in achieving the transit station area plan's recommendation for a development pattern supported by infrastructure improvements to enhance accessibility and safety for all users. The request for an increase in residential density is appropriate at this location due to the subject property's proximity to the 36th Street Blue Line Station (approximately 2,200 feet/.4 mi.). The approval of this petition will revise the adopted future land use as specified by the 36th Street Transit Station Area Plan from residential uses up to five DUA to residential uses over 22 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Johnson, and carried unanimously to approve Petition No. 2020-158 by Revolve Residential and adopt the following Statement of Consistency: this petition is found to be inconsistent with the 36th Street Transit Station 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 up to five dwelling units per acre (DUA) for 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 request is similar to previously approved projects within the vicinity of the proposed rezoning, particularly projects that have significant frontage along this portion of E. 36th Street. Petition 2018-041, directly across Spencer Street, requested the same building type (attached single family), a similar density (21.2 DUA), and maximum height (50 feet). The petition's commitment to improvements such as widened sidewalks, planting strips, and public art aid in achieving the transit station area plan's recommendation for a development pattern supported by infrastructure improvements to enhance accessibility and safety for all users. The request for an increase in residential density is appropriate at this location due to the subject property's proximity to the 36th Street Blue Line Station (approximately 2,200 feet/.4 mi.). The approval of this petition will revise the adopted future land use as specified by the 36th Street Transit Station Area Plan from residential uses up to five DUA to residential uses over 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 565-566.

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ITEM NO. 22: ORDINANCE NO. 9-Z, PETITION NO. 2020-166 BY C4 INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.73 ACRES LOCATED ALONG THE EAST SIDE OF STATESVILLE ROAD, NORTH OF KEITH DRIVE, AND SOUTH OF SUNSET ROAD FROM O-1 (CD) (OFFICE, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Barbee, 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 Northeast District Plan (1996) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office 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 this petition proposes up to 156 multi-family dwelling units for a density of 17.8 dwelling units per acre (DUA). At a density of 17.8 DUA, the petition is slightly denser than the General Development Policies recommendation of between twelve to seventeen dwelling units per acre. The introduction of 156 new dwelling units will contribute to increased diversity in housing options in this area. The petition proposes to enhance the pedestrian environment by providing a minimum of a 5-foot sidewalk along the Site's internal parking area that will link to the proposed buildings on the Site and to the sidewalks along Statesville Road. The site commits to a 30-foot class C buffer where the Site abuts existing single-family homes, insuring an appropriate transition from the proposed multi-family use to the single-family neighborhood behind it. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996) from Office use to Residential up to 22 DUA for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition 2020-166 by C4 Investments, LLC and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northeast District Plan (1996) based on the information from the final staff analysis and the public hearing, and because the plan recommends office 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 this petition proposes up to 156 multi-family dwelling units for a density of 17.8 dwelling units per acre (DUA). At a density of 17.8 DUA, the petition is slightly denser than the General Development Policies recommendation of between twelve to seventeen dwelling units per acre. The introduction of 156 new dwelling units will contribute to increased diversity in housing options in this area. The petition proposes to enhance the pedestrian environment by providing a minimum of a 5-foot sidewalk along the Site's internal parking area that will link to the proposed buildings on the Site and to the sidewalks along Statesville Road. The site commits to a 30-foot class C buffer where the Site abuts existing single-family homes, insuring an appropriate transition from the proposed multi-family use to the single-family neighborhood behind it. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996) from Office use to Residential up to 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 567-568.

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ITEM NO. 23: ORDINANCE NO. 10-Z, PETITION NO. 2020-169 BY CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.556 ACRES LOCATED ALONG THE SOUTH SIDE OF BILLINGSLEY ROAD, ON THE WEST SIDE OF MARVIN ROAD, EAST OF ELLINGTON STREET FROM R-22MF (MULTI-FAMILY RESIDENTIAL, UP TO 8 UNITS PER ACRE) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 4-0 (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 Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends multi-family residential with no specified density. 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 adopted plan supports multifamily residential development. The proposal development supports the need for variety in housing types and housing needs. The request commits to an 8-foot sidewalk and 8-foot planting strip along Billingsley Road and 10-foot multi-use path and 8-foot planting strip along Marvin Road. The request commits to the provision of an ADA-compliant bus waiting for a pad with a location to be coordinated during the Land Development permitting process. The petition commits to 20-foot setbacks along with Billingsley and Marvin Roads. The request provides a Class C buffer along all property lines abutting single-family residential zoning or in single-family residential use. The site is surrounded by a mix of single-family, multifamily, institutional, office, and retail uses.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-169 by Charlotte-Mecklenburg Housing Partnership and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends multi-family residential with no specified density. 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 adopted plan supports multifamily residential development. The proposal development supports the need for variety in housing types and housing needs. The request commits to 8-foot sidewalk and 8-foot planting strip along Billingsley Road and 10-foot multi-use path and 8-foot planting strip along Marvin Road. The request commits to provision of an ADA compliant bus waiting pad with location to be coordinated during the Land Development permitting process. The petition commits to 20-foot setbacks along Billingsley and Marvin Roads. The request provides a Class C buffer along all property lines abutting single family residential zoning or in single family residential use. The site is surrounded by a mix of single family, multifamily, institutional, office, and retail uses.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 569-570.

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ACTIVE TRANSPORTATION PROJECTS

ITEM NO. 24: ACTIVE TRANSPORTATION PROJECTS

Mayor Pro-Tem Eiselt said you have a report on the recent active transportation projects listed on the agenda.

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HEARINGS

ITEM NO. 27: HEARING ON PETITION NO. 2020-118 BY TWG DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.042 ACRES LOCATED OFF DISTRICT DRIVE BETWEEN W.T. HARRIS BOULEVARD AND SHORTHORN STREET IN THE UNIVERSITY CITY NEIGHBORHOOD FROM O-1 (CD) (OFFICE, CONDITIONAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro-Tem Julie Eiselt declared the hearing open.

David Pettine, Planning said this is just over nine acres. It's located on District Drive between W.T. Harris Boulevard and Shorthorn Street in the University City area. Currently, the property is zoned O-1 conditional. This from an old 2005 rezoning that was part of this O-1 conditional and the MX-1 just next door for the community. The proposed zoning this evening is R-12 MF (CD). The adopted future land use for this property is from the Newell Area Plan that was adopted in 2002 and that plan did recommend office uses for the site. This proposal is for up to 98 multifamily dwelling units located within five primary structures. You can see that site plan on there, the buildings frontage Shorthorn Street. I believe the petitioner may show some changes to that plan. Even since this was submitted, following some ongoing coordination with the community.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation, environment site and building designed to work through. It is inconsistent with the Newell Area Plan recommendation that was amended by rezoning petition 2005-024 for office uses at the site. However, the staff does feel multifamily housing can provide an appropriate transitional land use between this property and the established single-family neighborhood. The request for residential uses in this location is reasonable as the site is proximal to existing neighborhood services. Those can be accessed through adjacent single-family neighborhoods and pedestrian infrastructure by means of a three-quarter mile walk. Building community around neighborhood services is an overall objective of the Newell area plan. And also, the petition achieves the plan's land use objective of encouraging a range of housing types and densities that will meet the need of different types of households. So again, the staff does recommend approval

and will be happy to take questions following the presentation by the petitioner and the community.

Mayor Pro-Tem Eiselt said I just want to clarify, we do have one speaker in support and as I said, we had 18 people signed up against. I did get a note that said Andrea Hankins would be speaking and giving all of their time to Ms. Hankins. She's got a PowerPoint. Were there other speakers lined up in opposition that still wanted to speak if you're on the line to say your name so that we know that.

Councilmember Graham left the meeting at 5:57 p.m.

Travis Vencel, 1301 East Washington Street Indianapolis, IN said thank you Counsel, and thank you, everyone, for attending tonight's meeting. This rezoning is for that nine-acre parcel on Shorthorn Street at District Drive and W.T. Harris Boulevard. It is to allow for conditional R-12 multi-family zoning on the site. This reasoning is to put in 98 units, that's about 11 units per acre, and we will do so in five buildings. TWG Development is a premier national developer of affordable and workforce **Due to technical difficulties, there was no audio for this portion of the meeting.**

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ITEM NO. 28: HEARING ON PETITION NO. 2020-134 BY IMPACT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 26.59 ACRES LOCATED IN THE SOUTHEASTERN CORNER OF THE INTERSECTION OF RHYNE ROAD AND MOUNT HOLLY ROAD FROM CC, LWPA (COMMERCIAL CENTER, LAKE WYLIE PROTECTED AREA) TO CC SPA, LWPA (COMMERCIAL CENTER SITE PLAN AMENDMENT, LAKE WYLIE PROTECTED AREA).

Mayor Pro-Tem Eiselt declared the hearing open.

David Pettine, Planning said this is 26.59 acres on Mount Holly and Rhyne Road just to the west of I-485. The property is currently zoned CC with Lake Wylie protected area overlay. They are pursuing a CC Site Plan Amendment rezoning. That Lake Wylie protected area overlay would also carry forward with that site plan amendment. The adopted future land-use is from the Catawba Area Plan, which was in 2010, that recommends residential office and/or retail land-uses for the site. The plan also recommended limiting land-uses and intensities to that approved by the adopted site plan. So, this proposal is for up to 336 multi-family residential units. It would limit the base maximum height for each of those structures to 45 feet and three stories. We do have some design standards to enhance the pedestrian environment and public realm. We do have innovative design standards, including a 16-foot set back from the back of the curb, a five-foot side yard, a 25-foot rear yard, and a minimum building separation of 10 feet. Also have commitments for open space preservation and amenities for residents. Modifications of the design of the public street that would bisect the property would allow an eight-foot sidewalk to be located at the back of the curb. There's also a commitment

of \$150,000 to be contributed towards the construction of improvements at the intersection of Mount Holly Road, Rhyne Road, and Sonoma Valley Drive. There's also a commitment to construct a three-lane cross-section along Rhyne Road adjacent to the parcel's frontage. That would also include an eight-foot planning strip and 12-foot multi-use path along that Rhyne Road frontage.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation and site and building design to continue to work through. It is consistent with the residential office and retail land-use recommendation for the site, and the staff will be happy to take any questions following the presentations by both the petitioner and members of the community.

Paul Pennell, 1213 West Morehead Street Suite 450 said thank you so much for allowing me to speak tonight. I am with Urban Design Partners, representing Petitioner Arisa Holdings here tonight regarding zoning petition 2021-34 we're referring to as Rhyne Corners. This is a 26.59 acres site, including three parcels currently zoned CC. We're requesting a CC. You maintain the existing zoning district with a revised conditional site plan. Within this petition, we're requesting 336 multi-family residential units, approximately 12.6 DUA (dwelling units per acre). Just for context, the site is located just south of Mount Holly Road and East of Rhyne Road, and also directly adjacent to I-485.

It is currently slated today for a mix of uses again, what we're currently proposing within this particular petition is multi-family with an additional out parcel that would potentially come back in as a commercial rezoning in the near future. This the current rezoning site plan that we have right now. This will be revised. There are some comments from the planning staff regarding orientation's to proposed buildings along the proposed right-of-way that is being proposed on-site. It's a residential wide cross-section with on-street parking. There are some buildings that we have directly adjacent to the proposed right-of-way that will turn and better orient this proposed right-of-away.

This a representation that more graphically, accurately represents what's being proposed, I'd like to bring your attention to the Rhyne Road improvements, the out parcel just to the South of the public road. Also, the site has limited environmental features on-site. However, where they are rather important, and I'll bring your attention to those in a slide here in just a moment. But I draw your attention here to potential wetlands that we have directly south of the existing railroad and also just to the west of I-485.

So, we've got some public commitments that are being made here within this petition; Rhyne Road, we've got a three-lane cross-section that we're actually proposing through Rhyne Road, improving that condition to help with traffic. In addition, Dave had mentioned that the petitioner is currently providing a \$150,000 commitment to the improvement of the intersection of Rhyne Road, Mount Holly, and Snow Valley, that commitment has actually been increased from \$150,00 to \$200,000. Just want to bring everyone's attention to that.

So, the existing site today, as it stands, lacks trees. There are some existing trees along Rhyne Road. There are also some existing trees directly adjacent to the railroad and I-485 and to the south corner of the property as well. However, it's worth noting that there are some existing wetlands on-site as well, but this petition is currently working around. The 2008-125 petition, which is the current conditional site plan that has been approved for the site, which is entirely commercial with the exception of some multi-family uses. I don't believe that no fault of the previous petitioners had realized that there were existing wetlands on site. These wetlands could have come about due to the construction of I-485. But some big box stores are currently proposed here within the existing conditional site plan don't really take into account those few environmental features that we have on-site.

So, if there is an actual end-user here associated with this petition, there is a multifamily user that will be the developer. These are some architectural precedent images of what the multi-family buildings would look like. This an actual, excuse for the palm trees, although it would be great if we can get some palm trees here, that would be nice. But this an actual representation of the product that has been constructed elsewhere in the country. I believe this product is actually located in Texas.

So, within this petition, the public benefits associated with it would be elevating a walkable community, protection of existing environmental features on-site, and commitments to improvements along Rhyne Road. The petitioners committing \$200,000 towards the signalization of Rhyne Road and Mount Holly Road. As we will hear in just a few moments, John Crosby will be speaking to his concerns about this intersection. The petitioners currently doing what they can to assist NC-DOT (North Carolina Department of Transportation) and C-DOT (Charlotte Department of Transportation) in the improvement of that intersection, which is certainly needed. Also, it's worth noting that all 336 units on-site will be priced to a workforce, attainable housing level of 80% to 110% AMI (Area Median Income). No financial assistance is being requested from the Housing Trust Fund, dollars from the City of Charlotte or NCHFA (North Carolina Housing Finance Agency) as well. These are all the product types that's being proposed here and just wanted to bring that to the attention of the Council as well.

So, Sam Smith with the Northwest Community Alliance is joining me tonight. Sam, I hope you're here, but we have been diligently working with the community with this petition. So, Sam, I would like for you to take it away here. But before you do, I would just like to thank Sam Smith, Missy Epps, and Susie Taylor for coordinating with this petition. Just thank you for all of the time that you've made yourselves available and for helping you to really take this petition a long way since the initial community meeting that we had a few months back.

Sam Smith, 1213 West Morehead Street Suite 450 said and I'm here today in the capacity of the President of the North Lake Community Alliance. Today the North Lake Community Alliance stands before you to support this rezoning petition 2020-134 to

develop acres along Rhyne Road into a multi-family housing development. If I have a few minutes and just share very quickly while we are supporting it.

But first, I would like to thank Councilwoman Wallington for living up to her commitment to ensuring every developer that comes and wants to build in our corridor is connected with the Alliance and our voice is part of that development. The North Lake Community Alliance have met with the petitioner several times, actually in two rounds of revision from the initial rezoning plan in our response to all of the concerns that we have, the petitioner has now included the site for future commercial amenities as well as a wraparound wider sidewalk to allow and promote outdoor activity at the site. The petitioner has also incorporated sidewalks to allow connectivity to the future of commercial development next to the site, but also the commercial development that's coming across the street. All of these improvements help us to achieve our goal of building a live, work, play neighborhood within the Northwest Community Alliance footprint. So, I want to thank the petitioner for allowing our voice to be a part of this development and the partnership we have now built because of the collaborative effort. So, we look forward to working with the developer in the future to connect their residents that will be in this petition connecting them to our community, also getting them involved with the North Lake Community Alliance. So, I just want to say, on behalf of the North Lake Community Alliance, we definitely support this petition and we ask that Council also support this petition.

Mr. Pennell said thank you so much, Sam. I really appreciate those kind words. Also, again, all of the hours that you guys have put forth in your thought and your input on this petition.

Anthony Fox, 620 South Tryon Street Suite 800 said I am speaking on behalf of my client, Locomotive Land Company LLC, and Victory Chevrolet. First of all, let me give my recognition to Mayor Pro-Tem and members of the City Council, I know what you do is a very time-consuming task and I appreciate the opportunity to be here tonight to assist you as you weigh the use of your legislative powers with regards to this request for rezoning. Again, I'm speaking in opposition to rezoning to petition 2020-134. The reason for my client's opposition is really one that relates back to the original rezoning plan for this area. In 2005 the prior Council in exercising their legislative powers determined that a planned, the Rhyne Station, a master plan community was an appropriate use of 131-acre development. My client, Locomotive Land Company happened to be one of the developers that came forward with that development plan. Now they did something that was pretty creative back then. The property owners whose property included the 131 acres joined to identify a visionary use for this site and this land. Indeed, my client was one of the ones that created the vision, because as you ride through I-485, you see Victory Chevrolet located on that site. That investment was made well before people thought of this area as the area that it has become. Now, the development of the Rhyne Station Master Community included rezoning from what was I-1 and R-3 to CC and B-2 CD and MX-2. The site plan at that time included specific building envelopes. It had and through negotiations set out two potential 75,000 square foot car dealerships. It set out building envelopes that will show multiple retail and restaurant uses and those uses were sprinkled

throughout this plan development, and they ranged anywhere from 3,700 square feet to 5,600 square feet, including the hotel site, multiple office buildings, and was specific to the location and the approval of certain residential building envelopes for mixed-use development. I will tell you, if you go back and look at the January 2006 Minutes of January 17th, you will see a discussion with regards to the initial approval of this plan. That discussion was pretty relied upon a representation as to how residential property would be held and it included at that time that that property would be for sale property.

Here we're looking at over 300 apartment units that are not for sale. So, that is a significant departure from the original plan. I would also add that if you go back and you look at those minutes and those plans, the developer did face a protest petition, which is no longer a vehicle available to residential communities, but it was back then. But yet the Council saw it fit to overcome that with the approval. Now, when we talk about the plan, the plan included certain infrastructure requirements and a condition development upon the construction of certain improvements. Certainly, the design and location of improvements were required to substantially conform with the site plan.

Well, again, what my client is seeking is for this Council to require this property owner to work with the initial property owner that was a member of the development to come up with the appropriate revisions to the overall plan. My client would welcome the opportunity to work and look toward developing the appropriate plan that is more consistent with the unified plan. My client opposes a piecemeal approach to a change of the overall plan that was the heart and soul of this area and this development

John Crosby, 1530 Stoneyridge Drive 28214 said I wasn't aware of some of the older rezoning issues behind the conditional plans, but my biggest concern and some of the other folks that I've talked to in the community are concerned about the traffic it is going to bring. The existing infrastructure of the roads even if, I don't know what kind of improvements they are going to be making at the intersection at Sonoma Valley, Mount Holly Road, and Rhyne road, but we've had fatalities from people trying to cross the road. It's a terrible intersection and you got to get the railroad right there on top of it. So, now you're going to have another 336 units of people along with I don't know how many cars that ratio is, but they're going to be coming out, going left or going right. Right now, it is currently like a mad dash when you get off of I-485 it's like a race when you turn right to see who makes it onto the two-lane road. So, you've got people jockeying for position and you got one lane turn left, one lane turning right, two going straight and there's no light there now at all. That is why we've had so many accidents there.

Even the I-485 intersection with Mount Holly Road in 2016 it was the 54th worst intersection in Charlotte for accidents. There's not a lot of updated traffic counts. The last I saw was 20,000, but they've even had improvements to roadway systems on Sam Wilson in the Moore's Chapel area with like half the traffic that we have on our road. By allowing this, unless they do some major improvements it's going to really create issues from a standpoint of like egress and ingress to my home, which is over in Pine Island. I don't know if I'm going to be able to get out of the development. Right now, in rush hour

traffic, it's horrible. Everybody I spoke to including some of the owners, well I'm not going to speak for somebody else. But, no one is happy about it from just that standpoint, that that corridor from Mount Holly Road, west of I-485, was originally planned to be like the Carolina Regional Planning Association had once planned to have that as an extension, a new bridge that goes across the Catawba River. All of these zonings that you guys are putting up there were based on that. That was thrown out in 2015 because Mount Holly didn't want it, or Gaston County didn't want it. We don't know. I don't know because I wasn't part of that back then. Our position and my position is people have the right to develop a property within reason, as long as they don't create additional issues or additional problems for the people that are being served by that roadway infrastructure. I've been living here since 1971 and living in Pine Island for 15 years and I don't want to see it become a place where I can't even, like, get out, go to work or do what I need to do. But that's all I would have to say is it that it's taken into consideration. We don't need anybody else killed at that intersection. I don't want this development and the other development right down the road that after these things are said and done, they're not left like Cedar Hill. Cedar Hill is left with six lanes going in the two lanes with no traffic stop, no crosswalks, nothing. Thus, somebody dies.

In rebuttal, Mr. Pennell said Mr. Crosby and Mr. Fox, thank you so much for your comments tonight. We definitely appreciate them. The traffic condition at the intersection of Rhyne Road, Mount Holly Road, and Snow Valley is absolutely a concern. It's a concern of the petitioner, the petitioner, which is the property owner of these three parcels. They are definitely invested in wanting to ensure a successful safe project which is why we've been coordinating with C-DOT and NC-DOT on the improvements that have been committed to along Rhyne Road, a three-lane cross-section, and also providing that \$200,00 contribution to the intersection, improvements. NC-DOT's intersection improvements are currently planned at the intersection of Rhyne Road and Mount Holly Road.

Again, there was a previously approved conditional plan from 2005. That 2005 plan was revised in 2008. I would ask Council today to review and consider the merits of this petition of our petitioner and the current property owner. With that, I think I can give everyone another minute back.

Councilmember Phipps said I was just wondering, given that the road improvements and intersection improvements are reflective of a need to mitigate traffic conditions because the area is in a high injury network. You had indicated that you had increased the amount of developer contributions from \$150,000 to \$200,000 as a contribution to those improvements. Does anyone have any kind of estimate on what the overall cost of the improvements that are needed will cost?

Mr. Pennell said Mr. Phipps, yes, that is correct. The petitioner has increased their contribution amount from \$150,00 to \$200,000. That was a direct result of some price estimations of some design work that I believe NC-DOT has been conducting at that

intersection to go ahead and signalized at that intersection. Robyn Byers with C-DOT may have some additional input there that may help with your question.

Robyn Byers, Transportation Program Manager said C-DOT and NC-DOT are well aware of the safety issues and are working on trying to find the most appropriate improvements for that intersection. The cost estimates that we have from the state are about \$1.1 million. The state has some funding toward that. We also have a by-right project that is going to be contributing toward that as well.

Mr. Phipps said another question I had was in reading our materials it indicates that this particular petition evolved from, I guess some commercial retail to strictly multi-family. Did I understand you to say that the reason for that was because the wetlands issues were not properly taken into account at the previous rezoning?

Mr. Pennell said not exactly, but yes, you are correct, this now a complete multi-family petition. When we had initially submitted the petition had up to 20,000 square feet of commercial uses on site. Looking at the site plan that's on your screen now, that area is now referenced as a future out parcel that our parcel will need to come back in as a future rezoning that is not included in this petition. Now, the advantage of a multi-family project with 15 buildings on-site is we are able to strategically place those buildings within this 26-acre parcel more strategically to help maintain the existing wetlands on-site and also to maintain the existing trees that the site currently has today. The previous petition had some larger big box areas, and it's my belief that when I-485 was constructed, those wetland areas may have been created. So, an adherence to the previously approved plan would be difficult with the wetland areas on-site today.

Mr. Phipps said so, this petition is in ETJ (Extraterritorial Jurisdiction) now?

Mr. Pennell said That is correct. It is in the ETJ yes sir.

Mr. Phipps said are there any plans for voluntary annexation if this petition is approved?

Mr. Pennell said currently right now, we have no plans to go through the annexation process with this particular petition. But depending on City Services or future annexations that may occur out here, it's certainly something that may be considered.

Councilmember Johnson said my question is it sounded as if the opposition, from Mr. Fox's perspective, is that it's because it's inconsistent with the neighborhood plan. Is that what I'm understanding, Mr. Fox?

Mr. Fox said yeah. You have a Catawba Area Plan that this area falls within, that plan was created in 2010 and that plan took into account what existed on the land in 2005, which was the plan that I referenced. The important part that about that plan is that plan created a working relationship with all of the property owners where you had certain allotments of development that were tied to certain infrastructure improvements. So, yes,

this petitioner now may offer \$200,000 toward an infrastructure improvement, but the remaining costs may be borne disproportionately by the remaining property owners who are part of the original plan site and development.

Ms. Johnson said okay, as a follow-up question, is Taiwo in the room? Does he have a comment on how this plan is similar to the other neighborhood plans because I know we're working toward the UDO (Unified Development Ordinance) and many of the petitions that we approved are inconsistent with area plans? So, I'd like to know, is there something unique about this area plan as opposed to the other ones that we can consider routinely?

Taiwo Jaiyeoba, Assistant City Manager/Planning Director said I think all of them follow the same process. There will be different, obviously, based on community input into what they want in a specific area. But the process is the same and the recommendations for having a livable community as defined by those are different areas will be reflected in those plans. However, though, we've got about 96 of these plans, whether you call them District Plans or Community Plans or Transit Area Plans, we've got 96 of them, and not two of them are necessarily the same. The only thing that's unique to all of them is that they are outdated with the exception of the Prosperity Hucks one, which was done in 2015. I believe the South End Vision Plan, which was only about two years ago, all of them are absolutely outdated. The conflict today with a lot of things in terms of infrastructure, not necessarily matching growth and that's why it's part of the Comprehensive Plan, the process is to reduce the number of those area plans from 96 to what's manageable so that they can be reviewed and revised and updated in a shorter period of time rather than the situation we're faced with today. So, I cannot point to one or two or three things that are specifically unique about this one outside of the fact that they reflect what the community wanted at that point in time. But again, like I said, one thing that's common to almost all of these plans, with the exception of the two, is simply because they are just outdated and we're working through the Comprehensive Plan process to update all of them.

Ms. Johnson said we hear this from our residents routinely, that the petitions are contrary to the site plan. Council will discuss interim plans. Can you just speak to Mr. Fox and just give him and other residents comfort in why we able to approve or why we consider petitions that are contrary to the area plan.

Mr. Jaiyeoba said again like I said, some of these plans are absolutely outdated and so we have to go with trends that are going on today. While, yes, it is true that we may have areas of inconsistencies between what you are proposing today and something that happened some years back, that does not necessarily mean that the petition is not relevant or the fact that it's inconsistent with an old outdated area plan does not necessarily make the petition in front of you irrelevant or not consistent with what's going on today. What I can just say is, I don't want to give anyone guarantees or assurances, I know people like to hear that but what I can say is that when the Comprehensive Plan is adopted and you have umbrella policies, we go into place [inaudible] that will involve the

community in the process in terms of getting their input before we go back into the community area planning. That will scale down the number of area plans that we have today from 96 to maybe 15 or so. That will be over the larger geography, but they will be reflective of our community aspirations and the thought process that they want. The most important thing though is that we will not have to be waiting for 10, 20, 15 years to be updating the community area plans like we are doing right now because when they are manageable, it takes about a year and a half or so to update one area plan. If they are manageable, we're able to get that done within a short period of time.

Motion was made by Councilmember Watlington, 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.

Martha Eppes, 12601 Moores Chapel Road

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CONTINUATION OF ITEM NO. 27: HEARING ON PETITION NO. 2020-118 BY TWG DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.042 ACRES LOCATED OFF DISTRICT DRIVE BETWEEN W.T. HARRIS BOULEVARD AND SHORTHORN STREET IN THE UNIVERSITY CITY NEIGHBORHOOD FROM O-1 (CD) (OFFICE, CONDITIONAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Travis Vencel, 1301 East Washington Street, Indianapolis, IN said TWG as I was stating is a national provider of affordable and workforce housing, we've developed in about 13 states. Looking to do developments in North Carolina. We have a project in Raleigh that we're currently working on, hopefully starting construction in the next few months. We believe that this development will provide additional housing to Charlotte in the Charlotte market that is definitely needed, especially in this East W.T. Harris corridor.

If we look at the adjacent land use, I think it's important to note that there is a transition area here. We have residential to the east; we have mixed-use to the north and west and we have multi-family to the south. This current site was zoned as the staff mentioned, as part of a 99,000 square foot office complex, which included about 13 buildings and about 500 parking spaces. So, the initial and current zoning of the site is much more intense than what we're proposing. The current zoning would allow for a trip generation of nearly a thousand trips daily with peak trips of being about 150 in the morning and the same in the evening.

This a better in-depth picture of the current conditional use site plan where you can see that the 13 buildings that were approved in 2005 and how they encompass most of the site with either building or parking area. There is some green space along with Harris Boulevard and some green space at the north as a buffer to the residential zone as well.

Our proposed site plan as the staff mentioned is 98 units. Twenty-four one-bedroom, 52 two bedrooms, and 22 three-bedroom apartments. It would include a leasing office and a full-time onsite staff and management and maintenance staff. There would be a shelter house near the clubhouse, tree preservation along with East W.T. Harris Boulevard, a playground, and 177 parking spots.

This atypical elevation. The buildings are not all identical, but they all have this type of style. There are two and three stories. The units are flats, single-story apartments with a common entrance either in the center of the building or on the ends of the buildings. These are just a couple of pictures. You can see the building slightly different, but all of them ranging in two and three-story structure designs.

So, if you compare the currently approved site plan with the new site plan that we propose, you can see that we have preserved a lot of the green space, cut down on the amount of impervious surface area, parking area. We have maintained the access points that were approved in the current plan. We've maintained the buffer to the North near the residential and we reduce the traffic in the intensity of the development.

As the staff mentioned they do recommend approval. They recommend approval of this petition. You can see that three points here and I won't read this all to you. But if you go to the next slide, I think it's important to look at the highlighted areas. The staff said that this an appropriate transitional land-use between the established single neighborhood and East W.T. Harris Boulevard. The staff calls that the residential use is reasonable for the proximity of the existing neighborhood. The staff calls out that building a community around neighborhood services is an overall objective of the Newell Plan. Finally, the staff recommends that this does encourage the range of housing types and the densities that meet the different household needs, not only Charlotte but specifically in this area. I think those are important things to bring to the Council in their decision tonight.

We looked at the trip generation. The staff did a high-level trip generation of the office, and you can see that between the office-use and our proposed zoning is a reduction of 27% trips down since 965 to 705. Our engineers did a more in-depth traffic analysis and looked at the peak hours. You can see that the total numbers are very similar. A thousand trips down to 652, which is again 438 trips a day reduction but if you look at the peak hours I think this very important to look at. The peak morning went from 53 trips to 50 and the peak evening trips went from 148 down to 61 trips. So, a significant 25% reduction of the daily trips. It's important when you can consider one of the concerns of the neighborhoods that we heard in our neighborhood meeting.

So, in our neighborhood meeting, it was a zoom meeting, we had 35 individuals attend. I think there were a few others that were second persons in the household or other additional persons that were on the line. We heard many concerns. Those concerns are oversimplified in this list, but I tried to put them down so we could discuss them. They were concerned about the additional traffic through their neighborhood. They were concerned that there's already a speeding and cut-through issue in their neighborhood. They suggested that the access be moved to Harris Boulevard and they would like to have just the two southern entrances and not the northern entrance into the neighborhood if there had to be entrance onto the Shorthorn Street. They were concerned about the building's proximity to Shorthorn Street, and they would like to see some of the trees preserved along Shorthorn Street. Finally, they felt that multi-family was not appropriate for this site. They felt that 98 units on nine acres was too intense and they felt that affordable housing was not appropriate as it would bring crime and trespassing to their neighborhood. With those items in mind we have adjusted our site plan and just to show this to the staff this week and what we did is we researched moving access to Harris Boulevard. Moving access to the state-controlled Harris Boulevard is very difficult. It's at least a year-long process with no specific outcome. It's not just an approval process, you would petition them, go through a study process and they would determine if it would be allowed. It is a one-way street there because it is just one bound with a median and access across the median wouldn't be there. So, if there was access, it would be a right hand a right out onto Harris Boulevard, and would most likely limit it to one access point. Our engineers actually believe that it wouldn't cut down on cut-through traffic because if you wanted to go north, you wouldn't go out onto Harris Boulevard, you would go out onto Shorthorn and down and out onto Harris Boulevard off of District Drive because you couldn't turn and go north on Harris Boulevard if you had an access point there. But that's the approval process. It would be a very expensive process. The terrain is not very acceptable to an access point and will probably exceed the value of the real estate to try to put access onto that, given the time frame and engineering that would be required. We then looked at modifying the street setback and moving the buildings more internal to the site. So, you can see here the parking area is in the same spot, but we moved all the buildings to the east so that they are further from the street.

Finally, their comment from the neighborhood on multi-family is not appropriate. We just disagree with that. We believe Charlotte calls for a diversity of housing types in their plan. Affordable workforce housing is definitely needed, and we believe that less than 12 units an acre are appropriate for this site. So, this the original site plan we have submitted with our packet and you can see how we've moved the buildings farther into the site, and this allows us to preserve more area along the street.

We've removed the entrance into the neighborhood and gone down to two entrances. We've moved the buildings back from Shorthorn Street and they're now at least 100 feet from Shorthorn Street. We preserved trees, allowing us to preserve trees along Shorthorn and landscaping buffer from the neighborhood Shorthorn Street and we created the green space.

Mayor Pro-Tem Julie Eiselt said as I mentioned we had 18 speakers that were signed up in opposition. We received words that many of them wanted to see their time to Ms. Hankins, but is there still anyone on the line who wants to be recognized and would like to speak?

Andrea Hankins, 2104 Gelbray Court said thank you, Madam Mayor Pro-Tem, and thank you City Council, for allowing me to be here this evening to speak on behalf of the Back-Creek Farms owners. I'd like to say that Back Creek Farm homeowners are strongly against rezoning petition 2020-118. It is not a value add for our community. It's a single-family residential community of diverse homeowners. Our community allows families with children the ability to grow and learn from their retired neighbors who wanted our community to be their go forward home after leaving the workforce. Like Mr. Rudy and Ms. Pam on Aubrac Lane, who puts most of us to shame each spring into the summer season with a vast variety of flowers meticulously arranged to adorn their front lawn of well-manicured grass, or Mr. Chan and Ms. Allison on Hereford Street, who make it a point at different intervals during each growing season to leave fruits and vegetables on my back patio. Even Mr. Miller on Shorthorn Street, Halloween, or Christmas yard displays is a community must-see. The farms have allowed strangers to become a family working towards a common goal of building and maintaining value for and in our community. Current home comp's range between \$259,000 to \$340,000. Allowing TWG Development to place a multi-family development within our community is an intrusion, not a value add for the Farm.

Back Creek Farms is a community of middle-class single-family homes located in the University area of Charlotte. There are approximately 249 homes. The proposed multi-family development would be placed in the community. It's a development of approximately 100 units on nine acres, heavy density in a relatively small area. Curb to curb on Shorthorn Street, it's 50-feet wide. One of the three proposed development entrances is 74 feet from a homeowner's driveway. The proposed development has three entrances, all on Shorthorn Street. I noticed that Mr. Vencel went back and changed his design, so that's one positive. But in referencing the proposed facility the development would not be proximal as stated. It would be in Back Creek Farms.

There are several concerns with the proposed project that have not been considered by the various departments that review the change in zoning. Shorthorn Street is a major artery into the community. The road runs the length of the community and serves very little other purpose. The original proposed zoning plan included entrances to the business that would have existed on a proposed road that directed traffic away from Shorthorn Street and the community. The current proposal directs traffic directly back into the Back-Creek Farms Community and the proposal here will increase traffic on the Shorthorn Street by over 50% of its current capacity. This plan doesn't propose to create a neighboring community with Back Creek Farms. It essentially implants a new community within an existing one. There'll be no distinction or separation for the two.

This a photo showing where the sight line begins and the approximate distance to that car in that driveway, 74 feet walked off. We've mentioned that the community's concerned about the significant traffic increase. There are several homes that will be directly impacted. They have very close egress and ingress from the proposed multi-family development. While the traffic comparison put forward by the petitioner attempts to compare a proposal of traffic from the various proposed business park by stating that the apartment complex will allegedly have less traffic. That comparison is a complete guess as a business park has never been proposed for this site. These are photos, this photo and the following are photos of Shorthorn Street where the site would begin and the close proximity to homeowners' homes. Should City Council insist on allowing and go forward with this rezoning petition against the more than 70% to date of Back Creek Farm owners who have lifted their collective voices to say no to a petition 2020-118 the Back Creek Farms community recommends City Council adopt a holistic and comprehensive review to properly model future residential building proposals where a multi-family site would be placed near not in an existing single-family community.

Currently, what you're looking at is W.T. Harris Boulevard with the deceleration lane on onto District Drive. What the community would like to see is the deceleration lane extended and allow for entry off of Harris Boulevard. With specific reference to this potential 2020-118, all traffic should be directed away from Shorthorn Street, utilize East W.T. Harris Boulevard and District Drive for development entrances. Utilize and extend the current deceleration lane leading to District Drive from East W.T. Harris Boulevard, maintain a tree line that allows for privacy and separation between the current and proposed community. The area that's currently proposed provides a buffer between the community that's being proposed and East W.T. Harris Boulevard. There is no proposed buffer between the two communities, the existing and the one that's being proposed. If approved, the existing community will need to endure construction vehicles and noise for a set of months while the proposed community is being erected.

What you're looking at is a view of Chancellor Park Apartments. Currently, there is access off of Harris Boulevard directly into that multi-family community. Noted by the arrow that is the deceleration lane and that is the entrance to the apartment, the multi-family community. Also noted in the bigger circle is the tree line that separates the multi-family community from the single-family homes directly below. What we're asking is that the petitioner along with City Council, should this petition be approved, look at this model and build on it to allow Back Creek Farms to continue to be the community that it is while allowing the multi-family unit to be erected. We are not as proposed or stated against additional homes. What we are against is a haphazard reckless plan that implants a community within another.

In rebuttal, Mr. Vencel said thank you, Ms. Hankins, and thank everyone that's participated in this process. You can go back to my slide 21, I believe, where I was. I would like to point out a few items there, please. So, you can see here on this slide that we have added much of what the neighbors have asked. We have added the buffer along Shorthorn Street. We have moved our entrance. The entrance that you see there right

below the word plan is more than 75 feet south of where their neighborhood starts in with the first street in their development. So, we have moved the access down and put the buffer in a long Shorthorn Street specifically increase the buffer than what was originally planned and approved at the corner of their neighborhood where the access will remove the existing drive. We are happy to have additional conversations with the North Carolina Department of Transportation. However, if that takes more than a year, this project will not move forward. That is what they have stated at this point in time. That project takes is more than a year with no guarantee that access is there. Given the proximity to District Drive and my conversations with the Charlotte Department of Transportation and my engineers, I think the likelihood of getting a drive access as neighborhoods want onto Harris Boulevard is less than a 10% chance. I think that we will be back here having the same discussion of how do we get safely in and out of this existing infill site that is appropriate for multi-family housing and the answer is Shorthorns Street.

Councilmember Newton said so reviewing the materials for this petition and listening to the discussion on the last petition really drew my focus to the fact that we're talking about petitions here that are inconsistent with the area plan. What caught my attention here, this is very similar to the conversation we've just had. Is the area plan, the inconsistency of this petition with the area plan? I really feel like all too often we assume that the area plans are always outdated and certainly we have plenty of outdated area plans right now our wonderful Planning Department is in the process of putting together a Comprehensive Plan for the entire City. I wonder within that process how often we will see many of the existing areas plans still reflected in the new one that we're going to be asked to adopt. I bring all that up because I really wonder why we never ask the question, or I feel like we never ask the question of why the area plan that's in front of us is the way it is. I would imagine in this case, we have an area plan from 2002 and I would imagine that our Planning Department and all of the people that came together to formulate that area plan had decided to include the different designations for the different land-uses within that plan for a reason. And so, my first question here is for the staff. I'll direct this to either Mr. Jaiyeoba or to Dave. I look at this area plan, this portion to this parcel under the plan is currently zone for office. The plan has been zoned for office. Do we know why back in 2002, the people that put together the plan saw fit to make this plan include office on this parcel?

David Pettine, Planning, Design & Development said so the plan that recommends office was amended when this rezoning went forward in 2005, so I'm trying to find the original land-use recommendation for the property that is now recommended for office. Once that office rezoning came in, the plan was amended, as far as I understand, to reflect that office use. So, the plan was adopted with one recommendation, and then when the project came forward with an office component that plan was then amended to reflect the office land-use that had been entitled on the property. So, that's why it is like that currently. I do want to make one point of clarification. The petition that we just spoke on, 2021-34 was consistent with the adopted area plan. I think the confusion was the inconsistency of the plan that had been approved for that entire kind of area around the I-485 interchange. So, I just want to make that clarification. That petition was consistent

with the area plan so in this particular situation, as we mentioned, it is inconsistent with the office recommendation. But that office recommendation came as a result of the 2005 rezoning. If I can determine what the initial land-use recommendation was in the area plan before that office rezoning, I can chime back in. I'm trying to pull that up now.

Mr. Newton said I'd be interested to know what that is. I look at this area so within our materials we have a picture or this on page three of the seven pages that are designated for this petition and the top picture on that page. And it shows just the current layout of the area surrounding this parcel. When I look at this, I definitely see a lot of residential here, but there's a lot of wooded areas and to the extent that this plan is a reflection of what was envisioned back in 2002. There really hasn't been much opportunity or it would appear that there hasn't been much opportunity for the plan to actually [inaudible] or to grow. A lot of what we talk about as Councilmembers, we talk about creating neighborhoods and communities where people can live, work, and play. I think that is reflected by and large and the plans that we have adopted over the years and that we're given the responsibility to consider and I think it really does behoove us to make sure to uphold I think that virtuous goal of creating these communities and neighborhoods to live, work and play, that we allow our plans to [inaudible] and to grow into what they were originally envisioned. Certainly, that's not always the case, but certainly, there are areas where development has occurred, and things have changed. But then I look at something like this and I kind of wonder if the development hasn't occurred. So, what has changed? I wanted to ask about the unit sizes here and really, I think more to the point, the parking. So, the gentleman who had spoken earlier, I'm sorry, I didn't catch his name, but the petitioner, how many parking spaces are we talking about this in this proposal?

Mr. Vencel said we have 177 parking spots for 98 units, so just about two per unit, not quite including employee and guest parking, which is standard for not only the code but what we see in our projects across the country as appropriate parking ratio for these types of units that are one, two and three-bedroom units.

Mr. Newton said if someone is visiting these apartments to spend the night and enjoy a beer or have a birthday party or what have you, where do they park? Is there any special parking for them or are those spaces also the spaces that would need to be shared for currently used by the tenants within this development?

Mr. Vencel said we have some designated guest parking near the clubhouse that we maintain as guest parking and we monitor that. But there is still additional parking around the site because not all of our residents have two cars. So, we usually have additional parking. We do not do assign parking spots. So, there are handicapped spots, for instance, that are available throughout the site as required by code that serves as both visitors handicapped as well as resident handicapped.

Mr. Newton said so those visitor spots, is that included in the overall number you mentioned per unit? I will note that we're talking about 74 units that are two and three-bedroom, right?

Mr. Vencel said yes. I believe you're correct on your numbers. I would have to check.
Mr. Newton said that makes me wonder. I hear you, two spaces per unit and I think that's something that is consistent with our City ordinances. Now, having said that, I think oftentimes we like to see public transportation options available just to make up any sort of difference or gap there. And I'm just wondering what is the public transportation situation here in and around this site?

Mayor Pro-Tem Julie Eiselt said that would be for staff.

Mr. Newton said whoever could answer that.

Mr. Pettine said I can jump in. First, let me circle back to your question about land use consistencies and inconsistencies. The original rezoning that established the neighborhood that's out there now off of District Drive and Shorthorn Street, as well as the office park, was actually inconsistent with the Newell Area Plan when it was proposed in 2005. In 2002 the original Newell Area Plan for this area recommended multi-family office and industrial land-use along Harris Boulevard and District Drive, as well as a mix of office and commercial land-uses along Harris Boulevard and Rocky River Road. So, when this rezoning was approved in 2005, the project that established the community and the office zoning that's out there currently was inconsistent with the adopted plan. Just to get back to the bus question, the closest bus route would be up at the intersection of Rocky River and Harris Boulevard, and that's the closest stop that would be to the north. Then there is an additional stop at Harris Boulevard and Grier Road. So, nothing in the immediate vicinity, but there are stops within short proximity, which I can measure out here and see what that distance is. It's about a quarter mile down to Grier Road is the first stop.

Mr. Newton said I appreciate the update on the area plan there. I'm looking at the pictures that have been provided in our materials again. I understand where you're directing our attention to the bus stops, the public transportation options. I'm just looking down Harris Boulevard and I don't know if this also the case on District Drive potentially. But I can tell you, I'm looking at Harris Boulevard, I'm not seeing sidewalks and I'm not seeing any sort of bike lanes either. So, I mean, that's certainly a concern of mine and something that I hope we can mull over a little bit more thoroughly here in the coming month. But whatever the case, those are all the questions I have. Thank you so much, Dave. I thank you, Petitioner, for answering those questions for me.

Councilmember Winston said this question is for the petitioner, Mr. Vencel, you mentioned that you develop a workforce in affordable housing units. I know one of the things that we prioritize in our affordable housing is the location and particularly locations that portend to residents being able to utilize public transportation, but more so don't necessitate dependence on single-occupancy vehicles. While this location is in pretty close vicinity to a supermarket. So, it's not in a food desert, schools, banks, and other services, it's a pretty big street to just be across the street from W.T. Harris Boulevard. So, what are you thinking about the ability for residents in these properties to be able to

access those amenities and how do you potentially mitigate the danger of these residents, many of who might not own a vehicle to get across Harris Boulevard in an effective and safe way?

Mr. Vencel said we would say first that we would always recommend our residents take the most safe route across a street like this. The most safe route across is crossing at District Drive, not crossing at a new intersection to the property where you would have to cross the median where there is not a direct right cross. However, that is not ideal. Most of these units will be at 60% of median income and over 10,000 units we own across the country and manage, we find that most of our residents that are at the 60% median income range, which in your case in Charlotte is \$26,000 to \$52,000 a year, depending on their family size, have an automobile, at least one in their household. We always like to be near public transportation and lots of times we find that it's a little bit of the chicken or the egg, that the bus doesn't go down the street to pick up riders until there's riders on the street that the bus can pick up. These kinds of developments often are what it takes to have buses actually utilize a stop in between the two stops that are already there, a quarter mile apart. There might be an hour stop here because they're actual riders that will use the bus at this point in time. So, we've worked closely with communities and providing bus stops or bus shelters even long after our project has been in place because we see that there's a need for that and our residents want to use it, and bus service adds a new stop. So, I understand your concern, but we find that most of our residents have cars and will utilize those cars to go grocery shopping, and then the bus service usually comes as an additional stop as time goes on. Thank you.

Mr. Winston said you mentioned the crossing at District Drive and Harris Boulevard is a state-maintained road. Has there been any discussion or potential for pedestrian improvements at District Drive and Harris Boulevard for those folks that would want to cross Harris Boulevard by foot?

Mr. Vencel said we have not had those conversations, we're happy to have those with both C-DOT and North Carolina DOT to whichever is appropriate as we move forward.

Councilmember Ajmera said the speaker, Ms. Andrea Hankins did a pretty good job of addressing some of the concerns I have with this rezoning petition, especially with multi-family in a single-family neighborhood. So, in knowing the infrastructure that we have along the Rock River Road area, it's certainly a concern of mine. I had a meeting earlier today with our transportation staff and I raised the concerns around streetlights on W.T. Harris Boulevard, where a majority of the area all the way from the Rocky River Road, all the way to Old Concord Road all the way to Plaza Road there are no streetlights. There are safety concerns as some of my colleagues had also raise concerns around bike-lane and sidewalks. To put multi-family in this close to single-family development doesn't give me much to support this. So, I would encourage the petitioner to work with the neighbors and address their concerns and also work with the Councilmember for the District to resolve the concerns that have been raised by the neighbors. Also, I appreciate the neighborhood coalition for coming together and in a united voice here to bring up all the

concerns and I hope that the petitioner will work with you to get those concerns addressed.

Councilmember Phipps said I guess I'm probably the only Councilmember that was around back in 2005 when this community was developed. I was at the dais at that time and probably voted in favor of the Farms being constructed and as well as this site being rezoned. I was also around in 2016, I guess when we added the commercial piece, the storage facilities, and the other pieces to it, and here I am now at this petition. But one of the things that I was really curious about and reading the minutes of the meeting that was held with the community about the petitioner, was how he was going to respond to at least two of the concerns that were brought up by the neighbors. One being the three driveway draft cuts on Shorthorn Street the other being moving the buildings further into the interior of the site and having sufficient buffering of the buildings to have a proper buffering or separation from the proposed site to the Shorthorn Street residence there in the Farms. So, it looks as if at least, a piece of that has been attempted with the reconfiguration of the building setback design and the tree-save moving further to the front, shielding the neighborhood. Now, I was impressed by Ms. Hankins's presentation. I think she effectively laid out some possibilities going forward and working with the community and the petitioner.

She highlighted several areas of focus that I would hope that would be seriously considered by the petitioner and working with the homeowners. So, I drove by the facility, the proposed site yesterday and did see how close it was. I was sort of shocked and struck by how close it was because there really was no clear demarcation. I mean it was right across the street. I mean, you're talking close, but this 100-foot setback, I think is a good start, but I would encourage further discussions with the homeowners association group to see if any of those other areas that were delineated can be satisfactorily resolved to the mutual satisfaction of the homeowners association and the petitioner. So, I always thought that trying to get a draft cut on W.T. Harris Boulevard, working with the NC-DOT could be a challenge at times, but a year out. I don't know, I would hope that timeline could be shortened some, but, I think you might have a basis if this to move forward, I would think that some strong consideration would have to be given to remedying some of the concerns that were brought up by Ms. Hankins. I look forward to hopefully, that could be done

Mayor Pro-Tem Eiselt said I just want to make one comment with regards to W.T. Harris Boulevard, that if you're waiting for NC-DOT or hoping that NC-DOT is going to do something new, I think that's going to be a really difficult challenge. If it's not already in the pipeline with NC-DOT and even the things that are in the pipeline now are going to be delayed to some degree because they don't have funding. So, getting anything new in the pipeline right now, I certainly wouldn't want to pin your hopes on that with NC-DOT.

Councilmember Johnson said I want to thank Ms. Hankins and also the 18 homeowners who signed up to speak. I met with that community numerous times and that was who they chose to represent them. We received emails from dozens. They have been

community meetings with dozens of them. I want to thank the at-large Councilmembers who have had a chance to talk to you about it. Councilmember Winston attended the community meeting with me. Thank you, Councilmember Phipps, for driving by and I've had a chance to speak with Ms. Ajmera and also Mayor Pro-Tem Eiselt. I have a couple of questions. Robyn Byers is in the meeting and I wanted to ask questions about the C-DOT NC-DOT proposal. The neighbors are not opposed to the multi-family or affordable housing, they're simply opposed to this being in their neighborhood. Like Councilmember Phipps said, it's bizarre. It's shocking how close this is in a neighborhood. This not proximal. This not transitional. This is in their neighborhood. Even I, as the affordable housing advocate, you know we can't get enamored by that because this location is not fair or equitable to the homeowners in this neighborhood. So, I want to ask Dr. Byers about the possibility of this other entrance off of W.T. Harris Boulevard. It's currently already at the de-scalation lane that goes onto District Drive. So, would it still be a year's wait, if it was just an extension, or is there something we can do as Council to reach out to NC-DOT? I think that is a very appropriate solution and compromise for this.

Robyn Byers, Transportation Program Manager said W.T. Harris Boulevard is a controlled access roadway that is maintained by the State. What that means is they have predetermined access points already on W.T. Harris Boulevard and so our last meeting with the State, we did ask if they could go back and look at their records and see if there was any access break already for this property. They did respond and said that they did not have an approved predetermined location at this point. What the petitioner would have to do is reach out to the State and apply to go to the controlled access board. The reason it takes upwards of about a year is what we're estimating because they would have to run a traffic impact analysis, submit that and get it approved before they could even go to the controlled access board. Then they would have to work with the board to see if that board would approve that break or that driveway off of W.T. Harris Boulevard.

Ms. Johnson said when you said they would have to do the traffic impact study; the petitioner would have to do that?

Ms. Byers said yes.

Ms. Johnson said I also have a question for Ms. Hankins. What year was your subdivision built?

Ms. Hankins said It was developed in 2005.

Ms. Johnsons said so when this plan was developed and it was planned for office and transitional, these homes weren't even built. I heard Councilmember Phipps say that he was a part of the whole change. But keep in mind, when these plans were developed, these homes were not there. I ask all of the Councilmembers to drive by when I spoke to Ms. Eiselt, looking at the map, you cannot imagine how close this is from the map. If you look at your packet, I think it's page four of seven and see the pictures. Ms. Hankins also did a great job of showing how close this is. It will change the character of this

neighborhood. So, in the integrity of this neighborhood. This not nimbyism. It's not the neighbor saying not in my backyard or have any opposition. This literally in their backyard. This is not fair to them and I've asked that all residents take a look at this. I've reached out to the precinct chair of 149 and the leadership because I think this something that for our residents we have to show the residents that we are pro-citizen and not the developer. We cannot allow our neighborhoods to be compromised like this. Even as a housing advocate I know we need density, but this does not make any sense. It is reckless. Like Ms. Hankins said it's literally right in the neighborhood. I ask for all the Councilmembers to drive by. Any single-family resident would be opposed to this. So, I think that its developer would like to proceed then I think the W.T. Harris Boulevard entrance is a great option. I think it's worth reaching out. He was asked this by the neighborhood at the Community meeting. I don't know if he's taken that step, but this just something that we need to really advocate for our residents before approving another development without considering infrastructure, traffic, and even if you think of office space now that people are working remotely, I mean, that would even be a consideration for less traffic. So, I would ask my Councilmembers to take a look at this development. There's is some misnomer that multi-family doesn't affect market rates? Well, as a former realtor, I can guarantee you, if you showed a buyer this location compared to another, this would affect this neighborhood. [inaudible] markets that's affecting the market rate. This not fair to these residents and as is, I would be against this.

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

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ITEM NO. 29: HEARING ON PETITION: 2020-153 BY 9900 MOUNT HOLLY ROAD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.04 ACRES LOCATED ALONG THE NORTH SIDE OF MOUNT HOLLY ROAD, SOUTH OF STONEYRIDGE DRIVE, AND NORTHWEST OF SONOMA VALLEY DRIVE FROM R-17 MF LWPA (MULTI-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) AND R-3 LWPA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-17 MF (CD) LWPA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA).

Mayor Pro-Tem Julie Eiselt declared the hearing open.

David Pettine, Planning, said this is just over 13 acres on Mount Holly Road. That's near Stoney Ridge Drive intersection and just Northwest of Sonoma Valley Drive as well. Current zoning as mentioned in R-17 multi-family and R-3. There's also a Lake Wylie Protective Area Overlay on the site. The proposed zoning is just for consistent R-17 MF conditional on the property along with that Lake Wylie Protected Area Overlay. The adopted plan from Catawba Area Plan recommends residential up to 12 units per acre. The proposal for this project is a maximum of 221 multi-family residential units with a 12-

foot multi-use path and landscape strip along Mount Holly Road. We do you have transportation improvements which would include turn-lanes to the private road one along Mount Holly Road that would be towards the entrance of the site. We also have private driveway connections across the northern property line. Various architectural design standards, including building placement, pedestrian connections, use of the building materials, and articulation. Also, have a building height maximum of 40 feet. Onsite lighting would be cut off fixtures that would be only 21 feet in height. There's also 9,000 square feet of onsite amenities.

As mentioned, staff does recommend approval of this petition. We do have some outstanding issues for transportation and then just some technical provisions which are mainly note related to the site and building design, environment, and transportation. It is consistent with the residential land-use recommendation, but inconsistent with density. The proposed plan, as mentioned, is about 17 dwelling units. The area plan recommends up to 12. So, with that, we'll be happy to take questions following the petitioner's presentation as well as comments presentation from Mr. Crosby.

Collin Brown, 1420 East 7th Street Suite 100 said I am here on behalf of the petitioner. We have a site plan coming up. Good overview by Dave. I know we have the speaker in opposition, but I'll try to move through. I know this starting to be a long night already. As Dave mentioned, not sure if you've touched on this, but an item that we heard earlier tonight was located just south of this site and want to make some distinctions between our site and that one. First of all, this does lie in City Council District two, not in City Council District three.

As Dave mentioned, this is about a 13-acre parcel on the north side of Mount Holly Road, very near the intersection of I-485. As Dave mentioned we've got split zoning on the property now. So, a portion of the property is already zoned R-17 MF. The rear of the property is not. So, that's the reason for the rezoning. We talked a lot about land-use plans, what's consistent, what's not consistent, and just wanted to reiterate Dave's point that the land-use plan does call for residential up to 12 dwelling units per acre. I think our proposed zoning is just shy of 16. So, we're not incredibly higher than that recommendation.

We've got Paul Pennell, from Urban Design Partners working on the site plan. Caleb Troop, the developer is also on. This the aerial showing you the proximity to I-485. There's the country club just to our north. One of the interesting things about the site is what's going on around it. Here it is, the 13-acre parcel we've got some industrial directly across the street. There's a rail corridor on the other side of the street that you've heard a little bit about earlier tonight.

The next slide will show you the land-use plan, the current zoning on the site. So, the rezoning proposal that's before you tonight is to rezone the entirety of this site to an R-17 MF zoning district. It would have approximately 221 dwelling units. We've had multiple outreach meetings with the community starting back before we filed this petition. Not

surprisingly to you all, the number one concern that we've heard is traffic impact. We also talked a good bit about stormwater, maintaining property values, tree preservation, making sure there's enough parking on site. One of the things I think the neighborhood out there, I think there's a recognition from the neighbors that this site would be redeveloped. Right now, it's a single-family home on a 13-acre lot, a stone's throw from I-485. So, I don't think it's become as a surprise to anyone in the community that there is a development proposal. Really, the community just looking to see how these could be addressed. I think Paul and his team did a good job with the site plan to try to address as many of those as possible and pull the density away from the single-family neighborhood, put some good buffer on that side of the property, and then limit this to three stories overall. What we talked about as a constant theme always on these evenings are traffic improvements. So, showing along here, traffic improvements to our frontage on Mount Holly Road. One of the things that's happening on the site, there is commercial development coming online adjacent to us. So, we are providing a road connection here to that future development, which will then take us out to Sonoma Valley Drive, where there's a signalized intersection coming online. The petition you heard earlier tonight that petitioner is working together with the Department of Transportation. C-DOT has been in touch with us as well, and as ask, in addition to the improvements that I'm showing you on the site plan, that we make a monetary commitment to that signal. The developer is willing to do so. We will add that commitment to our rezoning plan as we take this forward to the Zoning Committee. There's a look at the overall transportation improvements that are coming along. There's a network, now this is not being built by us, but other developers are in a kind of permitting now. So, this coming along where there will be connections to Sonoma Valley. Then slated is a traffic signal improvement here so that you heard from Mr. Crosby earlier, concerns with the safety at this intersection. So, I think good news to everyone signals on the way. It sounds like a number of developers and petitioners are working together to bring that to fruition sooner than later. So, happy to be a part of that. I'll pause now just in the interest of time and we'll wrap up and, of course, be your questions; Paul Pennell and Caleb are here as well.

John Crosby, 1530 Stoneyridge Drive said once again, I appreciate the opportunity to speak. I've pretty much already said what I needed to say regarding the traffic issues on the road. I respect the rights of people to develop their property and as long they work with the C-DOT and NC-DOT to try to improve the roadway systems going out from I-485. And I think they are. So, there's not a lot I can add to it. Like I say, I'm not really 100% against it. It is what it is, and we need the multi-family, but we don't want to create a situation where the traffic gets like at times it's unbearable. It could get a lot worse with more traffic. So, I would hope that they would work with those agencies to try to get a better roadway system out there. That's like driving into traffic every day head-on and fighting for first place on the road. That's all I have to say, but I appreciate the opportunity to speak.

Mayor Pro-Tem Eiselt said that's the number one problem in Charlotte, isn't it? Is traffic and fighting for space on the road.

In rebuttal, Mr. Brown said just want to say thanks to Mr. Crosby. Certainly, we talk about transportation issues every night. Councilmembers I can tell you your message is being received by Dr. Robyn Byers, who was leaning into us on many of these petitions to ask our petitioners to cooperate, even in situations like this where a traffic study is not required. I'm please to say this developer's coming to the table and that will be our revised plan.

Councilmember Watlington said just want to say first thank you, Dr. Buyers. I definitely can see your work as you go through the zoning petitions. So, thank you for meeting me and as you have done, and thank you for the staff in general, as I see how we're moving and how we're thinking about things differently and even engaging the community organizations earlier on in the process. So, thank you for the adjustments and for the methodology and thought process. My questions are actually probably more so for the staff and maybe one for Collin. I just want to make sure I understand this monetary investment that this group is willing to make. From a scale of magnitude, what would it actually be able to address?

Mr. Brown said if that is directed tome I will be glad to try, but I think Ms. Byers has a broader view of it than I did.

Ms. Watlington said yes, no worries. It was Dr. Byers.

Dr. Byers said yes, let me verify. So, are you asking in terms of this petition how much they're contributing? Isn't it proportional? Is that what I'm hearing?

Ms. Watlington said I'm asking, how much are they contributing and what would we get for that, knowing that there's not necessarily a project right now that's happening? But what would you be able to do with the size of that contribution?

Ms. Byers said the state has a project for that intersection and right now it's between one of two different options. The one that I mentioned before was about \$1.2 million. That's a signal and because there's a railroad nearby, it's an expensive signal. At this point, we know that this petition is also doing other roadway improvements and is not directly at that intersection. So, typically would not be, I guess, on the hook, for lack of better words, for a larger amount, which is why we asked them in a range of \$50,000 to \$100,000 we felt was appropriate. Now we do have the other rezoning, Petition 2020-134 that we also asked for a contribution toward if they would partner with the City in the State. We have a buy-right project that the State is currently working with to see what their contribution would be. The State also has spot safety dollars toward that intersection improvement. Then we are looking to see what the delta is between all of the different funding options to see how much is left to get that funded and moving forward. I will also say that the improvement, whichever one the State is going to move forward with, is looking to be installed by the end of the year. I would think that's the hopeful estimate. And so, this a near-term project and not one that's ten years down the road.

Ms. Watlington said awesome. To that end, as I look at some of these flat dash line, and I heard Collin comment about upcoming positions. Is the idea that even though you are working with the State on the near-term solutions, that there would still be a place for these upcoming politicians to contribute to infrastructure, or would all of the work needed to be done on the front end and so we would be asking them to contribute to maybe projects that might not be immediately adjacent to their properties?

Dr. Byers said once the signal is funded and installed, any future project would not put money toward that signal. No, but what we would do is we would look and analyze the petition if it's conditional and see what kind of other improvements that they could install that would help support the signal in that location.

Ms. Watlington said okay I'll have some additional internal questions about that. I'm very, very happy to see that some more work that we are also looking to do and have been doing in Steel Creek. I know one of the things that we thought about was how do we bucket that money or how we hold it? Who's going to actually be able to manage that money? Some of the things we worked on before were actually having petitioners contribute to other petitioners' projects and they manage that money external to the City. So, I'll just be curious if we've developed a system with how to do that. My next question is in regards to Rhyne Road. Can we just reiterate for me what the plan is for Rhyne Road as it would come to the intersection?

Dr. Byers said are you speaking of what is the improvement that we're going to put there?

Ms. Watlington said yes.

Dr. Byers said It would be a signal, but because there's railroad tracks nearby, we would have to coordinate with railroad arms and the technology to allow them to speak to each other, which is why that signal is so expensive.

Ms. Watlington said but there's nothing in regards to widening Rhyne Road itself.

Dr. Byers said there is some widening in the area. I can get back to you and a follow-up report on the specifics of the extent of all of those improvements.

Ms. Watlington said okay, sure because I see the expansion of Sonoma Valley Drive and I'm just curious for folks who are not going left or right, how much of that traffic could we expect to continue down Rhyne Road?

Then finally, this question I'm not sure who is for. I guess Collin because you mentioned it, considering that this intersection is in close proximity to I-485 and likely I hope with the increased density here would drive commercial interest. Just do we know yet what those parcels are going to be. Is the idea of this being a neighborhood center as well? I'm trying to understand.

Mr. Brown said I think so. I don't know all the answers. I know if you look at the connections point to the north of us, that is a townhome development that's being developed by-right. So, you get kind of a mixture of housing types. The frontages will be commercial development but [inaudible]. But this does become a nice center.

Councilmember Winston said I think my question is just going to be a quick follow-up to the line of questioning Ms. Watlington was going on. This area seems like I'm looking at it on Google Maps. It's is primed for growth over the next few years. There is a lot of Greenland to fill in. My question would be understanding what Mount Holly Road is currently and the growth that is happening there and where this rezoning and therefore this project will go, what does the current kind of setbacks portend for the ability for road widening or just overall, I guess, increases in incapacity so that this area doesn't get choked off before it has time to grow?

So, my question would be about the setbacks, are the setbacks sufficient for the type of growth that might happen along Mount Holly Road as we look to kind of employ some of those kinds of 10-minute neighborhood qualities over time? I can only assume that there will be more residential growth happening here. Are people going to be able to drive but also walk and bike around this in the future? Will these setbacks kind of choke off the possibility of doing that?

Mr. Brown said I don't think so Councilmember Winston. I'll pause for Paul Pennell who is with us who's the site design on this and has worked very much on the streetscape enhancements, the road connectivity. I think this is setting up for future success and mirroring the type of setbacks that we see over in this area.

Paul Pennell, 1213 West Morehead Street Suite 450 said Councilmember Winston I here with Urban Design Partners here to assist with your question. Right now, the setback is going to be 30 feet from the existing right-of-away along with Mount Holly Road. So, it's actually setting up quite nicely after we've coordinated with C-DOT and NC-DOT to accommodate any potential future-widening things that may occur here. I think there may be the potential for a boulevard cross-section through here, but Robyn Byers may be able to speak and give more specifics on that. But there are adequate setbacks here,

Ms. Byers said well, I think generally I would just like to point out that part of the streetscape along Mount Holly Road would require the right-of-away to allow us to have that pedestrian connection. So, it would be the sidewalk and or multi-use path. I think for this one we're going sidewalk. But I can follow back up on that.

Mr. Pettines said they've got a 12 foot.

Ms. Byers said 12-foot? Thank you, Dave.

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

Harold Freeman, haroldrfreeman@yahoo.com

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ITEM NO. 30: HEARING ON PETITION NO. 2020-172 BY ALEX RANSENBERG FOR A CHANGE IN ZONING FOR APPROXIMATELY .312 ACRE LOCATED AT THE EASTERN INTERSECTION OF WESLEY AVENUE AND WHITING AVENUE IN THE NODA COMMUNITY FROM R-5 (RESIDENTIAL) TO UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro-Tem Eiselt declared the hearing open.

David Pettine, Planning said this is approximately .312 acres on Wesley Avenue and Whiting Avenue and East 34th Street. The existing zoning is R-5. The proposed zoning is UR-1 conditional. The adopted future land-use from the Central District Plan would recommend single-family uses up to five dwelling units per acre due to the date of the Central District Plan being from 1993 we do apply the General Development Policies. This petition would meet the General Development Policies for consideration of up to 12 dwelling units per acre. The proposal is for up to three single-family detached dwelling units that would come out at approximately 9.6 dwelling units per acre. We do have commitments of construction of an 8-foot planting strip and a six-foot sidewalk along with the existing public street rights-of-away, which would be 34th Street, Whiting Avenue and Wesley Avenue. We do have enhanced architectural standards that would include a height limitation of 35 feet, six-foot-tall privacy fence along the shared property line. Preferred building materials would be committed to, along with the prohibition of vinyl except on window and door treatments and screen fencing. Also, blank wall provisions would limit the expanse of those to 20 feet. Walkways would be included to the sidewalk for the entry of each home. Porch or stoops adjacent to the public rights-of-away would be incorporated and that corner unit shall have a wrapped porch. Then entryways would be elevated to a minimum of 12 inches above the public sidewalk.

The staff does recommend approval of this petition. We do have an outstanding issue related to the site and building design that involves the orientation and set back of the building that's proposed that fronts 34th Street. We'd like that to match up with the existing setbacks to fit in with the context of that street frontage. So, that's the one outstanding issue that the staff is looking to be worked through.

As mentioned, it is inconsistent with the Central District Plan, but consistent with General Development policy. Again, the staff does recommend approval upon resolution of that outstanding issue. And we'll be happy to take any questions following presentations.

Paul Pennell, 1213 West Morehead Street Suite 450 said I am with Urban Design Partners representing Alex Ransenberg, the petitioner for this particular location. We're here to present to you tonight, 2020-172. That approximates three-tenths of an acre parcel at the intersection of East 34th Street, Wesley Avenue, and Whiting Avenue. Just to provide additional context, we are just north of Matheson Avenue, approximately half-mile south of what we'll call the core of the NoDa Community. Again, three-tenths of an acre and we are proposing here three parcels. So, just for some additional context, we're requesting an UR-1 CD petition here. There are additional rezonings that have occurred. Whiting Avenue was realigned, which I believe required some additional rezonings in the past. Those are UR-2. UR-1, R-8 CD is also in very close proximity to this particular petition.

Current zoning plan is three lots. Each one of these lots, for context, lot one on the far left here is 5,147 square feet, lot two located in the middle, fronting on Wesley Avenue 4,236 square feet, and then also lot three, 4,238 square feet.

Initially, this petition was submitted as a four-lot plan. Obviously smaller homes, detached garages. But we still kept the same commitments for lot orientation towards adjacent streets, screening fences, and also increased setbacks. Also, the 8-foot landscape strip and six-foot sidewalk were in our initial submittals. Today we're requesting three lots, those increased setbacks along Wesley Avenue and 34th Street remain to provide better context with surrounding homes. Then also we've got one residential driveway being request along Whiting Avenue, Wesley Avenue, and 34th Street. Lot three is also being designed in a manner in which it presents a corner porch to provide a double frontage along Wesley Avenue and East 34th Street.

So, we'd like to bring to your attention that even though the lots that we're proposing here are a little smaller, there is some precedent in the direct vicinity of this petition. Some homes here are smaller than what we're proposing. Then there are some along Whiting Avenue closer to the intersection of Whiting Avenue and Holt Street that are quite a bit smaller, but we left those out. They are quite a bit smaller than what we're proposing. We felt we were out of context.

We're utilizing precedent homes within the community as what the petitioner would like to request here. I would like to bring to everyone's attention that the petitioner is the property owner of this parcel. So, we have been working with the community, we've had multiple community meetings. One back in October before we even submitted here, but we just wanted to present to you some of the requests that we have received from the community regarding three lots versus four lots. We were able to provide that. One of the requests was for two locks, lower density. We were able to provide that moving from three to four. Additional set back. We can provide that from porches for each home, off-street parking,

two-car garages, and improving the pedestrian environment along with Wesley Avenue and 34th Street, all of which we've been able to provide the community

You can see that we've had multiple community outreach meetings. Community outreach meeting on October 15th, which was prior to us submitting this petition. Two NoDa Community meetings and then also tonight's public hearing. With that, I would like to save everyone some time tonight and yield the rest of our time to the opposition.

Lisa Gallinari, 2921 Whiting Avenue said I am speaking on behalf of all of the surrounding neighborhoods in the area, and most of them have submitted comments as well. So, you will receive those, I believe, attached in the next few days. I'm a current owner, I own the corner lot across on Whiting Avenue from this property that is proposed for rezoning. We started, yes, with four houses, but the neighborhood at the initial meeting has always stood and said that two houses would be the max that we would like to see on this property. Once the petitioner received feedback from the planning board as the only time that he was willing to even reduce the houses down to three. So, that's kind of where we're at right now. When he presented at the NoDa Association meeting a couple of weeks ago, he brought forward his three houses and then also brought that they would all have garages and that they may potentially have apartments above the garages. So, density is a huge issue that we are concerned about for this area of the neighborhood. That's the potential of three houses, plus three potential separate dwelling places that could either be rentals or other people living there. So, that's six additional dwellings in this small space with a lot more cars, people, activity in this area. If you've ever been over in the neighborhood, Whiting Avenue is a very narrow, curvy street. Extra traffic and cars being parked on the street create a huge concern for other cars being able to even navigate down the street, as well as safety vehicles being able to get through. We know that the developer decreased down to four, but two is the max that the surrounding neighbors would like to see here, as well as the neighborhood NBA Association, which voted two weeks ago to reject this. It was asked at that meeting as well as two houses would be supported, and that was answered with a yes.

So, where we stand right now, it's still not in support with the neighborhood, the surrounding neighbors, the whole area. I understand that the City is growing, and many people are moving here daily. I also understand that NoDa is a very hot neighborhood and people want to move here. I made that decision two and a half years ago when I bought my house here. But at some point, we have to recognize smart growth in certain neighborhoods instead of letting growth overwhelm the neighborhood on every available lot for sale. This one of those instances where just cramming three houses in because we can, isn't maybe the best idea for the neighborhood, especially when, as you saw from the picture that Paul just showed, none of these houses will have any lawns to them. Everything is pretty much going to be up on the sidewalk. Nothing matches the setbacks of the currently existing neighborhood.

We've continually asked that one house face 34th Street to maintain the look of 34th Street. That's something that the petitioner is not willing to do or even consider. He keeps

saying he'll put a wraparound deck on, but the people who live on 34th Street would like to see a house that faces that way. If two houses were there, the second one would face Wesley Avenue.

The building of two houses on the slab would fit into a smart vision for NoDa as well as the growth within the City. It would help to maintain the look and feel of the neighborhood as well. We know that there's public transportation available readily in Noda, especially with the Blue Line in there. There are bus systems all over. But the types of houses that the petitioner is planning to build here are not affordable living houses. These are houses that are probably going to be priced from \$600,000 to \$800,000 each. Those types of houses, people are probably going to own cars and not depend on public transportation as much as that these were smaller houses placed on these lots. This part of the neighborhood is unique in NoDa and that it has many of the original houses that have always been there. We all have front lawns, large porches, no garages, and large old-growth trees in our yards. This proposed plan wants to put three houses with detached garages, apartments over the garages, losing most of the lawn space, eliminating all the current vegetation on the lots, and having houses that almost sit on the sidewalks, destroying the look of the neighborhood as it currently is.

Setbacks are the other huge issue. So, none of the setbacks match anything in the neighborhood as it is. That throws off the line of sight on 34th Street as well as Wesley Avenue. That's something else that we have pushed for as well, that the petitioner has not been willing to work with the neighborhood on. I want to address really quickly the rezoning that was mentioned on Wesley Avenue and Whiting Avenue. In 2007 and before, when you look at the map, Whiting Avenue used to go out to Matheson Avenue and Wesley Avenue used to go all the way to Matheson Avenue. Back in 2007, Whiting Avenue was repositioned to go to Holt Street so, they had to rezone some of the lots in there as well as rezoning those to build houses on them to revitalize the neighborhood because Whiting Avenue was a cut-through piece for the neighborhood that caused trouble at the time, as well as the Matheson Avenue and Wesley Avenue cut through. That's where some of those rezoning all happened. They all happened before 2007 so it was kind of a unique situation that happened and not something that's a recent piece that has happened.

The last major concern that many of the neighbors have is the precedent that this will set in the neighborhood. There are other parcels, corner lots specifically in the neighborhood, including the one that's catty-corner from my house and across the street from this that will probably also go under rezoning soon. If we're going to move forward and just allow three, four, or five houses to be put on these small lots, it's just going to create a huge density issue in these areas. There's no immediate ingress or egress area into the neighborhood right here. Like I said, Wesley Avenue is completely blocked off, so you can't get out of the neighborhood right there. You have to travel down Whiting Avenue, 34th Street, Wesley Avenue or one of the other streets to even get around. When you keep adding all these houses, it's just creating more of a problem. That's why we're proposing and would like to see more of a smart growth model for the small parcel where

instead of going three houses, two houses are the preferred. Like I said, the NoDa NBA Association voted for this a couple of weeks ago. I believe everybody received a letter on it that they are also not in support with us. So, hopefully, this something if it's going to go forward, that the petitioner is willing to work with the neighborhood a little bit more on it.

Mayer Pro-Tem Eiselt said thank you, Ms. Gallinari, you gave us a very comprehensive overview on behalf of your neighborhood.

In rebuttal, Mr. Pennell said this petition initially came to fruition with the understanding that a fairly large duplex could be done here by right and understanding really the context of the neighborhood that large duplexes may not be appropriately set on this particular parcel. Also, knowing full well as the opposition had just pointed out, that home values are becoming untenable and definitely going up, which is why initially with the four-lot plan we had proposed four smaller homes with less square footage. Hearing the opposition from the density at that time, we went ahead and removed one of the lots. But as we all know, as fewer homes are built, the prices of houses go up. So, this was initially an opportunity here to provide some modest-size homes within the community, architecturally well designed to help alleviate that increase in home values.

So, in regards to smart growth, I would actually have to argue that I feel like we have done a good job of that. We have been working closely with the planning staff on this. The community has asked for increased setbacks here within the UR-1 district. The typical step back is 14-feet measured from the back of the curve. We're proposing a 27-foot setback back from the back of the curb here. So, the primary building line is being held with increasing the setbacks as requested and we've been working with City Council on that as well.

Lastly, the detached dwelling units, are now attached. That was a question that came out of that NBA meeting. Yes, by-right accessory dwelling unit could have a residential unit on top of it. But that was not the intent for this particular petition. I just wanted to demonstrate that would be allowable.

Councilmember Egleston said I'm going to try to save us some time here and be brief because I told Mr. Pennell and I think Ms. Gallinari summed it up in the last sentence of her comments, the same way I will that Mr. Parnell and the petitioners are going to have to go back to the community and work some stuff out. The NoDa Neighborhood and Business Association is very aware that their community is going to continue to become more dense with its proximity to Center City, with its proximity to transit. Typically, they have one or two rezonings in a month and they usually approve those when folks come in and work on the details, work on their concerns. They're not unrealistic about the increasing density in that area. So, there's a lot of work to do for this to be viable when it comes back for a vote, whether it's next month or beyond. I know a duplex would be allowed by right there. Maybe that's the path the property owner ends up wanting to take. I am supportive of things like ADU's (Affordable Dwelling Units) though, and I don't want us to paint those in a bad light, because I do think that those are ways in the right

circumstances where some of the neighborhoods like NoDa, like Plaza Midwood where I live that has become unaffordable or are becoming unaffordable, can create some diversity in the price points of where people can live in those communities. So, while these houses certainly are not going to be affordable, I don't want us to write off the idea of ADU's because they can be. and we see that in these communities. But yet, Paul, I've told you this already so, this comes as no surprise, but there's a lot of work left to do if you all are going to see this across the finish line. So, I'll expect to hear updates from you as to the conversations you're having with your immediate neighbors and the neighborhood association as a whole, or this thing is probably DOA (Dead on Arrival) when it comes forward next month.

Mayor Pro-Tem Eiselt said I just have one quick question of the petitioner. If you go back to that slide that showed the footprint of the three units. So, these units basically have no yard, is that right?

Mr. Pennell said correctly. So, basically, the yard for lot one would be a side yard fronting Whiting Avenue, and then there would call it a double landscaped strip, I guess along Wesley Avenue.

Mayor Pro-Tem Eiselt said got it. Okay, I just wanted to confirm what I thought I saw. I mean, I live in a neighborhood that has sliver pieces of land, but we've got some yard in them and why that's important is because I just don't think we pay enough attention to taking away to creating more impervious lots here in Charlotte. Then we wonder why we have these stormwater problems and why residents are all of a sudden that has lived there for 20 years, are having flooding in their yard. So, I struggle with the footprint on this just from the standpoint of those three units on a small piece of land. I understand density, but when you're creating a situation where you're pretty much filling in the whole parcel with concrete or foundation, it's going to cause a problem somewhere else. I think that's just that's cautionary for us as a whole in our City, but in this particular piece, that's the rezoning plan. That's what struck me the most right off the bat that Mr. Eggleston has also stated that the neighborhood association is not in favor of this. So, I do think that there needs to be some work to be done on this.

Daniel Binmore, 2913 Whiting Avenue said I'm sorry there's some confusion about me joining up. The thing that I would most like to say on this is that the market value on the houses of this sort in the area around \$350,000. That's about what this property was going for and that's what mine would be right across the street. The houses that are being proposed to go up there are going to be for an overall total of \$2 million. So, this means that with construction costs, this will make about \$1 million a lot. This means that the worth of this lot is higher without a building on them than with a building on them, and so this incentivizes the developers to actually buy out existing housing, demolish it and put up other houses. So, what we're doing if we make this zoning change is incentivizing developers to pay the above-market cost to demolish the historic present house. Of course, they'll do this every single time they can. The overall result of this will be a massive increase in the density of the wealthier people in Charlotte and a reduction in the ability

of people who aren't poor but make less money to be able to live in this neighborhood. So, the increased density of wealth and greater segregation of communities by income.

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

Bridget Bacon, 2909 Whiting Avenue

Christina Binmore, 2913 Whiting Avenue

Daniel Binmore, 2913 Whiting Avenue

Jacob Horr, jacob.horr@gmail.com

Lauren Kendall, 2926 Wesley Avenue

Mark Kendall, 2926 Wesley Avenue

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ITEM NO. 31: HEARING ON PETITION NO. 2020-180 BY NRP PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.931 ACRES LOCATED ON THE EAST SIDE OF SUGAR CREEK ROAD, SOUTH OF ROLLING HILL DRIVE, AND NORTH TRYON STREET FROM R-12MF (MULTI-FAMILY RESIDENTIAL) AND R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro-Tem Eiselt declared the hearing open.

David Pettine, Planning said this is just under ten acres. It's 9.9 acres on West Sugarcreek and Penny Way in Rolling Hill Drive. As mentioned, currently zoned to R-12 MF, as well as R-4 single-family. The proposed zoning is for UR-2 conditional. This property has a couple of different plans on it. I believe the information on the slide may be far from what's in our staff reports. I'll read from our staff analysis that it is from the Northeast District Plan, which does recommend single-family residential for one of the parcels. So, it has some inconsistencies there. But for all additional parcels, there is a consistent land-use policy with the recommendation for multi-family residential. All the parcels are consistent with the General Development Policies, which recommend residential density over 17 dwelling units to the acre. So again, there's just a small inconsistency, but overall, it is consistent with both the area plan and the General

Development Policies. The proposal is for up to 200 multi-family units. It does commit 100% of those units to be affordable at 60% AMI for the next 15-years. Access will be provided off Sugarcreek in Rolling Hill Drive. Maximum building high would be four stories. We would have an eight-foot planning strip, an eight-foot sidewalk along our public street frontages, as well as sidewalk connections from each of the buildings out to those constructed sidewalks. We do commit to a clubhouse with a fitness center. Seventy-five hundred square feet of the area covered for covered picnic areas as well as playground seating. Also, some architectural standards would be included in the proposal also.

The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and the environment. As mentioned the petition, is inconsistent for one of the parcels, but for all additional parcels, there is consistency with the Northeast District Plan, and all parcels would be consistent with the General Development Policies. So, we'll be happy to take any questions following presentations by Mr. Carmichael as well as the community.

John Carmichael, 101 N. Tryon Street Suite 1900 said I'm here with the petitioner NRP Properties, LLC. With me tonight are Jason Mochizuki of NRP Properties and Frank McMahan and Jenna Kennedy of Land Design. As Dave Pettine said, the site contains just under 10 acres. It's located on the East side of West Sugarcreek Road at the intersection of Penny Way and West Sugarcreek Road. The site is just under eight-tenths of a mile from the Sugarcreek Light Rail Station.

The parcels in yellow to the east of the site are owned by Mecklenburg County and the parcel to the south is developed for commercial uses, as you can see. As Mr. Pettine indicated, the vast majority of the site is already zoned for multi-family uses being zoned R-12 MF and the northeast corner of the site is zoned R-4 which of course, is a single-family district. The site is surrounded by parcels that are zoned multi-family, office, business, and then there is some additional R-4 to the north.

The petitioners requesting that the site be rezoned from the R-12 MF and R-4 zoning districts to the UR-2 CD zoning district to accommodate an affordable multi-family community on the site that will contain a maximum of 200 dwelling units. Families earning on average 60% of the area median income.

Mr. Pettine discussed the applicable land-use policies that were considered in the staff recommendation. This the site plan, there would be vehicular access from Penny Way and Rolling Hill Drive. There would be three multi-family buildings on the site and the leasing office clubhouse building right there at Sugarcreek and Penny Way. The maximum height of the multi-family buildings is four stories. Architectural standards are part of the petitioner's rezoning plan. Vinyl siding would be a prohibited building material, except that you could have Vinyl on handrails, windows, soffits, and door trim. Amenities would include a clubhouse for the fitness center, covered picnic areas with grills. A playground, tot lot and three outdoor seating areas with benches.

This is the platform loft, which is an affordable community, developed and operated by NRP Properties LLC that recently opened. It is located off of North Tryon Street. These photos of that community. You can see the clubhouse and leasing office in the upper left-hand corner, the exterior of the building's upper right-hand corner. You can see that the materials are brick and cementitious siding. In the lower-left, you've got a shot of the portion of the clubhouse and then the lower right is an example of an apartment unit at the Platform Loft. The Platform Loft is indicative of the quality of the affordable communities developed and operated by NRP Properties.

These are architectural drawings of the proposed four-story multi-family buildings. This is just some more photos of the clubhouse at the Platform Loft, which would be the same clubhouse here. Again, it's a community clubhouse, multipurpose room, fitness center, computer center, and screened porch.

Jason Mochizuki, 1000 NC Music Factory Blvd said I'm with the NRP group. We are the developer for this project. Sugar creek Apartments is NRP's fifth Project in Charlotte and our third [inaudible] tech affordable development in the City. These projects are part of a national portfolio of over 40,000 units developed in 15 states, of which we currently have over 20,000 units under management. We are an award-winning developer, typically placing within the top 10 affordable housing developers in the U.S. over the past decade.

Sugar creek Apartments will be developed in part by both low-income housing tax credits and requested gap financing from the City's Housing Trust Fund. The project will be affordable to local area families, making between 30% to 80% area median income, with an overall project average of 60%. A comparable project for the proposed would be our Platform Loft project just down the street with John [inaudible] earlier. [inaudible] for this development has been incredible. But one of the issues that we've been experiencing is that approximately 40% of our applicants are just slightly over income and consequently don't qualify to lease within the community. Sugar creek apartments with 49 units of 80% AMI, providing much-needed workforce housing units in the neighborhood. Providing units that target the so-called missing middle is becoming increasingly important and rapidly growing urban markets like Charlotte, where the window for what is considered affordable and low income is becoming increasingly narrow. NRP is a very comprehensive resident screening process involving criminal background checks, a credit report analysis, and a thorough review of potential residence rental history.

All lessors of the project must be employed and show proof of two and a half times of monthly rent. Due to this project's proximity to the Blue Line extension, as well as the neighborhood amenities and easy commute to employment centers, we believe Sugar creek is one of the most well-located affordable developments to be proposed in the City in recent years. As indicated by the City's housing locational scoring tool, this project is the highest scoring affordable housing site in Charlotte outside of uptown, second only to the Housing Authorities 8th and Tryon Project of 2021 tax credits middles.

The neighborhood surrounding the site is changing rapidly and the need for additional affordable housing in this area continues to grow daily. We have a current waiting list of 319 families that are Platform Lofts Project located just over a mile away from the site. Anecdotally, the manager for this project shared with me recently that based on the current leasing traffic at the Platform, the 188 proposed units for the site won't even come close to making a dent in the shortage of affordable housing units for this area. So, several folks in our previous neighborhood meeting expressed concern about community safety both in and around the proposed development, and one of the ways that we wanted to address these concerns is the integration of crime prevention through environmental design principles for this project. SEPTET, as it's commonly abbreviated, is a multidisciplinary approach using both urban and architectural design principles to enhance community safety and add additional deterrents to potential bad actors. I have a more comprehensive presentation that covers each of these four different components that would be happy to share offline. But just in the interest of time, I wanted to touch on just a few of the high points. So, NRP is going over and above the prescribed design guidelines, and the first principle with Septet that of natural surveillance. So, through a combination of sight lighting, natural electronic surveillance, and landscaping will ensure that both the residents and management will be able to casually observe public spaces. In addition, we will utilize off-duty Charlotte PD members living on-site as courtesy officers in order to enhance community safety further. One of the principles of SEPTET is to create a sphere of influence in part by community building so that residents feel a sense of proprietorship about the property. To that end, our property management team will schedule regular activities that enhance community development among residents and encourage them to care about both the physical well-being of the property as well as their fellow neighbors. Some examples of what we've done in the past for comparable properties are shown above.

In conclusion, we appreciate the staff's favorable recommendation. We look forward to resolving all outstanding issues this week.

Alvin Bond, 4400 Rolling Hill Drive said I'm a long-time resident at 4400 Rolling Hill Drive. My name is Alan Bond III, son of the owner at 4400 Rolling Hill Drive. Alvin and Deborah Bond Jr. I've been living at this location for about a little over 12 years. I'm a single father and a member of the Hidden Valley Neighborhood Association. My direct issue with this property is with this address at 4400 Rolling Hill Drive, which is part of the parcel of the land they proposed for the rezoning. When my parents acquired this home, they made a verbal agreement with me to actually own this house or to be the owner of this house. I never agreed directly with my father in regards to making this decision. He initially told me that they were selling the property of the other units. That's is actually four parcels that are being sold. 4400, which where I live. 4340 Rolling Hill Drive, 200 Montgomery Drive, and the other address is on Penny Way, which is the actual entrance from North Tryon where they proposed, where the actual site is going to be developed. Basically, the address of 4400 Rolling Hill Drive, they're proposing to make it just a parking lot, destroy my actual house where I live. That's unacceptable. I have no plans to leave

this community. Like I said, I'll be living here for 12 years. I've been involved with CMPD and making a lot of changes to stop crime in this area.

Also working with the City to develop speed bumps for some of the apartments that are already surrounding single-family homes such as myself, whereas Rolling Hill is already saturated with direct apartments, I think over 35 to 40 units going in and out constantly every day. I actually just recently proposed to the City to put up a speed limit sign, which they just recently did, I think about three months ago. So, those are some of my concerns. If you take a look at our fellow neighborhood across the bridge on West Sugarcreek, there's a little-known neighborhood called Howie Acres Estate, established in 1946, which is a predominantly black neighborhood at one time or another. Redwood Avenue is the street right off Sugar Creek Road that if you go on to that street, you'll see that there is a \$700,000 to \$900,000 house. But if you look at the other houses surrounding there, you'll see that those houses are not on the same level as this particular house. So, what we're seeing here is basically a displacement situation. On my street, there are about six homes on my side of the street. They're all single-family homes. My home is being directed to being demolished and turned into a parking lot, which means that even across the street, which there's actually a seven-unit apartment that's actually being sold by Larry Smith, who knows me, and I know the owner that's across the street already dealing with certain issues regarding the crime that I've been directly involved with CMPD to fight this situation.

So with the displacement of my home for a parking lot disrupts the core of the community for single-family homes existing on the street, it sends a bad message, such as apartments units being merged into an existing single-family home community, which in fact, if you look at the actual map of 4400 Rolling Hill Drive and you see where they're proposing the zoning, where you can actually enter from that location, enter off of Sugarcreek Road going into Penny Way you will see that there will be a tremendous amount of traffic that I'm asking the Council to look into. Also, the situation of my address where they're proposing to tear down my home. If you look at the situation with African-American men in this City, which is pretty much no different from any city in America, to be honest, with my income and the disparity of this market right now on the seller's market, it's being very difficult to find another home. But I made a commitment to this community eons ago to do something to make this community a better community for all, where I started a nonprofit organization called Teens on the Moon Foundation, which helps youth with a different type of aspects, with their faith, with their spiritualism, were eating properly, with actually being able to work out and have a strong mind. So, we're missing those types of components in the community. I'm all for affordable housing and people being able to live. But we have to strengthen this community and we already have proposals I believe at the street of Sugarcreek/Mayfield that is still being proposed. So, we're dealing with safety issues on traffic, not only in Mayfield on Sugarcreek, which is less than a quarter of a mile from Rolling Hill that is being proposed affordable housing. But we're also dealing with affordable housing near Regan Drive and West Sugarcreek Road. So, you're proposing three affordable housing units, all on one street, which is going to be a big safety concern, which the Hidden Valley Community Association wanted me to bring

up to you. Unfortunately, they were not able to make it. The chairman, Charles, was not able to make it today. So, he wanted me to mention that. I want the City Council to take into consideration that Charlotte has a history of redlining and disproportionately setting back African-Americans in this City. We've seen a lot of changes being made in North Carolina, such as Asheville to amend those wrongs. I'm asking for the City of Charlotte not to go down this path as far as the displacement in my situation because it harms not only me but also possibly my kid's future. I ask that you review the information and do the right thing that is best for the community, not disrupted it by a parking lot. That will be a potential haven for crime next to existing homeowners and residents on the street

In rebuttal, Mr. Carmichael said NRP has contracted with Mr. Bond. I'm not sure if it's his father to purchase the property that Mr. Bond was just referring to. I don't really have any understanding of any agreements between Mr. Bond and his father, but they have contracted with the owner to buy the property that Mr. Bond is referring to that would, if the rezoning petition is approved, would be incorporated into the site. So, if this petition is approved and a development where to move forward, then Mr. Bonds is right. The house he's living in would be removed. But once again, the petitioner's contracted with the owner of the property, Mr. Bond's father. We think it's a nice proposal in terms of the community, the quality NRP has really done nice work in Charlotte and throughout the country, and I think this would be a good location for the proposed use and we're happy to answer any questions that you may have.

Councilmember Johnson said I've got a couple of questions. My first question is for Mr. Bond. I kind of wanted to get clarification regarding the displacement and how if this is approved, what are you asking Council for? For your case specifically?

Mr. Bond said I'm asking for the Council to not approve the location of 4400, because there's additional space on 200 Montgomery Drive, they're not utilizing for parking, which is I think 50 spaces and they're trying to use and it makes no sense to disrupt our community by demolishing my home. It sets a bad precedent and as far as with the actual houses there, they have the space to use 200 Montgomery, but they refuse to use that particular part of the land for parking. Like I said, they're using all of this for parking only for my address and I want the City Council to reject that and have them use the actual space that is available to them for the rezoning of the property.

Ms. Johnson said okay, thank you. I do have some questions for the staff. Dave, you mentioned that there are some transportation and environmental issues in the petition. Can you tell me what the transportation issues are?

Mr. Pettine said I'd probably be more comfortable having C-DOT talk about those They should be outlined in our staff analysis, but if C-DOT would want to take those on that would be great.

Robyn Byers, Transportation Program Manager said according to our list, there's a couple of items just that we need to be updated on the site plan. So, it looks like there

needs to be a clarification of the eight-foot planning strip, an eight-foot sidewalk along all public road frontages. It looks like a standard note that we require on all of our plans that all transportation improvements be approved and constructed before the first building certificate of occupancy is needed. We need some clarification on which roads some of the improvements are to be on, specifically Sugarcreek Road. There are a few other ones but those are just minor.

Ms. Johnson said okay, Dr. Byers, you and I have had a chance to talk about this development. That is the concern of the residents. Sugarcreek Road is gridlocked. Sugarcreek Road is overcrowded. Sugarcreek Road has had 3,300 trips in the last, I think, two years with no one large enough for a traffic study. They are, I think, 14 affordable housing complexes in District Four with almost 2,000 units, including the naturally occurring ones. In District Seven, there are 70. So, while this a great project and there is a need, the concern is the same as with the previous petition. It's the location and that's all the neighbors are saying they've asked for and I commend this developer. When we talked about safety, they revised their plan to include those safety mitigations to be in the construction. However, that doesn't address the failing schools in Hidden Valley and Martin Luther King having 70% of the students less than proficient in reading. It doesn't address the food desert and it doesn't address the concentrated poverty that's being developed in this area and the lack of retail. And the overcrowding of Sugarcreek Road. So, if we as the City could address one of them. There was one plan that the developer talked about and that was extending the street, I think, off Penny Lane or improving some connectivity, but it might not be feasible for cost. This an opportunity where the City could be creative in assisting developers. It meets our goal for affordable housing and also could improve connectivity. I'm just asking on behalf of Hidden Valley and residents who are asking for smart development, if at some point we can pause and start considering these overcrowding and other issues that we say aren't City Council issues. But we've got to stop making these silo decisions. So, for this one, I hope that there are some further infrastructure improvements that can be made. I know that they have no control over the schools. That's an issue. I spoke to one of the school board members today. Those issues can be addressed if we continue to overcrowd these schools. So, at some point, we just have to really take a look at the big picture and be strategic about our development. But the one thing we can do about this today is to consider possible connectivity issues. I've talked to the developer and the developer representative. There's a street that if it's extended, I think 600 feet, then there would be an exit out onto Tryon. John, can you show that map that we looked at during our meeting?

Mr. Carmichael said if you go to the bottom of the slide there is a right-of-away that goes from the southern edge of the site to North Tryon. It's basically Penny way right-of-away. It's pretty narrow. It's a paper street at this point and the developer did look at the cost to extend that. It would be very, very expensive and there were some challenges to it. But they did look at that and that's something that we discussed with Dr. Byers and Councilmember Johnson. That's the one we discussed Councilmember Johnson right between the green line and the yellow line. The yellow line is North Tryon.

Ms. Johnson said, and this would at least address the traffic issue. I know the other issues will say that the developer is addressing the crime through additional lighting and cameras and having a police officer on site. This would be very helpful to the residents. This one of those areas where I would ask for creative development. If there's anything that we can do as the City, if there's anything in the toolbox that could assist this developer, such as a TIG (Tax Increment Grants) or CIP (Community Investment Plan) or something. This will be a small cost, a high-impact project that would help the residents of Hidden Valley not feel left behind or not listened to again. So, thank you for your time. Thank you. That's all I want to say about this.

Councilmember Watlington said I had a question for Mr. Bond as well. I just want to make sure I understand. This your daddy's property and you stay there, and he put you out?

Mr. Bond said how do I say this, my mom and dad both own the property, my mom is definitely against the whole situation, so I don't know what's going on with that. What type of paperwork she signed or anything like this, but we definitely had an understanding, especially directed with me and her, because we have better communication that this home was going to be mine, that was going to be the beneficiary of this property? Like I said, I've been living for 12 years. I had no intentions of moving and he threw it on me. The proposed plan of the proposed sale was to be for everything but the outhouse and the land on it. Everything else as far as what he owned, the other four acres of land that he owned. That was an understanding that he was going to sell that and then he comes out of the blue and tells me, look, I'm selling everything. Me and my mom had a discussion about it. I'm not trying to break home with my mom and dad, but she definitely is against it. Did she sign anything or any paperwork? I don't know about that. But like I said, there was an agreement for me to have this home. So, yes, he owns it. Like I said, but my mother owns it, too. So, I don't know the full scope of the situation and what was done in terms of selling this property.

Ms. Watlington said I see. Mr. Carmichael, as far as what you've seen, as far as a petitioner, the petitioner has ownership of this parcel or some kind of letter of intent. There's no issue there with the actual ability to resell it.

Mr. Carmichael said Mr. Bond signed but I don't have that in front of me, Councilmember Watlington. Jason can probably speak to what the contract provides, because I don't do their real estate work, but I feel certain that they have the property under contract. I've talk to Mr. Bond's father. He called me probably six weeks ago. Mr. Bond's father signed the rezoning application. I'll have to look and see if his mother did and whose name the property is titled in.

Mr. Bond said it is titled to both of my parents. It's definitely titled under my mother is the head on this property. I can tell you that now. Like I said, there's this over two-thirds of an acre that they're not even using on 200 Montgomery for parking.

Ms. Watlington, I got you. So, I know that's outside of the scope of the City Council rezoning, but I'm interested to make sure that there's no issue there or at least that we can be assured that there's no issue as we consider rezoning this property. The other thing I will say is, Ms. Jackson, are you able at all to provide Mr. Bond with any of our workforce development programs or anything of that nature? As he mentioned, we do have an epidemic, if you will, across our City in terms of affordable housing. We know that's linked oftentimes to wages and to upskilling and things of that nature. So, I would appreciate it if we could connect Mr. Bond outside of this petition and make sure that he is availed of all of the resources that we have from a workforce development standpoint.

Denada Jackson, Constituent Services Division Manager said absolutely.

Councilmember Phipps said in the interest of full disclosure, I would say that I worked with Jason closely on the Platform Lofts Project and I think several of my Councilmembers colleagues joined me when we did the groundbreaking for that development and I'm pleased to see that it's working out so well. So, I'm really conflicted by the fact that I guess within a three-mile radius of this site, we have like five affordable housing projects concentrated in this area. So, I hear some of the frustration of some of the community members there and also look and see that you've got a waiting list of potential clients that want to lease in a project like a Platform Loft that this one would be similar to. So, it's like a conflicting situation that we have here. With so many projects located in a space that there's such great demand for this type of project. But I was curious as to this current proposal. It's four stories with an elevator inside. Is there any apartment complex compared to that kind of density at four stories in height? I'm just trying to figure out even for the neighborhood, would that be such an imposing type of structure? The closest thing that I could see maybe across the street at Sugarcreek Presbyterian Church, I don't even know if that's as tall as this four-story structure. So, help me out with that. Is there anything in the area that tall in terms of four stories in that area?

Mr. Pettine said in the immediate area, no there is not.

Mr. Phipps said to the petitioner or, however?

Mr. Carmichael said I'm not aware of anything that is four stories there. I will say that if you could go to the site plan, one good thing is that the buildings are pulled away from Rolling Hills in some distance from Sugarcreek, but you can certainly see the building from Sugarcreek and of course the County owns property to the east. Then to the south, you've got the commercial uses, but I'm not aware of anything else there that's four stories Councilmembers, Phipps.

Mr. Mochizuki said I just wanted to state that the platform loft has one four-story apartment building that is also proximate to single-family homes.

Mr. Phipps said okay. I need to stop by there and take a tour. Moving on, in terms of road infrastructure, I read in our packet that I guess there's some thought of expanding Penny

Way and other road improvements adjacent to the site. Even along Sugarcreek, I thought I saw some talk about bike lanes and such as that. I also read that if this project is approved no Certificate of Occupancy will be granted until such time as all of the road improvements are constructed, is that is that correct?

Mr. Carmichael said that's correct. Anything that you're obligated to construct has to be done before. That's the standard note that C-DOT requests. The extension of Penny Way is something that we discussed with Councilmember Johnson, Jason, and Frank McMan with Land Design looked at the cost of that. It was quite costly and to be frank about it, to have an affordable community that we would need some participation from the City to extend Penny Way down to Tryon Street. But we're happy to have that discussion to participate in that. But there's not a widening of Sugarcreek Road that was being proposed as a result of this development Mr. Phipps. There were some clarifications on planning strips and sidewalks and that sort of thing along Sugarcreek Road. There was a widening of Sugarcreek Road.

Mr. Phipps said right. Speaking of Sugar Creek Road prior to me leaving the Council, I was working with the City and I guess NC-DOT to make some improvements. Some improvements, because after you get from the entrance to Hidden Valley there's a traffic signal there from that point all the way down to Tryon there is no signalization anywhere on Sugarcreek Road. So, we were working too because we had several pedestrian fatalities along Sugarcreek Road with the traffic and the speeding. We did manage to reduce the speeding by five miles per hour from 45 to 40. That was the best we could do. We were able to able to get that speed limit reduced five miles per hour. But those are the kinds of things we're dealing with on Sugarcreek Road. Tell me something, also it's mentioned in our packet that this site is already zoned for multi-family. Is that correct?

Mr. Carmichael said the vast majority of it is, except the lot that Mr. Bond was referring to I believe on the northeast corner. It's zoned R-12 multi-family.

Mr. Phipps said if this proposal didn't go through would those entitlements have to be responsible for paying for any of the road improvements?

Mr. Carmichael said are you asking would somebody developed it under the existing zoning Mr. Phipps?

Mr. Phipps said right.

Mr. Carmichael said that would be probably a question for C-DOT, but I would think that there would probably not be much in the way of improvements that would be required for that.

Mr. Phipps said so it's almost like by-right development with your current entitlements, you just can do what's necessary without making these other enhancements to the road infrastructure?

Mr. Carmichael said I don't want to speak C-DOT here, when you say the by-right in this scenario for R-12 MF zoning, it wouldn't trip a traffic study requirement for C-DOT or NC-DOT. But they would clearly have to go through the permitting process. I would imagine they would need to do sidewalk and planning strips and things of that nature. But I'm not aware of any other improvements that would be required in terms of transportation improvements for development on this site under the existing R-12 MF zoning district. But I'm not I'm not the final word on that obviously. I would defer to C-DOT and Planning on that as well.

Ms. Byers said typically when a by-right project comes in, that's what we call it, if it already has its zoning, we have a list of criteria that we look over. Streetscape improvements are required by the ordinance, depending on which one is triggered. We would look at depending on how the site is developing, look at any transportation improvements that also might be required or triggered based on access, where the buildings are located, and so forth.

Mr. Phipps said my final question is, I think I saw somewhere where the rental rates if this project would have been approved, would range from \$400 a month to \$1,800 a month, is that correct?

Mr. Mochizuki said thirty percent [inaudible] units on the one-bedrooms all have a gross rent of about \$469 a month. But there's only five of those. But we do have about 30% AMI units. So, those would range up to about \$726 for a four-bedroom, 30% AMI unit. The 80% AMI units obviously are more moderate income.

Mr. Carmichael said those would be the \$1,800 range?

Mr. Mochizuki said yes, they gross around a four-bedroom at 80% AMI would be about \$1,785 a month.

Mr. Phipps said I have no further questions.

Mayor Pro-Tem Eiselt said that touched on one of the questions I had. If you could go back, Mr. Mochizuki to the slide you just had up there. We have worked off of the number of our AMI in 2019 with \$62,000 for a family of four and you had a slide on there that said \$83,000. I'm surprised at that number. Maybe it's jumped 30% in a year, but this the first I've heard that. Oh, even more, \$83,500 is the Charlotte area median income?

Mr. Mochizuki said yes in 2020. So, it's all 80% AMI would be a full point below that. That's what we'd be basing our rental incomes off of.

Mayor Pro-Tem Eiselt said well I just want to A, make sure that those numbers are correct and what that leads me to is that let's put traffic aside in density of subsidized housing aside for a moment, because that is a consideration in that area that has been brought up and that we should talk about. We had a zoning a few years ago, I remember where

there was a lot of consternation in the neighborhood because of the quote “subsidized apartments” and it was a development that was very nice. It had a community room, a town room, swimming pool, exercise facility and it was at 60% AMI. But that was still a fair bit above. It was people making \$42,000 a year and the average income for the area was \$25,000. So, I'm cautious. I get a little bit cringing when we use the word affordable housing too quickly because in some areas it's not affordable. In other areas, it is affordable for some people. But I think it doesn't necessarily help the neighborhood when you position it that way, because, in fact, you could be lifting the income levels of an area and providing housing that in effect replaces substandard housing in the area that needs to go away so that there is an overall increase in the living standards of the area by providing a better product. So, I want to be careful with the way you use that and make sure that you have that AMI number correct. I don't know what the average income is in this area. Maybe Ms. Johnson or Mr. Phipps knows that, but we really should be comparing what's in the area and what product you're bringing into the area as to what that's really going to do for the community.

Now, traffic concerns are important, as is the concentration of Housing Trust Fund units or whatnot in that area. Those are things that need to be taken into consideration. But the other point that I wanted to make there was when you say that you're going to be providing activities and police on-site and different after-school type programming, how long do you plan on owning this building? What's your business model?

Mr. Mochizuki said we would own it for a minimum of 15 years.

Mayor Pro-Tem Eiselt said how often do you typically provide these kinds of activities and programming when you open a new apartment?

Mr. Mochizuki said I mean; we would typically provide these to the extent it's in our budget for the full 15 years that we would own it. Certainly, we own some of these properties for longer than that 15-year affordability period.

Mayor Pro-Tem Eiselt said and you keep police on for the ones that you've had security on site? You keep it on-site for that full 15 years?

Mr. Mochizuki said so we haven't done that in our Platform Loft Project, but in the other projects in NC that have had this feature, the courtesy officers, we have continued those essentially as long as we go on the property.

Mayor Pro-Tem Eiselt said okay, that's important because sometimes you see people having a lot of fancy things up front to lure people in and then that goes away in a couple of years. So, that's all that I had.

Ms. Watlington said I did. I actually just want to make a quick comment, because you brought in the Mayor Pro-Tem. What you said is absolutely true in regards to the AMI. I've got a couple of HTF projects on the West side and these numbers look familiar to me

for 2021. It actually has brought up a different concern rather than concentration of poverty is what we usually think of when people say affordable housing we think low income and crime and those kinds of things that when comparatively localized median income, what we're actually doing is accelerating gentrification in some areas with a government subsidy because you end up going in higher than market rate because AMI's based on the overall area and not that localized market. So, that is something especially as we go into spring and start looking at these Housing Trust Fund Projects, we've got to be very careful that even though we're getting affordable compared to all of Charlotte, that we're not actually going in and doing the opposite of what we're trying to do, which is increase stability in our vulnerable neighborhoods, particularly for rental products. So, I just wanted to lift that up and we're going to have to address that in the coming months.

Mayor Pro-Tem Eiselt said yes, I think that's a great point and that's why I'm careful when I hear am I as the lead-in for it to sell a project like this? It's like, well you really can't compare it that way when you're talking about AMI for the whole region? You've got to look at what the income is for the area and what it's going to do to an area when you come in with this. So, thank you. That's a good point, too.

Councilmember Winston said I just want to point out that about and I think it was one hearing ago might have been, two, there was a rezoning in NoDa about a mile away. You have folks that were complaining that only \$350,000 homes that homes are going to be half a million dollars. But I mean, built. I moved in there about 15 years ago when those houses were going for \$60,000 and understand that this is literally about a mile away as the crow flies from where that's happening. This sits between two light rail stations. Hidden Valley is the next stop to be super gentrified. So, there is not too much affordable housing that can be built there right now. The details, the evidence is basically right across the street. So, I know that this can be difficult, know everybody wants affordable housing. Nobody wants it where they're at. We have to look for all of the things that we made mistakes on the past. But not building affordable housing in this area will lead to massive, massive displacement in the near future if we don't keep pushing along in this area.

Ms. Johnson said we can discuss it more at the committee meetings in respect of time. But that's what I'm saying. We are City Council. The buck stops with us. We create policy. So, if traffic studies or something needs to be changed so that we are looking at it from a comprehensive perspective, we need to do that. The issue is traffic and density. We can't put that aside so those are my biggest things.

Motion was made by Councilmember Johnson, seconded by Councilmember Phipps, and carried unanimously to close the 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.

Al Williams, al.williams18@yahoo.com

Alvin Bond, eens.ot.move@gmail.com

Ann Black, abcgirls2154@gmail.com

Johnnie M. Erwin, bradley.20@netzero.com

Lee Whitener, lnwhitener@hotmail.com

Marjorie Parker, accreditedrecords@yahoo.com

Sandra Springs, stsprings1423@gmail.com

Veronica Caldwell, caldwell.veronica@yahoo.com

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ITEM NO. 32: HEARING ON PETITION NO. 2020-175 BY LINCOLN HARRIS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.96 ACRES LOCATED ALONG THE NORTH SIDE OF HILL STREET, THE NORTHWEST SIDE OF CHURCH STREET, AND THE SOUTH SIDE OF MINT STREET FROM UMUD (UPTOWN MIXED-USE DISTRICT) TO UMUD-O (UPTOWN MIXED-USE DISTRICT, OPTIONAL)

Mayor Pro-Tem Eiselt declared the hearing open.

David Pettine, Planning said the project description should be South Mint Street and South Church Street. The description by the staff was listed incorrectly. I apologized for that. But this project, 2020-175 is 2.34 acres. It's just across on Mint Street like I said across from the stadium. The existing zoning is UMUD. The proposed zoning is UMUD with an optional provision. The adoptive future land-use is from the Charlotte Center City 20/20 Vision Plan. They don't make specific land-use recommendations. However, they do encourage future development to contribute to the overall viability and livability of Center City. This petition itself proposes an optional provision under the UMUD zoning and that would allow a total of four wall signs to be located to be located on the property and allow those to be mounted along the parapet. Building curtain walls and windows were generally depicted on the rezoning plan. The current ordinance for skyline signs does not allow for signage to cover architectural features. Our sign ordinance was recently amended as well. So, in looking at this petition the staff would like to get a better understanding of the window signs that are being proposed and how they relate to the building. But as it stands, just the information that we've seen thus far, we're unable to support it in current form with the signage covering portions of the architectural features and fenestration as mentioned in the ordinance. I do believe that there would be a presentation with some different renderings and some of those will be made available to the staff following a recent middle of the plan. So, of course, we'll continue to evaluate

the request. But as it was submitted, staff doesn't currently support it. But we'll look forward to continuing coordination with the petitioner and seeing what the presentation helps to shed some light on as far as where the signage will be on the building from Mr. Brown and the team working on the project. So, we'll be happy to take questions after that.

Collin Brown, 1420 East 7th Street Suite 100 said we'll move as quickly as we can. Dave gave a good overview. So, I'm Colin Brown on behalf of Lincoln Harris, John Harris, Jim Williams joining me. Property location everyone knows this the Honeywell building. This a signage request, as Dave mentioned, typically on the skyline signs we come to you, we show you 2-D for location and square footage of the sign. Frankly, I've got a lot of feedback from some of you recently indicated to me that signs that we're working on there will need to be some more detail. Councilmember Egleston has made that point to me very clearly. So, this what the staff has had to evaluate. That's the 2-D renderings of the buildings. I think the staff's point is wanting to make sure that the signage is intentionally designed so that if we do have some signage in front of the glass it is not detracting from the building. So, I'm going to stop talking now. Jim Williams from LS3P, the architectural firm that designed both the building and the signage; I've asked him to come on and share with you this intentional design of the signage that is suited for the building.

Jim Williams, 227 West Trade Street Suite 700 said when we started designing this building, Honeywell made it abundantly clear in terms of signage they wanted to capitalize on the unique visibility of this site [inaudible] them within the center city. From Bank of America Stadium, for example from the West approaches the Airport along to I-277 and Wilkes Boulevard, from approaches from the South End and basically the whole arc along I-277. They made it clear that they wanted signs on all four facades of the building, and they wanted to be seen. We want to make it clear to you all that these signs were always considered an integral part of the architecture and an important part of the design. So, here we are having a blow-up. See the long sign on the top left on the wall that faces Bank of America Stadium, that's on the screen wall. Then it also mirrors itself on the east side. On the north and south side, the narrow sides, the signage couldn't be on the screen wall because it's too far back and can't be seen. So, we pulled it forward to the face of the curtain wall. This building is intended to be reminiscent of the mill buildings in South End, but when you get to the top, it's designed to be more reflective of Honeywell as a high technology company and so it goes a long glass curtain wall. So, in the sign, you'll see that the letters; this not a block sign, these are individual letters mounted onto a track. Again, they're attached to the mechanical screen wall and on the penthouse floor, they are attached in integral with the curtain wall system.

I think there was some concern that the sign was over vision glass. Well, we do, in fact, do that to an extent. This the view from inside the penthouse looking out. The penthouse for Honeywell purposes is a place for exhibitions, conferences, and receptions. It's a very tall space every 20 feet high and you can see here that the sign does, in fact, protrude a bit into the vision glass, but it's at a height of ten-foot eight above the floor, well out of

anyone's vision. So, with that in mind, this signage was always integral to this building. It's built into the curtain wall. It's attached to the mechanical screen; it was designed to be proportionate to the architecture. This never going to look like something that was added on after the fact. The letters make it light and airy and so we think is an appropriate response to the signage ordinance. Now, while we do project into the vision glass, we think it's a very minor thing in the scope of things, and we think this design is really typified what you would expect from the signage ordinance.

Mr. Brown said I just wanted Council to hear that and also reiterate that the staff did not have the benefit of these designs as they looked at a typical 2D flat with the dimensions of the signage. The staff has indicated they want a little bit more information. So, we wanted to have Jim here to explain the thought that went into the building design and that sign integration.

Mayor Pro-Tem Eiselt said is it purely because it is against the ordinance that you are not recommending it, or is there something aesthetically that you don't like about it?

Mr. Pettine said no, I think currently it was more understanding how the sign request related to the ordinance. The information that we got, really wasn't as clear on whether or not the intent of the ordinance was really being met. I think with some of this information we certainly have some new items to review and discuss internally just to see. Currently, the sign ordinance does read that signage should not be blocking [inaudible] or architectural features, which would include windows. Certainly, the intent is to make sure that things aren't visually blocked from folks that may be in the building and also just from an architectural standpoint, from a design of the building. But in the sense of this one, you know, I think like just seeing some additional information from what we got originally is certainly more that we need to go back and continue to talk through as a staff. As it stands the petitioner just didn't give us enough info for us to really evaluate if it met the intent of the ordinance or not.

Taiwo Jaiyeoba, Assistant City Manager/Planning Director said yes, I just make a broader comment to that. We just adopted this new sign ordinance. It's very important that when we adopt things like this, we want to as much as possible comply with that because it's no point adopting something that's progressive and then go back and not be in compliance with that. So, it's not just targeting this particular one, but it's just a broad statement. We just had that sign ordinance done just a few months ago. We have a unified Development Ordinance that will be coming down eventually. I just want us to be able to set the tone as a City that once we adopt regulations, we are going to either say no to them if they do not comply, or we will say we're going to work with them if we know that they are close enough or we're going to say yes if they comply. I just want us to be very clear on that. That's kind of how we should be operating. We should take our own ordinance, very serious work to make sure that we work with clients, we get them there and until they get there, we will not be supporting them.

Mayor Pro-Tem Eiselt said does is this a sign that we'll be lit at night?

Mr. Williams said yes, ma'am, it will be. Again, I want to reiterate, we are basically following the sign ordinance. We do not cover any architectural features. The ordinances are written for more traditional architecture. But when you've got a glass curtain wall, part of it, you see through, part of it you don't. Especially the wall of the building. So, again signs were intentionally designed to place to go in these locations and we are inherently are meeting the spirit of the ordinance.

Mayor Pro-Tem Eiselt said is there any notion that a sign can be part of the architectural feature? I mean, I think the last time we had to deal with signs, it was put on after the building was built. But if you're building it, it's designed into the building would you be able to say that's part of the architectural feature?

Mr. Jaiyeoba said probably something that we will review together with the design at that point in time. I mean, the example you just cited, we don't need to mention the name, but we were in the middle of the ordinance when that happened, and that building was already in place. So, it was really difficult for us to weigh in on that at that point in time. But subsequent to the ordinance being adopted, if we have a design that submits with design, obviously be able to look at all of it. And yes, we could definitely look at it as part of the future.

Councilmember Watlington said I just want to make sure I'm clear. This sign what we're looking at right now, this the final design?

Mr. Williams said yes, ma'am.

Ms. Watlington said okay and is that binding?

Mr. Brown said well, I think we will need to discuss with the staff how much detail we want, because if we say it is only this sign that if anything ever changes, you've got to come back again. So, I think that will probably be [inaudible] staff is it sounds like we want something more than just kind of the dimensions. So, maybe you weren't asking me.

Ms. Watlington said because for me, fool me once shame on you, fool me twice it's not going to happen. So, I definitely want to want to see something much closer to the design actually baked into the rezoning. And so, I support the staff position in that regard. I do like what I see here. I have a question, though, in regards to the intent of the ordinance. So, for the penthouse area that 11-20-foot portion, if there were not glass windows behind that, would it be violating the intent of the ordinance?

Mr. Pettines said I'm by no means a sign ordinance expert. I would definitely want to get with the folks that worked on that pretty extensively and get clarification and be happy to follow up with you on that and give you an accurate response rather than trying to make a guess on it here.

Ms. Watlington said okay, Mr. Williams, you're up.

Mr. Williams said by the way I read the ordinance If that were not vision glass, it would be a Spandau glass, meaning that you couldn't see through it. It would meet, I think would be the direct intent of the ordinance. But this also happens to be Honeywell's primary exhibition floor. So, they wanted as big and Bright an area as they can. Your view is not going to be obstructed because like I said, the bottom of the letter is over ten foot eight of the finished floor. So, you be looking under it, but the vision glass will steal that natural light flood that space, which is the goal of the design.

Ms. Watlington said okay, and so then that just follows up, it's kind of a carryover into my last question. It would seem to me that, I don't have the details about the [inaudible] or anything in this building, but it would seem to me, considering how the rest of the penthouse is open, that it doesn't feel like a big impact on the lighting. So, I'd be curious as to what the alternatives were to just meet the design intent of the ordinance whether that's raising up this sign on the side of the building or just changing the glass behind it.

Councilmember Winston said Mr. Jaiyeoba, I think this sign ordinance is a good example of why the UDO should be a living document. I would request that we take a policy look at standards around our skyline. Obviously, this is a policy decision that one, we have tried to grapple with our new signed ordinance. But we are learning as a growing City, there are things that we have to think about moving forward. Part of City Council's responsibility is to ensure the economic development of the City and ensuring our character, ensuring how we are marketed, and ensuring of how we are viewed is an important part of that. I think we have to really ask ourselves how corporate do we want our skyline? Do we want it to be recognizable because it's distinctly Charlotte or because it looks more like the aisles of a CVS or a Home Depot? I'm requesting Mayor Pro Tem and Assistant City Manager Jaiyeoba, that we look at this from a policy perspective. I think specifically around our skyline's uptown. Obviously, our skyline is crossing over into the South End. But I think it is a legitimate consideration of City Council and it's just something that we haven't thought of before, possibly being of the size of the City that we are. But the elephant in the room is the big Truist sign. And all of a sudden that kind of captures the majesty of our skyline and really does change the characters. I think it's something that we should look at importantly and from a serious policy-based perspective. As for this particular petition, I'd like to see how we sus it out to the existing policy.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2020-068 BY LEVINE PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.5 ACRES LOCATED ALONG THE EAST AND WEST SIDE OF HEDGEMORE ROAD, SOUTH OF WOODLAWN ROAD, AND WEST OF SELWYN AVENUE FROM O-1 (OFFICE) AND MUDD (CD) (MIXED-USE DEVELOPMENT DISTRICT, CONDITIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.

Mayor Pro-Tem Eiselt declared the hearing open.

David Pettine, Planning said this is eight and a half acres on Hedgemore Drive and Mockingbird Lane. It's just West of Selwyn Avenue. The existing zoning is a mix of O-1 and MUDD conditional. The proposed zoning is for MUDD optional with five-year vested rights. The area plan is from the Park Woodlawn Area Plan, which is 2013. It does recommend residential office retail uses for the site. It also recommends that future development should reduce surface parking lots and help establish there as part of the core of mixed-use activity center. Emphasis should be given to creating walkable and pedestrian-friendly developments with active ground floor users along the streets, creating a denser development pattern. This proposal is somewhat multifaceted with different building areas. It does propose a total across the site for up to 327,000 square feet of office uses. That does include 147,000 square feet in the existing building, which would remain, up to 215 multi-family residential, 120 hotel rooms, and then 280,000 square feet of freestanding structured parking, as well as 7,500 square feet of retail and eating and drinking establishments. It does prohibit things like car washes, automobile service stations, and eating and drinking establishments with accessory drive-thru windows. Hotel uses would be limited in areas with the green stars as shown.

We do have conversion rights to swap out some of those square footage from the office for a total of no more than 150 additional residential units. There are conversion rights also for hotel rooms switching to apartment units as well. We do have transportation improvements involved, which include signal adjustments, pedestrian crossing buttons, and ramps at the intersection of Park Road and Abbey Place. The petitioners continuing to work with C-DOT and Parks and Rec on contributions for the Cross-Charlotte Trail, which is on the back side of the property. They also have commitments for planning trips and sidewalks along Hedgemore Drive and then eight-foot planting strip and eight-foot and sidewalk along with Mockingbird Lane.

Architectural design standards related to building materials, building placement, and then active street frontages, as well as 10,000 square feet of plaza usable open space along Hedgemore Drive, which would include pedestrian amenities. Also, optional provisions to allow building heights to exceed the max height in MUDD of 120 feet. The staff does recommend approval of this petition. There are outstanding issues and technical provisions related to transportation, environment, and site-building design to continue to address. It is consistent with the Park/Woodlawn Area Plan recommendation for residential office uses and we'll take any questions following the presentation by the petitioner and members of the community.

Collin Brown, 1420 East 7th Street Suite 100 said on behalf of the petitioner Levine Properties, Inc. A good overview by Dave. Our team with me tonight, Daniel Levine with the Levine Properties, Dan Outen is on [inaudible]. Jeff Orsborn is the Engineer, and then Brittany and I are here. Dave gave a good overview of the Montford location about an eight and a half-acre site. If I could pull up my photos, I'd show you a picture of the existing building, which is maybe better known as the Parsons Building. That building is about 40 years old. It is about 130 feet insight and height. If you're familiar with the area out there, you know there's been a lot of redevelopment going on. One of the goals of the Park/Woodlawn Plan was to encourage more redevelopment in this area to try and get rid of some of the surface parking areas. These were developed in the 70s and early 80s where you built a building in the middle of the parcel and surrounded it with surface parking. So, we've seen Crescent Grubb doing some other developments in the area, really revitalizing this area. I think there's some exciting energy going on there again in the parcels that we're talking about you can see. Here's the Parsons Building as it looks today or did prior. As Dave mentioned, we've got a mixture of zoning on the site. We have a parcel here on the opposite side of Hedgemore Drive that is zoned MUDD. The main portion of the site is zoned O-1, which is our old office zoning district.

The land-use plan, the Park/Woodlawn Plan calls for mixed-use development in this area. The staff has determined that we are consistent with that. We have been engaged with the community for quite some time. I think our initial meeting with the neighborhood started almost two years ago. It was the Summer of 2019. We've been engaged with the Montford Park Partners, which is an organization that has really come to fruition over the last couple of years out there. They've been involved. They have a letter of support that I'll show you at the end of this meeting and kind of bookend it on each side of us are two townhome condominium developments. So, we have also been engaged with those HOA's (Homeowner Association). In a nutshell, the Parsons Building will remain. It will receive a dramatic facelift, but no footprint or height changes to that building. There will be some urban open space along Hedgemore Drive, which we really think is going to become a focal point and really a community activator for this entire area. Adding an additional office building to allow up to 327,00 square feet of office. The site on the other side of Hedgemore Drive is where we are really looking for that to be multi-family or hotel uses. We have some limited to only 7,500 square feet of restaurant retail. Really just to have something kind of sundries for neighbors to go to, maybe coffee, something like that, and then would have structured parking.

So, here's a look at the plan. You can see in the middle is the existing office building. That's the Parsons Building. Planned South of that, you would see a new office building and then really featuring that courtyard along Hedgemore Drive at the intersection with Mockingbird Lane with some future retail in the corner there. On the opposite side of the street, you can see there the orange building would be the future residential building that we do have the flexibility so it could become a hotel if that were desirable. Really get rid of a lot of the surface parking area becomes a parking structure so the site can be intensified along the rear of the site near to the creek there are some right-of-away that prevent development there. So, there will be surface parking that will remain in that.

Here's the next slide to show building heights, something we talked about tonight. We talk about it often. The existing building, the Parsons Building is about 131 feet in height. So, we've had that much height out there for 40 years. The new office building very similar to that. The current ceiling heights, that would be 140. So, very similar to the existing height. Across the street, we are looking for a little bit more height where that's near the Phifer Building. If you're familiar with that height, that's 160 feet. Then we're showing the heights of the parking garages and the retail structures. This is a look at it kind of put on the plan so you can see how that fits in with the other major redevelopment that's going on and really making that green area a focal point for a lot of the new development, new residents, and old residents that have been out there a long time.

This is not part of our rezoning package, but the [inaudible] team has done some concept renderings to show you how this fits on the site. There are some nice mature trees out here and what is kind of now a [inaudible] drop-off area would be removing the asphalt in that area, really enhancing the greenery, developing that amenity area around some of those existing trees. So, again, that's a look at that place in the context of the aerials.

Then this is a concept rendering so you can see really total facelift that old Parson's building getting reskinned, really nice look. I think the Levine Team is very pleased to be partnering with the [inaudible] team. Really this one of their forte's is restoring buildings like that, bringing them modern and then matching this with a new modern building. I think the [inaudible] team has done a nice job of matching these up. So, you can see that's featured around this vocal green space, which is at the front of the site. We think that will be an amenity to the existing residential and both sides, the new development coming in. So, I think that works out well. I think I've got one more visual for you there. Really focusing on that green space, which is something that Daniel has from the beginning, should be the real catalyst for this site and something that'll serve the community.

I do want to recognize and thank you; we have been doing numerous committee meetings over the past year and a half. Pleased to let you know that we have a letter of support from the Montford Park Partners. That should be coming to you from John the Co-Chair of Montford Park Partners. I do realize now that we have a speaker in opposition. I've not spoken with that speaker. So, I usually try to predict what's coming in this case. I don't know. Generally, the feedback we've gotten has been very positive.

Jonathan Wells, 4736-K Hedgemore Drive said let me start by saying it's a pleasure speaking with you tonight and seeing and hearing from a number of old friends and acquaintances with whom I became acquainted with over my many years of employment with the old Charlotte Planning Commission. As you said, my name is Jonathan Wells. I own a condominium unit on Hedgemore Drive in the Franciscan Terrace condominium development. My son actually lives there in the condominium. Appearing here tonight in front of you to express my opposition to the proposed rezoning as it both has the potential of negatively impacting issues such as traffic and stormwater in the area. While at the same time, and I must respectfully disagree with the Planning Department staff, I do not

think, and I will make some comments in a minute or two to support the assertion that it is not consistent with the Park/Woodlawn Small Area Plan.

My statement of concern addresses basically three topic areas drilled down into a little bit, one at a time. Those three are traffic impacts, stormwater impacts, and inconsistency with a Small Area Plan. Now, taken individually, development at this extremely high level of intensity is enough to significantly and negatively affect the area, such as stormwater runoff, traffic, parking, and noise. But taken collectively, the impacts of this development are likely to be overwhelming, particularly in concert with the other ongoing development. Particularly the Grubb Property that's being developed across the street, as well. The proposed density of the residential tower proposed for the West side of Hedgemore Drive is I find it's astonishing. I heard speakers earlier on this evening talking about the unacceptability of density of nine and 12 and even 20 units per acre. Let me put this into context that they're talking about 250 dwelling units on a 1.2-acre site. This 208 units per acre. Let me say that again slowly. Two hundred and eight dwelling units per acre.

Right next door, Franciscan Terrace is sitting at about 21 units an acre, so this would be better than ten times the density of the property right next door. One-hundred and 60-foot high will rival nothing in the area and will probably be the tallest structure between Uptown and SouthPark. It just doesn't belong in this location. That type of density is inappropriate at this location. Let me turn to the Park/Woodlawn Area Plan. Park/Woodlawn Area Plan lists, and I'm quoting it here, designing infill residential buildings in harmony with the scale site massing and materials of adjacent neighborhoods, encouraging infill development at appropriate scale with the surrounding neighborhood, and transitioning the scale and height of new residential development with adjacent neighborhoods. Come on now. Two hundred plus units per acre that's not transitioning, and that's not consistent with anything.

Another concern that I have, and I wasn't going to bring this up, and until Mr. Brown brought it up again, the issue of the hotel. This no place for a hotel, and I think if you go back to the Park/Woodlawn Plan, it doesn't say anything in this area about the compatibility of having a hotel. As a matter of fact, I was on a zoom call approximately a month ago, and Mr. Levine definitively stated that the hotel was off the table and was not under consideration and now that the hotel was back on the table again. Folks they are playing a shell game and I hope you don't fall for it. Let me talk about traffic here for a second, I did a quick analysis on traffic impacts, and this was based on the industry standard. It's based on the Institute for Traffic Engineering Trip Generation Manual. Right now, I'm looking at the corner of Mockingbird Lane and Hedgemore Drive, and the Franciscan Terrace, the number of vehicles based on trip generation is about 547 trips per day. If we look at the type of development that's being proposed, it will generate between 7,400 and about 11,000 vehicles per day. That's between a 1,200 and 2,000% increase in the amount of traffic at that intersection. I should also add that does not take into account the impacts that will be experienced by the Grubb Project that's currently under construction.

Let's talk a little bit about stormwater because, what we're hearing here is that the property is, since it has been previously developed, that isn't subject to the current stormwater detention standards that they would be required to comply with if it were a greenfield property. We've got the City and the County cooperating and collaborating on the Cross-Charlotte Trail immediately to the east of this property. I think we all have a tremendous opportunity here to participate collaboratively in increasing the water quality and Little Sugar Creek. Right now, that entire state drains right into stormwater drains, right into Little Sugar Creek and after development is completed, it'll continue to drain right into Little Sugar Creek without any detention measures designed as part of the project. That's simply wrong, given the kind of City and County financial commitment that is being made to the Cross-Charlotte Trail.

In conclusion, I think this is a bad proposal. It's the wrong location for this development. I've been a City Planner for the last 47 years. It's been a real long time since I've seen a development proposal that is as bad as this one. I am in opposition to it and I would respectfully request that City Council not approve this rezoning petition. Thank you very much.

In rebuttal Mr. Brown said obviously, we disagree. We think this a fantastic location for redevelopment. If you drive out there, you see the energy that's happening. Talking about height, as I mentioned, the Parsons Building has been there for 40 years at 131 feet. If you're out there, you'll notice this site is at the bottom of the hill. At the top of the hill, you'll see the Phifer Building, which would probably be taller than the buildings we have. I don't think it's correct that these would be the tallest buildings. I don't think we're really shattering any precedents with the building height. As far as the need for the building height, one of the things we've talked with the neighborhood a lot about is you guys see out there and all over the City a lot of five-story stick-built apartment buildings that are very much the same. And so, one of the reasons we're asking for more height over on Hedgemore Drive is due to a different construction type of residential tower that would bring something new into the market. Really we've got a lot of positive feedback from the neighbors on, hey, you know, if we lower the height restricted to 75 or 80 feet, guess what? We get more residential, just like what we've gotten out there. So, we have gotten some other positive feedback from others about the different types of residential this could bring. That is the need for the height on that.

As far as the Woodlawn Area Plan, the staff is indicating, this consistent with the plan. I've heard several mentions about there, this being consistent with the neighborhood. Well, certainly there's not just the residential neighborhoods. This Montford Park area is a neighborhood itself. We've got tall buildings. We've got a lot of density developing there and it's starting to be very cool and walkable. So, we'll continue working with the Planning Department staff on some refinements. We have to do continue working with C-DOT. As mentioned, we're doing some improvements to the infrastructure network out there and we'll also be making a substantial contribution to support the Cross-Charlotte Trail.

Again, Mr. Levine, Dan Outen from [inaudible], our engineer here, if you have specific questions.

Mayor Pro-Tem Eiselt said I do have a question about the contribution to the Cross-Charlotte Trail. Are you just giving the money to that organization or is your contribution in the form of what you're going to do along your perimeter of the Trail, up and above what you're required to do?

Mr. Brown said I think our actual contribution is going to the City of Charlotte so that it can be best deployed for enhancements in this area.

Mayor Pro-Tem Eiselt said okay, I have I have some concerns based just on your drawings that I realize it's a parking lot right now. I think up to the Trail more or less. But I really would like to see more of a buffer and a visual break between those parking lots and that section of the Trail.

Mr. Brown said now, to be clear, the Trail is on the opposite side of the creek from our site at this location. Then most of the area in here, if you see these lines, these are easements or right-of-way that prohibit us from being in that area. So, there will be a Trail on this side really buffered then with the creeks and buffering before you get our site, which would not be fully developed.

Mayor Pro-Tem Eiselt said so if you were on the Trail, could you see that parking lot?

Mr. Brown said I don't know the answer. But that area of the parking lot would not change. What's there now, that rear property line is what's there now.

Mayor Pro-Tem Eiselt said okay, but I mean, as long as you're making improvements to it and putting landscaping up there, could you do something to really provide a screen between the Trail and looking at a parking lot? I realize it's there now, but if you were asking for entitlements, then can you do something so that it is more visually appealing if you're walking on if you're on the Trail?

Mr. Brown said I don't know if Daniel is on. It may be that there's natural vegetation [inaudible] on the screen, but I don't know the answer. We can look at that.

Daniel Levine, 8514 McAlpine Park Drive Suite 190 said that's right Collin. There is a band of Landscaping between the parking lot and the creek. Depending on the final elevation of the Little Sugar Creek Trail, my expectation is you'd be at a lower elevation. So, you may be able to see the top of the buildings. But when you walk out there, I think the Trail is going to be quite a bit lower than the parking lot and so just from your visual angle, I don't believe you're going to see cars. As I mentioned, there's also a landscaping buffer there right now.

Mayor Pro-Tem Eiselt said okay, I hope it's a continuous landscaping buffer.

Councilmember Bokhari said in rezoning cases that are even in our own District, I would say under five percent, do I have a pretty well-formed opinion on by the time we get to a hearing a month out from our voting decision. That's just because most of the time what we see here we're starting to form it and we take the next month and we figure out where the opposition is and where the petitioner is. Then we figure out how to negotiate and we get to a decision. But in some small cases, particularly those that are very large in scope and bold and vision, I am plugged in much earlier and have a much more fully formed opinion. I happen to have a fully formed opinion. I'm not fully but very well informed opinion on this because this one of those and this one of those because you heard Mr. Brown mentioned a minute ago the District Rep, the staff, the community, the neighbors have been engaged in working on this for the better part of two years. I will say my almost fully formed opinion on this it's a very strong proposition. It's one that is smack in the heart of where we need housing, where we need office space, especially exciting office space to bring jobs, and particularly where we want walkability, right next to this beautiful connector from the Cross Charlotte Trail that's coming into play. Not to mention Montford Drive, all the different areas in neighborhoods that are walkable here. I have had concerns all the way around traffic in that area particularly. That is a concern we share all over town. Obviously, as we look at those impacts, we need to figure out our best to mitigate them.

But no one developer can solve that for us. I think the only thing I'd say, and just as a comment to provide is I hope we spend the next month like we spent the last two years in making sure we've heard all voices and opinions and we have a chance to incorporate that in there. I would just make the comment from the last speaker that just spoke. It sounds like you've known about this for a while. It sounds like you were in meetings. The first I ever heard from you was an email to me Friday and then another email Saturday. I'm curious as to why that's the first we've ever heard of your concerns and you didn't return calls and or communication from the petitioner this weekend to talk. So, if you are interested in engaging with the petitioner, I will gladly help broker that over the next month. But if this merely a last-minute attempt to just throw up, I have a problem with it and not work with anyone. I would say 47 years in public planning should have definitely taught you that principle is not a workable one.

Councilmember Phipps said yes, I had a question about the stormwater impacts, I know Mr. Wells, that was one of his focus areas there. But I'm looking at our staff analysis, I see very little in the way of narrative about stormwater impacts other than removal of a footnote and replacing it with something. So, given the scale of this project and the development on it, is this truly are we have for stormwater considerations?

Mr. Brown said that's a good question and one of the things you'll note, if you go out to this site, it is almost entirely impervious. It is basically paved over with asphalt. One of the positives of this project is it is actually reducing the amount of impervious on the site. We'd be actually taking up asphalt, have more green impervious areas. The green space you see out front is basically now a parking court. I'm not the engineer. Dan, I'll defer it to you if you have any other comments on that. But we will certainly have less impervious area than is there now.

Dan Outen, 307 West Tremont Avenue Suite 200 said yes, that's definitely true Collin. The park right now is about a third of an acre, and between that and the three islands that we will install, the impervious area will be reduced. From a stormwater perspective, that's one of the most positive things you can do and that's the element of the plan we decided to focus on to address stormwater.

Mr. Phipps said will, detention ponds be underground or something. I mean, any kind of sophisticated stormwater mitigation? I mean, there's no single area where detention ponds are. So, are you saying that the stormwater flow would just soak into these green space areas?

Mr. Outen said yes sir. The stormwater and the green area as well soak in and naturally filter into the water table. As it relates to underground detention, that stormwater regulations don't require it in this case, since we are reducing the impervious area. And so, again, we're going above and beyond with the addition of new green space and that will improve the stormwater situation on this site.

Mr. Phipps said thank you.

Mayor Pro-Tem Eiselt said and as we said, we're going to go ahead and cut off tonight. That leaves about ten more hearings.

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

Hutcherson, Madison, madison.hutcherson@nucor.com

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Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to open and continue the following public hearings to the February 22, 2021 Business meeting for Item 34, Petition No. 2020-083, Item No, 36, Petition No. 2020-156, Item No, 37, Petition No. 2020-159, Item No, 38, Petition No. 2020-161, Item No. 39, Petition No. 2020-162. Item No. 40, Petition No 2020-165, Item No. 41, Petition No. 2020-167, Item No. 42, Petition No. 2020-170, Item No, 43, Petition No. 2020-174, and Item No. 44, Petition No. 2020-178.

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ADJOURNMENT

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

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



Stephanie Bello, Deputy City Clerk

Length of Meeting: 5 Hours, 5 Minutes
Minutes Completed: April 23, 2021