

### ZONING BRIEFING

The City Council of the City of Charlotte, North Carolina convened for a Zoning Briefing on Monday, February 18, 2019 at 12:10 p.m. in the 8<sup>th</sup> floor Conference Room of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Larken Egleston, LaWana Mayfield, and Matt Newton.

**ABSENT:** Mayor Lyles and Councilmembers Dimple Ajmera, Tariq Bokhari, Ed Driggs, Julie Eiselt, Justin Harlow, James Mitchell, Greg Phipps, and Braxton Winston II.

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**David Pettine** reviewed the agenda with Council. He noted which petitions were requesting deferrals. He responded to questions and comments from Councilmembers. Item Numbers 5, 9, 20, and 21. No changes were made.

The meeting recessed at 1:13 p.m.

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### DINNER MEETING

The City Council of the City of Charlotte, North Carolina reconvened for a Dinner Meeting on Monday, February 18, 2019 at 5:07 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Justin Harlow, LaWana Mayfield, and Greg Phipps.

**ABSENT:** Mayor Vi Lyles, Councilmembers James Mitchell and Braxton Winston, II.

**ABSENT UNTIL NOTED:** Councilmember Dimple Ajmera

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*Due to technical difficulties there was no audio for the Dinner Meeting; the minutes are summary minutes and not verbatim.*

**David Pettine, Planning** reviewed the agenda for the evening. He said Planning staff needed to add one item to the Dinner Meeting Agenda. There are six deferrals: Item No. 5, Petition No. 2018-123 – defer to March 18th; Item No. 9, Petition No. 2018-012 – defer to March 18th; Item No. 20, Petition No. 2018-121 – defer to March 18th and Item No. 21, Petition No. 2018-128 – defer to March 18th, a withdrawal of Item No. 29, Petition No. 2018-148 – March 18th.

To cover the item that changed after the Zoning Committee vote: Item No. 6, Petition No. 2017-186. The petitioner submitted a revised site plan with five total changes: Two duplex units on West Kingston Avenue, revised the plan with six units, a fairly significant change; 18 townhomes 34 to 48 feet in height screening with trees. The petitioner's agent indicated they want to take the petition back to the Zoning Committee. The petitioner has been working with the communities and Planning staff feel they have been fairly well reviewed.

**Councilmember Mayfield** ask for the motion language to refer the petition back to the Zoning Committee.

**Councilmember Phipps** said there have been a couple of instances where staff requested a petition be referred back to the Zoning Committee; under what circumstances does staff make that recommendation?

**Councilmember Ajmera arrived at 5:15 p.m.**

**Laura Harmon, Planning** said they are not compliant with City Code. Council should not be voting on something that they cannot do.

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### **CLOSED SESSION**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously to go into Closed Session pursuant to GS 143-318.11(a)(3) to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of the following lawsuit City of Charlotte V. Robert Alexander.

The meeting recessed at 5:17 p.m. to go into closed session in Room CH-14. The Council returned to open session in CH-14 at 5:27 p.m. and immediately recessed to move to the Meeting Chamber for the regularly scheduled Zoning Meeting.

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### **ZONING MEETING**

The City Council of the City of Charlotte, North Carolina reconvened for the regularly scheduled Zoning Meeting on Monday, February 18th at 5:35 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Eiselt presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Justin Harlow, LaWana Mayfield, Matt Newton and Greg Phipps.

**ABSENT:** Mayor Vi Lyles and Councilmembers James Mitchell and Braxton Winston, II

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### **EXPLANATION OF ZONING MEETING**

**Mayor Pro Tem Eiselt** explained the Zoning Meeting rules and regulations.

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### **INTRODUCTION OF ZONING COMMITTEE**

**John Fryday, Zoning Committee Chairperson** introduced the members of the Zoning Committee. They will meet Tuesday, March 5th at 5:30 in the Government Center to discuss and make recommendations on the petitions heard in the public hearing tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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### **INVOCATION AND PLEDGE ALLEGIANCE**

Mayor Pro Tem Eiselt gave the Invocation followed by the Pledge of Allegiance to the Flag.

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## DEFERRALS

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield and carried unanimously, to defer Item No. 5, decision on Petition No. 2018-123 by Topgolf international, Inc.; Item No. 6, decision on Petition No. 2017-186 by Drakeford Co.; Item No. 9, decision on Petition No. 2018-012 by Harrison Tucker & John Perovich; Item No. 20, hearing on Petition No. 2018-121 by Steele Creek 1997; Item No. 21, hearing on Petition No. 2018-128 by James Pouitier; and Item No. 29, hearing on Petition No. 2018-149 by West End Investments, LLC/Mosaic Village Holdings, LLC/Paul Edwin Clouer to March 18, 2019.

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## HISTORIC LANDMARKS

### ITEM NO. 4: REGINALD ARMISTICE HAWKINS HOUSE

**Mayor Pro Tem Eiselt** declared the public hearing open.

**Stewart Gray, Charlotte Mecklenburg Historic Landmarks Commission** said before you tonight is a public hearing on the Reginald Armistice Hawkins House locate at 1703 Madison Avenue. The Landmarks Commission has voted to recommend that the property be designated as historic landmark.

The Reginald Armistice Hawkins House is significant for its association with Reginald Armistice Hawkins, arguably Charlotte's most outspoken and persistent activist during the Civil Rights movement of the 1950s and 1960s. The house was one of four homes of Charlotte Civil Rights leaders that were bombed in 1965. During the decades that Hawkins resided at 1703 Madison Avenue from the early 1950s into the 1980s, he did much to reshape race relations in Charlotte. His impact was felt far from the Queen City as well directly in his work to open North Carolina Medicine to all, in his education lawsuit that ended North Carolina's Discriminatory Persil Plan and in his participation in Swan vs Charlotte Mecklenburg Board of Education. The Charlotte Mecklenburg Historic Landmarks Commission is recommending that the City Council vote to designate the Hawkins House as a historic landmark.

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow and carried unanimously to close the public hearing on the question of adopting an ordinance for the property known as the Reginald Armistice Hawkins House listed under Tax Parcel Number 07839808 including the interior and the exterior of the house, the land, and all landscape features associated with tax parcel as a Historic Landmark.

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## DECISIONS

**ITEM NO. 7: ORDINANCE NO. 9510-Z, PETITION NO. 2017-206 BY BWN INVESTMENTS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.35 ACRES LOCATED ON THE EAST SIDE OF EAST W. T. HARRIS BOULEVARD AT THE INTERSECTION OF LAWYERS ROAD, NORTH OF ALBEMARLE ROAD FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO B-2(CD) (GENERAL BUSINESS CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Watkins) to recommend denial of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the East District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan

recommends multi-family residential uses. Therefore, we find this petition to not be reasonable and not in the public interest based on information from the post hearing staff analysis and the public hearing and because the petition is inconsistent with the adopted area plan's land use recommendation of multi-family residential uses and the adopted policy is intended to concentrate retail and commercial development along Albemarle Road and at the W.T. Harris Boulevard intersection, while maintaining and supporting multi-family development northward along the W.T. Harris Boulevard corridor and maintaining the adopted multi-family land use and zoning of this parcel protects and supports the promotion of housing diversity in the area on a site that is near a commercial center and existing transit service.

Motion was made by Councilmember Newton, seconded by Councilmember Ajmera to approve Petition No. 2017-206 by BWN Investments, LLC and adopt the following Statement of Inconsistency: this petition is found to be inconsistent with the East District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends multi-family residential uses; however, we find this petition to not be reasonable and not in the public interest based on information from the final staff analysis and the public hearing and because the petition advances the City's goal preventing pedestrian related hazards and thereby encouraging pedestrian safety by rezoning an area that is now cut off from pedestrian friendly avenues of travel as result of the Lawyers Road Extension. This petition is consistent with the character and concentration of retail and commercial development along Albemarle Road and at the W. T. Boulevard intersection, particularly on the western side of W.T. Harris Boulevard and the southern side of Albemarle Road and this petition protects and supports the existing housing diversity in the area by expanding a commercial center while maintaining appropriate buffers for residential development to the north and east in an area cut off from residential land use and immediately adjacent to business and office uses. The approval of this petition will revise the adopted future land use as specified by the East District Plan from multifamily residential to commercial business.

**Councilmember Newton** said I want to thank the staff for preparation of revised Statement of Consistency.

**Councilmember Driggs** said this is difficult because the area plan calls for residential and in light of where the road is, and so on, it doesn't look like a suitable place for residential. I have a problem with the fact that this has come up for a vote in this unresolved situation where the staff is saying no, carrying out our policies. The Zoning Committee said no seven to zero, and now we are asked to vote on it. I would have much preferred to see work on this continue until we got to some sort of a solution that wasn't quite such a standoff. In this circumstance the question in my mind really is do we have a public interest reason for going against the advice that we are getting from the staff and from the Zoning Committee? Is there a reason why this Council would say this carwash is important? They did their jobs, they thought about the things they were supposed to think about, but there are reasons that matter to us why this should go ahead anyway. I don't think the fact that it is not suitable for residential constitutes grounds to just set aside the input that we are getting, so on that basis I'm not able to support it.

Mr. Newton said we've had a great deal of discussion on this particular petition, and we talked about this fairly extensive at today's lunch meeting, and I think the take-aways that we have from that meeting were that this is approved pursuant to a land use plan from 1990, an area that hasn't been developed under the current multi-family zoning, and now there is an opportunity for something that frankly seems to be more consistent, given the extension of Lawyers Road into Harris Boulevard. From the standpoint of public policy, a concern that was raised was also allowing this to be developed as multifamily in an area that is surrounded by as many streets, particularly busy streets and what position we would be placing the residents within that multifamily development in as a result. From the standpoint of that Lawyers Road Extension in the nub as it was called you can see where the entirety of this area is either business or office with the exception of this portion that is residential. What we had concluded; I think what had been contemplated was this



being something that is wholly outside the character of the now existing land use for the area and the adoption of this would be something that would be within character of the Harris Boulevard Corridor, particularly to the south of Albemarle Road.

**Councilmember Mayfield** said one of the challenges that I had with this particular project is the recommendation from staff is based off of language from many years ago, not really taking into account the growth. This area is not really suitable for housing; there are a number of other items, but I think there is a challenge when we have some conversation and we say the market should lead the conversation and if they have identified that this will be a good investment then for us to then say no and there will be times where Council is going to vote against the recommendations, because it is a recommendation from staff as well as from the Zoning Committee. There have been times when staff and Zoning Committee have approved and moved forward with a full recommendation and support that Council had concerns on and Council then voted against that project or voted for it. So, when comments are made as if it is anything more than a recommendation from staff as well as from the Zoning Committee, knowing that ultimately the decision comes from Council the District Representative has been out having conversations with the community, has been out having conversations with this particular petitioner, I think there is a challenge when we then say well, on this case we are going to say the market is wrong. We are either going to approve or deny based on the information that we have but you don't get to pick and choose when the market is right versus when the market is wrong. If the market believes that this will be a good investment here then they made their purchase and they are going through the process. I am going to support the District Representative, because I am under the assumption that the District Representative has been out there having these conversations and has a different point of view of this particular project than I would since this is outside of my District.

**Councilmember Phipps** said my position and opposition to this particular rezoning petition is consistent with what I said at the public hearing. I am concerned that new residential construction, single family, is directly across the street from the proposed carwash portion, and I do believe that the new construction across the street was zoned multifamily, but it represents sort of a down zoning inasmuch as they put single family detached there, and I don't see that that would be the same possibility that they could easily do right across the street. I think this is too intense of an encroachment of commercial development so close to residential, and I basically support both the independent views of staff and the independent views of the Zoning Committee when they unanimously oppose this particular project at this location. I'm familiar with this area, travel this area regularly and the mere fact that there was houses there would be adjacent to this carwash with all those vacuums I seems incongruent to me that we would allow this particular project to go forth, and I hope this is not a precursor to what we could expect with the whole UDO process that is about to come before us in the next two-years where we just look at and let our feelings dictate, but I'm going to oppose this particular petition at this time.

**Councilmember Harlow** said I've had some conversation with staff, with the petitioner, with the District Representative. This is an interesting location; Lawyers Road, Albemarle Road, East Harris Boulevard, these are heavy streets that supply the east side of Charlotte. I don't travel that area very much, but understanding what is currently there, kind of sitting in this peninsula island if you will between Lawyers Road, Albemarle Road and East Harris Boulevard I frankly find it challenging that this is a good site for any form of residential use at all. I'm going to talk about how old the area plan is or not; I do want to address Mr. Driggs' point a little bit in saying that no-one has tried to work through this. As I look through the Staff Analysis, I see a lot of things have been addressed; they've got a lot of green writing in here, most of the six issues, five of which are addressed and the one that is outstanding is just purely the land use, residential or not. As Ms. Mayfield said, this is a Council decision to be made. While we continue to and always respect the staff analysis, respect the Zoning Committee. Some sites are peculiar and this is one of them. Everything that will fit right in the policy box, whether it is a 3-year old policy or a 30-year old policy. I'm going to support this; I think when you've got an oil change spot and a CATS Park and Ride lot right next to it in a confluent contiguous form here where the other residential is separated by a major thoroughfare this would serve better; you

could probably get a better business use out of this than a carwash I agree with that, market based or not, but I think residential use for this would not be good so that is the one sticky point for staff. I'm going to support this and unfortunately be against the staff and the Zoning Committee on this.

Mr. Driggs said I wanted to pause for a moment to comment on the irony of being lectured on market economics, and I would like to point out, we spend half of our time constraining sometimes more than I feel is appropriate the thrust of the market. That is a lot of what we do here; the market comes and says I want to do this. The public says they just want to make money, and it is up to us to manage the workings of the market in such a way that the public interest is served. I also wanted to say that I'm not blindly supporting staff on this thing. I have a bias in favor of staff. I have voted against staff in the past on occasion but my bias is to support them. We have an old area plan; that is not their fault and I'm not sure what position it puts them in if we say that plan is old you should ignore it.

So, we get their advice, and we take it for what it for what it is worth. We have the latitude to make a decision on this Council that it is not appropriate to be bound by that, but what I will point out is that when you say it is not suitable for residential and therefore we should approve this you are leaving out the possibility of doing something else there. There might be a solution that doesn't involve a gas station and a carwash at that location that is more compatible with the surroundings isn't residential. It is not like every time you have a site that is not suitable for residential that means that anything anybody wants to do there should be permitted. I'm just not that excited about this use that I would go against seven members all of whom on the Zoning Committee voted against this and the recommendation of staff.

Mr. Newton said what we have before us is a Zoning Committee recommendation that I gather reading it, it is about the land use and the land use plan. When I look at this site, what really sticks out to me is yes, it is not consistent with the land use plan from 1990. I get that, but the only residential that is nearby it is to the north. Off to the west, you have a storage facility; to the south I think Mr. Harlow had brought up you have a Penzoil Lube and off to the right you have the Park and Ride. From the standpoint of the residential to the north, you can look at this site map and this was a concern of mine by the way so I had a really good conversation with Councilmember Phipps about this. You can see off to the north there is tree save and buffer. We approve rezonings all the time where you have properties that abut one another and the tree save is just fine, that buffer is just fine for residential. This one you have a buffer and you have Lawyers Road, so I think that under the circumstances I am inclined to favor this because of the character of this piece of property and how I would believe that it is not fit for multifamily use, and I don't want to obstruct the market at this point given a willing developer to move forward on this.

**Councilmember Bokhari** said reading the tea leaves of the number of votes I feel like I'm in an awkward position of going one way or another and deciding this right now based on what has been said. I will echo my colleague's comments; I don't know how we got to this point seeing the tea leaves where they are that we have to make this decision that theoretically goes against the conversations that have been had and this wasn't understood up to this point and something negotiated or brought forth or something changed before this moment. I definitely feel awkward and uncomfortable about that. Am I allowed to pose a question to the Zoning Committee? My question would be to you guys as well as staff and maybe you could each give me your thoughts because on one side we have a really old area plan that I think a lot has changed in the area but when I look at the justifications for both of your recommendations to decline, both sites multifamily residential uses. I can understand that and I can understand some of the other points that have been raised against this, but if you take into effect that we are here where we are right now today market forces are saying this is something that could work there and I'm always kind of predisposed to leaning on their side when maybe something is out of date or incongruent on our side as well as the District Rep who is on the ground telling us passionately that this is what is best for his District aside from I'm about to lean that way is there anything in your discussions beyond an area plan told us this was wrong that you

would try to infer to me to say this is another thing you are not thinking of and you should think about this otherwise.

**John Fryday, Zoning Committee Chairperson** said it is hard to summarize for seven people, but if you look at our report I think the very last sentence was the key that the land use transition along that road has been provided clearly in the plan, and it has worked; it has grown along that road and the incursion of the office use to the far right is really for a drive-way to the future Police Department. So, when you look at that map and you look at red and purple and whatever those colors are, the residential behind it has not had that intrusion off of that road, so there is a transition set in the plan and that is the way it is developed and by coming up into that area with this piece of land it was seen as incursion into what has been identified as residential and the residential going in across the street even at a lesser density than it is zoned seemed to prove that there is residential value. Also, I think there was a comment that there might be more help for the residential community and the neighborhood as opposed to a carwash, which is what your Councilmember here was saying that maybe there was a better use.

Mr. Bokhari said are we able to contemplate future potential uses verses the use that is in front of us? I guess we are way out of normal territory anyway with our decision here but are we allowed to contemplate other non-conforming uses in our decision tonight?

**Terrie Hagler-Gray, Senior Assistant City Attorney** said this is a conditional rezoning, so you would be looking at this specific site and the site plan and the conditions for this site.

Mr. Bokhari said on its own merits, not considering other non-conforming. Any additional though; that was helpful but not extremely helpful for me but I understand. Staff wise, do you guys have anything to add?

Mr. Pettine said I think Mr. Fryday summed that pretty well, staying with our standpoint.

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

YEAS: Councilmembers Ajmera, Bokhari, Egleston, Harlow, Mayfield and Newton

NAYS: Councilmembers Driggs, Eiselt and Phipps.

The Ordinance is recorded in full in Ordinance Book 62 at Page(s) 75-76.

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**ITEM NO. 8: ORDINANCE NO. 9511-Z, PETITION NO. 2018-011 BY HARRISON TUCKER & JOHN PEROVICH AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.17 ACRES LOCATED AT THE NORTHEAST CORNER OF EAST 17TH STREET AND NORTH MCDOWELL STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Ham, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends single family detached dwellings at a maximum density of five 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 a rezoning at this level is consistent within the intent of the Belmont Area Revitalization Plan and the petition received support from the Belmont neighborhood association and the proposed development will provide a fair transition from the existing single family residential neighborhood and C-DOT and Planning have worked with the petitioner to construct appropriate sidewalk and planting strip in this location consistent with the neighborhood context. The approval of this petition will revise the adopted future land use

as specified by the Belmont Area Revitalization Plan, single family residential at five dwelling units per acre to residential at up to 43 dwelling units per acre.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously, to approve Petition No. 2018-011 by Harrison Tucker & John Perovich and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends single family detached dwellings at a maximum density of five 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 a rezoning at this level is consistent within the intent of the Belmont Area Revitalization Plan and the petition received support from the Belmont neighborhood association and the proposed development will provide a fair transition from the existing single family residential neighborhood and C-DOT and Planning have worked with the petitioner to construct appropriate sidewalk and planting strip in this location consistent with the neighborhood context. The approval of this petition will revise the adopted future land use as specified by the Belmont Area Revitalization Plan, single family residential at five dwelling units per acre to residential at up to 43 dwelling units per acre.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 77-78.

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**ITEM NO. 10: ORDINANCE NO. 9512-Z, PETITION NO. 2018-051 BY SXCW PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.72 ACRES LOCATED AT THE SOUTHWEST CORNER OF MALLARD CREEK ROAD AND CAROLINA LILY LANE FROM CC (COMMERCIAL CENTER) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Samuel) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the adopted plan recommends office/retail for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is already zoned CC (commercial center), which allows for automotive service stations and the current site plan allows for retail/business uses on this site along Odell School Road/Mallard Creek Road. The car wash would be allowed as an accessory use and the site is across the street from a gas station/convenience store, provides service to several residential neighborhoods, and is located half a mile from the Concord Mills mixed-use node in Cabarrus County.

Motion was made by Councilmember Phipps, seconded by Councilmember Driggs, and carried unanimously, to approve Petition No. 2018-051 by SXCW Properties and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends office/retail for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is already zoned CC (commercial center), which allows for automotive service stations and the current site plan allows for retail/business uses on this site along Odell School Road/Mallard Creek Road. The car wash would be allowed as an accessory use and the site is across the street from a gas station/convenience store, provides service to several residential neighborhoods, and is located half a mile from the Concord Mills mixed-use node in Cabarrus County.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 79-80.



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**ITEM NO. 11: ORDINANCE NO. 9513-Z, PETITION NO. 2018-053 BY BOULEVARD REAL ESTATE ADVISORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.17 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET, NORTH OF YORKSHIRE DRIVE, AND SOUTH OF CLANTON ROAD FROM R-5 (SINGLE FAMILY RESIDENTIAL), B-1 (NEIGHBORHOOD BUSINESS), I-1 (LIGHT INDUSTRIAL, I-2 (GENERAL INDUSTRIAL) TO TOD-M(CD) (TRANSIT ORIENTED DEVELOPMENT – MIXED USE, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McClung, second by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: The petition is found to be consistent with the Scaleybark Transit Station Area Plan for the parcels fronting South Tryon Street and the first parcel fronting Yorkshire Drive and inconsistent for the two parcels on Yorkshire Drive and located in the southeast quadrant of the subject site, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends transit supportive mixed use for parcels fronting South Tryon Street and one parcel fronting Yorkshire Drive. The plan recommends residential uses at up to five dwelling units per acre for the two parcels located in the southeast quadrant of the subject site. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within a ½-mile walk of the Scaleybark Transit Station on the LYNX Blue Line, and the proposed transit oriented development is consistent with the adopted plan for most of the subject site and the proposal allows a site previously used for industrial/office uses to convert to transit supportive land uses and the inconsistent parcels incorporated into the site would have to comply with the maximum building height and buffer requirements adjacent to the continuing single family residential as required by the TOD zoning standards and the proposed plan maintains a 30-foot setback along Yorkshire Drive similar to the existing single family homes. The approval of this petition will revise the adopted future land use for the two parcels located in the southeast quadrant of the subject site as specified by the Scaleybark Transit Station Area Plan from residential at up to five units per area to transit oriented development - mixed.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously, to approve Petition No. 2018-053 by Boulevard Real Estate Advisors, LLC and adopt the following Statement of Consistency: The petition is found to be consistent with the Scaleybark Transit Station Area Plan for the parcels fronting South Tryon Street and the first parcel fronting Yorkshire Drive and inconsistent for the two parcels on Yorkshire Drive and located in the southeast quadrant of the subject site, based on the information from the final staff analysis and the public hearing and because the plan recommends transit supportive mixed use for parcels fronting South Tryon Street and one parcel fronting Yorkshire Drive. The plan recommends residential uses at up to five dwelling units per acre for the two parcels located in the southeast quadrant of the subject site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within a ½-mile walk of the Scaleybark Transit Station on the LYNX Blue Line, and the proposed transit oriented development is consistent with the adopted plan for most of the subject site and the proposal allows a site previously used for industrial/office uses to convert to transit supportive land uses and the inconsistent parcels incorporated into the site would have to comply with the maximum building height and buffer requirements adjacent to the continuing single family residential as required by the TOD zoning standards and the proposed plan maintains a 30-foot setback along Yorkshire Drive similar to the existing single family homes. The approval of this petition will revise the adopted future land use for the two parcels located in the southeast quadrant of the subject site as specified by the Scaleybark Transit Station Area Plan from residential at up to five units per area to transit oriented development - mixed.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 81-82.

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**ITEM NO. 12: ORDINANCE NO. 9514-Z, PETITION NO. 2018-083 BY CHICK-FIL-A AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .88 ACRES LOCATED ON THE SOUTH SIDE OF WOODLAWN ROAD, EAST OF PARK ROAD FROM B-1 (NEIGHBORHOOD BUSINESS) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL.**

The Zoning Committee voted 7-0 (motion by Watkins, second by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Park Woodlawn Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the Plan recommends a mix of retail/office uses for the area in which the site is located and the plan emphasizes improving the pedestrian experience in the area. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposal allows a replacement building for a long-term EDEE tenant on the perimeter of the Park Towne Village shopping center and the proposal will help reduce serious traffic congestion problems in the immediate area as the drive-through queue to the popular existing establishment frequently extends out into the public street and the proposal will provide a measure of improved pedestrian experience by managing drive-through customers in a more organized way with greater on-site capacity and the proposal eliminates indoor dining and provides an outdoor dining patio with an architectural presence at the front of the building supporting pedestrian activity and the site plan provides pedestrian improvements through the installation of a wide planting strip and sidewalk along Woodlawn Road. Additionally, the proposal provides a hardscape plan and commits to pedestrian amenities and access between the public sidewalk and the outdoor dining patio.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously, to approve Petition No. 2018-083 by Chick-fil-A and adopt the following Statement of Consistency: This petition is found to be consistent with the Park Woodlawn Area Plan, based on the information from the final staff analysis and the public hearing and because the Plan recommends a mix of retail/office uses for the area in which the site is located and the plan emphasizes improving the pedestrian experience in the area. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposal allows a replacement building for a long-term EDEE tenant on the perimeter of the Park Towne Village shopping center and the proposal will help reduce serious traffic congestion problems in the immediate area as the drive-through queue to the popular existing establishment frequently extends out into the public street and the proposal will provide a measure of improved pedestrian experience by managing drive-through customers in a more organized way with greater on-site capacity and the proposal eliminates indoor dining and provides an outdoor dining patio with an architectural presence at the front of the building supporting pedestrian activity and the site plan provides pedestrian improvements through the installation of a wide planting strip and sidewalk along Woodlawn Road. Additionally, the proposal provides a hardscape plan and commits to pedestrian amenities and access between the public sidewalk and the outdoor dining patio.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 83-84.

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**ITEM NO. 13: ORDINANCE NO. 9515-Z, PETITION NO. 2018-102 BY AUDIES MOORE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.53 ACRES LOCATED ON ODUM AVENUE, SOUTHEAST OF THE INTERSECTION OF ROZZELLES FERRY**

**ROAD AND HONEYWOOD AVENUE FROM B-2 (GENERAL BUSINESS) TO I-2 (GENERAL INDUSTRIAL).**

The Zoning Committee voted 7-0 (motion by Gussman, second by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan based on the information from the post hearing staff analysis and the public hearing and because the adopted plan recommends industrial land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed use is consistent with the adopted land use for the site and surrounding area and the area between Odum Avenue and Brookshire Boulevard includes many parcels zoned for industrial uses and the properties to the rear of the site include single family homes; however, the required buffers and setbacks in the I-2 zoning district will provide adequate screening and separation and the size of the site will not accommodate a large industrial user that could have greater impact on residential properties to the rear and across from this site on Odum Avenue are CSX railroad tracks supporting the site's suitability for an industrial use but making the site less attractive for commercial or residential uses.

Motion was made by Councilmember Harlow, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2018-102 by Audies Moore and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan based on the information from the final staff analysis and the public hearing and because the adopted plan recommends industrial land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed use is consistent with the adopted land use for the site and surrounding area and the area between Odum Avenue and Brookshire Boulevard includes many parcels zoned for industrial uses and the properties to the rear of the site include single family homes; however, the required buffers and setbacks in the I-2 zoning district will provide adequate screening and separation and the size of the site will not accommodate a large industrial user that could have greater impact on residential properties to the rear and across from this site on Odum Avenue are CSX railroad tracks supporting the site's suitability for an industrial use but making the site less attractive for commercial or residential uses.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 85-86.

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**ITEM NO. 14: ORDINANCE NO. 9516-Z, PETITION NO. 2018-115 BY JDSI, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 20.08 ACRES LOCATED ON THE EAST SIDE OF BEATTIES FORD ROAD, SOUTH OF MIRANDA ROAD, NORTH OF LAKEVIEW ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-4 (SINGLE FAMILY RESIDENTIAL).**

The Zoning Committee voted 7-0 (motion by Watkins, second by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential land uses up to four dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed zoning district of R-4 is consistent with the adopted future land use of residential up to four dwelling units per acre and the surrounding area is developed mostly as single family, low density residential, consistent with the proposed R-4 zoning district and the only differences between the R-3 and R-4 zoning districts are the slight increase in density and some minimal lot dimensions related to lot size, width, rear and side yard requirements.

Motion was made by Councilmember Harlow, seconded by Councilmember Newton, and carried unanimously, to approve Petition No. 2018-115 by JDSI, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan based on the information from the final staff analysis and the public hearing and because the plan recommends residential land uses up to four dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed zoning district of R-4 is consistent with the adopted future land use of residential up to four dwelling units per acre and the surrounding area is developed mostly as single family, low density residential, consistent with the proposed R-4 zoning district and the only differences between the R-3 and R-4 zoning districts are the slight increase in density and some minimal lot dimensions related to lot size, width, rear and side yard requirements.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 87-88.

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**ITEM NO. 15: ORDINANCE NO. 9517-Z, PETITION NO. 2018-129 BY THOMAS CONCRETE OF CAROLINA, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.0 ACRES LOCATED ON THE NORTH SIDE OF OLD DOWD ROAD, WEST OF I-485 FROM I-1 LLWCA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE CRITICAL AREA) TO I-2(CD) LLWCA (GENERAL INDUSTRIAL, CONDITIONAL, LOWER LAKE WYLIE CRITICAL AREA).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan based on the information from the staff analysis and the public hearing and because: the petition is inconsistent with the adopted plan recommendation of office/retail/light industrial for this site; however, we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because: the proposed use, while inconsistent with the adopted land use plan, is compatible with the surrounding industrial uses; and the site is adjacent to an outdoor storage yard for SteelFab Inc., a structural steel manufacturer, whose main factory is located across the street from this site; and the site is currently being used for auto and truck repairs, and backs up to a rail corridor that includes four active railways used by Norfolk-Southern freight trains, and Amtrak; and the use of the site for concrete manufacturing, while considered heavy industrial, does not include a large building footprint; and the request is consistent with the Airport Area Strategic Development Plan (AASDP) providing compatible industrial development around the Airport. Further, the Petitioner will be displaced as part of the implementation of the AASDP. This rezoning allows the existing company to relocate within the Airport market minimizing the impact to the business. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from the current recommended office/retail/light industrial use to industrial use for the site.

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton and carried unanimously, to approve Petition No. 2018-129 by Thomas Concrete of Carolina, Inc. and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan based on the information from the staff analysis and the public hearing and because: the petition is inconsistent with the adopted plan recommendation of office/retail/light industrial for this site; however, we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because: the proposed use, while inconsistent with the adopted land use plan, is compatible with the surrounding industrial uses; and the site is adjacent to an outdoor storage yard for SteelFab Inc., a structural steel manufacturer, whose main factory is located across the street from this



site; and the site is currently being used for auto and truck repairs, and backs up to a rail corridor that includes four active railways used by Norfolk-Southern freight trains, and Amtrak; and the use of the site for concrete manufacturing, while considered heavy industrial, does not include a large building footprint; and the request is consistent with the Airport Area Strategic Development Plan (AASDP) providing compatible industrial development around the Airport. Further, the Petitioner will be displaced as part of the implementation of the AASDP. This rezoning allows the existing company to relocate within the Airport market minimizing the impact to the business. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from the current recommended office/retail/light industrial use to industrial use for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 89-90.

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**ITEM NO. 16: ORDINANCE NO. 9518-Z, PETITION NO. 2018-130 BY 2301 DISTRIBUTION, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.97 ACRES LOCATED AT THE INTERSECTION OF DUNAVANT STREET AND DISTRIBUTION STREET, EAST OF SOUTH TRYON STREET FROM I-2 (GENERAL INDUSTRIAL TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT MIXED USE, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent 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 mixed use transit supportive uses for the subject site and surrounding properties. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within a 1/2 mile walk of the New Bern Transit Station on the LYNX Blue Line and the proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project and the proposal allows for all uses in the TOD-M (transit oriented development – mixed-use) district which includes office, residential, retail, and civic uses and the proposed change will support the transition of the area from an industrial district to a walkable transit supportive district.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously, to approve Petition No. 2018-130 by 2301 Distribution LLC and adopt the following Statement of Consistency: This petition is found to be consistent 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 mixed use transit supportive uses for the subject site and surrounding properties. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within a 1/2 mile walk of the New Bern Transit Station on the LYNX Blue Line and the proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project and the proposal allows for all uses in the TOD-M (transit oriented development – mixed-use) district which includes office, residential, retail, and civic uses and the proposed change will support the transition of the area from an industrial district to a walkable transit supportive district.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 91-92.

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**ITEM NO. 17: ORDINANCE NO. 9519-Z, PETITION NO. 2018-131 BY HCBV, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.47 ACRES LOCATED ON THE NORTH SIDE OF SOUTH MINT STREET, EAST OF SUMMIT AVENUE FROM 1-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT, MIXED USE).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area Plan and South End Vision Plan, based on the information from the post hearing staff analysis and the public hearing and because both plans recommend transit supportive development for the subject site and nearby properties fronting on South Mint Street. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within ½-mile walk of the Bland Street Station on the LYNX Blue Line and the proposal allows a site previously used for industrial/office to convert to transit supportive land uses and use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary and TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously, to approve Petition No. 2108-131 by HCBV, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area Plan and South End Vision Plan, based on the information from the final staff analysis and the public hearing and because both plans recommend transit supportive development for the subject site and nearby properties fronting on South Mint Street. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within ½-mile walk of the Bland Street Station on the LYNX Blue Line and the proposal allows a site previously used for industrial/office to convert to transit supportive land uses and use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary and TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 93-94.

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**ITEM NO. 18: ORDINANCE NO. 9520-Z, PETITION NO. 2018-136 BY ASANA PARTNERS LP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.10 ACRES LOCATED SOUTH OF THE NORFOLK SOUTHERN RAILWAY BETWEEN 35TH STREET AND 36TH STREET FROM TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT MIXED USE, OPTIONAL) TO TOD-M(O) SPA (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Blue Line Extension Transit Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends transit supportive 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 site is located

within ¼ mile walk distance from the 36th Street Transit Station on the LYNX Blue Line Extension and the proposed rezoning allows a building previously used for warehouse purposes to be reused for residential and nonresidential transit supportive uses and this site will provide a transition from the established business district on North Davidson Street to the multi-family development on the opposite side of the railroad corridor at the 36th Street transit station and the request meets the area plan's goal for activating the building frontage by providing entry patios on the building sides parallel to East 35th Street and East 36th Street.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera and carried unanimously, to approve Petition No. 2018-136 by Asana Partners, LC and adopt the following Statement of Consistency: This petition is found to be consistent with the Blue Line Extension Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends transit supportive 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 site is located within ¼ mile walk distance from the 36th Street Transit Station on the LYNX Blue Line Extension and the proposed rezoning allows a building previously used for warehouse purposes to be reused for residential and nonresidential transit supportive uses and this site will provide a transition from the established business district on North Davidson Street to the multi-family development on the opposite side of the railroad corridor at the 36th Street transit station and the request meets the area plan's goal for activating the building frontage by providing entry patios on the building sides parallel to East 35th Street and East 36th Street.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 95-96.

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## HEARINGS

**ITEM NO. 19: HEARING ON PETITION NO. 2018-097 BY STAMATIS TSILIMOS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.04 ACRES LOCATED ON THE NORTH SIDE OF CENTRAL AVENUE BETWEEN TIPPAH PARK COURT AND LANDIS AVENUE FROM O-2 (OFFICE) AND B-1 (NEIGHBORHOOD BUSINESS) TO NS (NEIGHBORHOOD SERVICES).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is a rezoning request on Central Avenue from O-2 and B-1 to Neighborhood Services uses. The proposed use is an 8,000-square foot single building with up to 30 residential units and a mix of commercial retail businesses uses in that building as well. The request is consistent with the area plan; in some degree it does have a bit of an inconsistency as well. That inconsistency is just getting into the multifamily or residential uses along Central Avenue and the plan only recommends residential uses back along Tippah Park Court, but because it is a mixed-use building staff isn't as concerned with that and does still support this request in its current state with some outstanding building and site issues that we need to have addressed, which are fairly minor in nature. As we have stated the rationale for our recommendation is it a proposed mixed-use building with both residential/non-residential uses. It is located along Central Avenue, which is part of a commercial corridor and for part of the proposed LYNX Gold Line Street Car alignment. It is also within a half-mile of Central Avenue/Plaza/Midwood business district, within walking distance of entertainment and other uses as well as Veterans Park right across the street and they are also talking about a building and design that is going to be in scale with the neighborhood. As you can see, the proposed land use plan in front of you does propose some retail on Central Avenue and multifamily back along Tippah Park Court. As we stated earlier, because this is a mixed use building we do have some residential along Central Avenue, that is where we get that minor inconsistency with the plan but overall, we do have those retail uses along Central Avenue as well.

**Paul Pennell, 1318 Central Avenue** said I am with Urban Design Partners here to speak for the petitioner for this particular location. The parcels in question here are located between Landis Avenue and Tippah Park Court a long Central Avenue directly across the street from Veterans Park. Currently, as you can see in the picture, the parcel is vacant with a building that has been vacant for some time now. It is a gravel parking lot primarily used for parking for construction workers for construction that is going on in the area today.

I believe we all know where this is; it is definitely a busy and a developing part of Charlotte these days. Again, it is directly across the street from Veterans Park. I will try not to re-review staff information, but I would like to point out that the site is located along the Gold Line, and it actually has a future station stop; it will be the Veterans Park Station stop on this parcel.

Giving a little bit of context for the site area and why rezoning here makes sense for the petitioner. Currently, the site is zoned with more restrictive setbacks than what we are requesting in the NS District. Also, there is a storm water easement that actually bisects the site which is actually in place today and is going to be expanding for a future storm water services improvement project. It is probably going to be occurring anytime now. Construction has started to stage I believe and there are already temporary and construction easements in place on site to accommodate this future storm water easement project that is going to be coming through. The available developable area on site is rather restricted. You can see this is what it is today; the developable area is represented in the purple color, and it would be revised if rezoned to have a little bit more area available for building and parking area.

This is the site as it stands today, and I'll be more than happy to answer any questions that you may have. Also, a little bit unique to this project has been the amount of coordination and effort that we've had with the surrounding community and the neighbors. The neighborhood has asked for quite a lot; this is in essence rather a speculative rezoning, and the neighborhood has asked for rather restricted conditions to be placed on this rezoning. To review a few, the neighborhood from preliminary designs that we have done on site; they've asked us to relocate buildings; they've asked to maximize parking, because as we all know across Charlotte parking is paramount in the Plaza/Midwood area. They've asked for additional landscape screening adjacent single family uses, two-way vehicular travel between Tippah Park Court and Landis Avenue. It is our understanding that traffic patterns in this area in the morning can be very difficult and the addition of a two-way drive isle through this site would be very helpful to be able to navigate these roads. Negotiated overflow parking with adjacent properties currently today they are some breweries that are directly adjacent this site. Some of those visitors for those breweries do park on this site, and they have asked us to try and coordinate additional parking for those uses. Unfortunately, we will not be able to accommodate that; we will need to accommodate the uses that were being proposed on site here.

Architectural restrictions, this site while it does not have elevations associated with this building, the neighborhood has requested strict use of building materials. In this case, it is going to be 80% brick, stone or masonry throughout the entire building, notwithstanding any sort of building penetrations or glass glazing that may be associated with the structure. No amplified music will be allowed here; it is written into our development conditions, and they also asked for a reduction in the total number of residential units on site, which currently being proposed is up to 30. They have asked that we reduce that to 20 and in this case we would still like to ask for up to 30 and that would be ideal for the petitioner moving forward.

**Tom Warshauer, 1530 Tippah Park Court** said tonight I speak as a private person; I thought I should clarify that as I'm out there and representing my small HOA, which is Midwood/Central HOA and a number of our immediately adjacent neighbors. Our HOA and our neighbors are within the Plaza/Midwood larger neighborhood association so we've also been speaking with them about this particular petition. I would like to clarify that, because it is really important that you know that I'm private here today. In my 29-



years with the City I've tried to walk a very thin line of sort of walking the talk of being engaged in my neighborhood association, but also trying to not ever present any conflicts of interest. I'm sort of appearing on behalf of our neighborhood association, but my neighbors really ask that I speak to you all tonight on this petition since it is immediately adjacent to our neighborhood.

We have worked very closely with the petitioner and his representative particularly, and I just to make a shout out to them; they've been really great to work with to the largest extent that they can. We've worked through quite a number of issues as he enumerated that really, we think makes this a much better and a much stronger rezoning request and potential development for our community. With the parking they have done, they are going to a single building; this is a mixed use building, and we really like that they could be residential above it. It may be office, but we like the notion of residential above the building, because it sort of makes them concerned about the way the building would look and operate by having tenants above it in addition to the neighbors that are down the street from it. We also appreciate the amplified sound; we have a lot of people in our neighborhood immediately behind it that have young children and the 10:00 p.m. noise ordinance simply doesn't work, and we've known that because of all the breweries that are around us now. The kids have to go to bed and 10:00 is too late for amplified sound so, we really appreciate that as well. They have worked very hard around a number of the architectural elements to make sure that the building is quality and that we also appreciate.

We are really concerned about a couple of outstanding elements that I think maybe Planning is also worried about is how do you describe a good building. We've seen a number of petitions where we worked with the owners in our community and then we find the actual developer; we can't see the site plan and what they show on a proposal is not what ends up being built. Almost immediately adjacent, just around the corner is Landis Court and if you looked at that building and you looked at the proposal was, they said they would build something similar but similar is dramatically different from what was actually constructed, and we weren't able to catch some things that Planning didn't catch, and we didn't catch but we might have caught if we had worked with the actual developer as opposed to the property owner. All the single-family houses there, none of them connect to the sidewalk on the street so a sidewalk is now a brand new development totally surrounded in a really inexpensive wood fence that we never anticipated.

Also, going up the street you've seen a number of buildings that have been rezoned and the architecture is really poor. [inaudible] and up the street from here the marble and where we have been able to work with the actual developer we've seen great results like Midwood Station that has really strong architecture and a really good product. We would really prefer to work with the actual developer rather than the property owner and just simply lifting the values for the property owner in advance of a rezoning. We really like where we have gone to sort of set the stage for what the development might look like and to give some instruction to what a potential buyer would need to do if they were doing it, but we would really prefer to actually see the real building.

We met with the Plaza/Midwood Neighborhood Association's Land Use Committee, and unanimously, they voted to not recommend approval. They say it sets a bad precedent and which we have been learning in Plaza/Midwood of rezonings that occur with an owner that is then sold and then we have very little control over what the building might actually look like. We do think we have made sort of significant progress. If we were to move forward with this a couple things that are important to us would be no roll-up doors. The definition of indoor and outdoor is really confused when people then create the outdoors from indoor space and have roll-up doors that allow all the sound to escape

Those are all of comments and that is why we are opposed; the Plaza/Midwood Neighborhood Association was opposed and we felt we would prefer to be able to work with an owner directly and make sure that we could understand what the architecture of the building is going to look like and how it might be articulated.

In rebuttal Mr. Pennell said just to reiterate maybe some of the reasons why I think the Plaza/Midwood Neighborhood and Mr. Warshauer and his neighbors might have been a bit apprehensive towards the rezoning. So, previous versions of this had two buildings located on site; I think that might have provided some real apprehension to the neighbors. That plan has been removed. It is not a single building of three-stories. Also, one of the reasons why we are going up to 30-residential units is to provide some diversity in the types of units that are available. Not everyone in Charlotte can afford an 800-square foot flat, which I think if we reduce the units down to 20 that would be the approximate square footage for the two floors of residential uses. Keeping them around 475-square feet as a likely minimum would provide more, we are not going to call them an affordable unit, but it would be in more line to a unit that people could likely live within two miles of uptown and have a residential unit in which they could live and comfortably pay for that residential unit. Also, in regard to the architectural concerns, we've worked through that. I believe there is some concern about metal uses from some other buildings along Central Avenue; here it would be 80% masonry, brick and stone use.

**Councilmember Egleston** said I had heard the sayings of thank you for the work you have done with the neighbors. I'm certainly appreciative of it and were quick to acknowledge that when I spoke with them. I actually kind of agree with the idea of having a diversity of sizes and price points. I think you just said 475-square feet if you did 30-units. This would be for rent?

Mr. Pennell said they would be for rent yes.

Mr. Egleston said do you have any sense of what kind of a price point you would be looking at?

Mr. Pennell said at this time we do not.

Mr. Egleston said I do think there is value in the diversity of size and price there, but to Mr. Warshauer's point, what is the intent as far as who would be building out this vision?

Mr. Pennell said right now I would call it speculative; the piece of land has been restricted by the current zoning district and the storm water easement that is running through the site so it is very difficult for him to be able to market this piece of land with any sense of value to it. A lot of people have reviewed this site in the past and a lot of developers have turned away from it because of the unknown nature of what is happening here and also the restricted setbacks that are currently associated with this parcel. So, if there was a definitive developer that was looking at it at this time we would share that information but right now we don't.

Mr. Egleston said so from a business standpoint for the property owner, does it behoove you to tie your hands with all these notes and promises and things when you don't know who is going to build it and what they are going to build exactly to say well, now we've put ourselves in a corner and you have to comply with all of these things that we've negotiated even though we didn't know who you were or what you would want to do?

Mr. Pennell said it is interesting you bring that up. In the last six months since we began the rezoning petition process he has received more interest on these parcels than he has had in quite a few years, even with these restrictions that development conditions are applying on these parcels.

Mr. Egleston said I live on Landis Avenue, so I'm quite familiar with this site and was sorely disappointed with Little Italy Restaurant closed about a week after I moved into my house, and it has sat empty since. I hope somebody saved that neon sign back then. I am glad to see some movement on this parcel, because it has been nothing more than a parking lot for a decade now, but I can appreciate Mr. Warshauer and his neighbor's concerns, because I have lived the same reality along Central Avenue, which is we've gotten some stuff that we are really proud of and we've gotten some stuff we really wish we could have a do-over on but probably won't get that do-over for decades.

Again, I appreciate the notes that you have made on architectural stuff. I do think any clarity you can provide them and us would be valuable, because it is hard to look at this as excited as I am to see something develop on the site, and I do somewhat principally agree with the idea of having a diversity of price points in Plaza/Midwood which we are losing at a terrifyingly fast pace. It does give me a little bit of anxiety to approve something when I really don't feel like I have any sense that I could go back to the neighborhood or the community and say here is what we are going to have here. I don't have that sense yet.

**Councilmember Driggs** said I'm not sure that we act in the land use conversation that we can actually appear to impose any requirements related to price points.

Mr. Egleston said I just asked how that worked.

Mr. Driggs said I get that; I'm just saying so that we are clear on the record that we are not introducing that as a requirement, and similarly, another thing that isn't a requirement; I'm a little worried about the parking. You can create enough parking for yourself there, but this no-man's land parking lot is performing a certain function in the neighborhood. Where are all those cars going to go?

Mr. Pennell said that is a good question; residential uses on site would park at night and the business uses would park during the day as associated with this particular petition. So, parking as Mr. Warshauer has brought to our attention, is a real issue in this area of town, especially given previous rezonings that have been approved up the street. A lot of people tend to gravitate to a vacant gravel lot for parking. It is a tough answer to provide you other than the proposed uses that were incorporating into this petition would be parked entirely on site.

Mr. Driggs said I realize it is not your responsibility, so I'm acknowledging the same as I just said that is not a decision criterion on it; as a practical matter though I just wonder how that works. This is a conditional application, is that right?

Mr. Pennell said it is, yes.

Mr. Driggs said so, it is kind of interesting that it is conditional, but we don't know more than we do, and I think that is one of the things that is creating a little hesitation. I will tell you now personally, I like the idea that something is happening there; this really is just unattractive empty space at the moment. I appreciate that but I think there is a little bit of a density issue, so maybe we can keep talking about that.

Mayor Pro Tem Eiselt said I would say I too am having a hard time with the speculative nature of it when we are being asked to approve something that is not consistent with the plan, and that is what the residential portion being on Central Avenue. So, the density I think is something that is concerning, and that is probably why the plan didn't recommend residential [inaudible] Central Avenue. I feel like I need to know more about it as well. That would be a hard leap to be able to approve for me.

Mr. Pennell said under the current zoning today, the B-1 and O-2, each of those uses it is actually entitled today for up to 25 residential units under those zoning districts. So, while it may not be shown in the area plan from a by-right use the residential is allowable here under the current zoning district.

Mayor Pro Tem Eiselt said under office and neighborhood business on Central Avenue?

Mr. Pennell said up to 22 residential units per acre, yes.

Mayor Pro Tem Eiselt said this says that the proposed residential portion within three-story building along Central Avenue is inconsistent with the adopted plan.

Mr. Pettine said the front portion of the building will also have a mix of those residential uses on top of the office/retail that is on the bottom floor so when you have those

residential uses fronting Central that is where we get that inconsistency. They are consistent as you go back along that portion on Tippah Park Court but it is really from a technical standpoint when you have that residential use along Central Avenue that is where we get that minor plan inconsistency. It is consistent in a portion of it, but it is inconsistent on that front portion.

Mayor Pro Tem Eiselt said what would be the intent behind not allowing that on Central Avenue in the plan? Somebody decided that so I'm missing something on this.

Mr. Pettine said I think the intent was just to focus those business and non-residential uses along the Central Avenue Corridor more so and allow that transition for residential back along Tippah Park Court where that transition again from commercial back to residential in that existing residential area. That is why you have the retail fronting along Central Avenue as you do along some parcel what would be the east and west there going down and back into Central Avenue. The commercial is concentrated on that front portion with the exception of that Chatham Avenue area where you have a residential recommendation of up to 22 dwelling units per acre, but for the most part that residential component is transition back on the back off of Central Avenue.

Mayor Pro Tem Eiselt said so with that again, it would get back to me that the speculative nature of it makes me a little bit nervous to be honest. The second question I have and this is for staff, if the petitioner has said that he agrees to prohibit; they are restricted from utilizing amplified music in exterior spaces. Is that forever? What happens if they sell the building?

Mr. Pettine said it would be really in perpetuity unless that zoning is change again and gets amended either through another rezoning or some other type of amendment process, but if that is a condition of the approval then that condition would run with that property until it was changed.

Mayor Pro Tem Eiselt said amplified sound is allowed in NS correct? In the zoning category of Neighborhood Services normally it would be allowed.

Mr. Pettine said I would imagine typically amplified sound would be allowed in most zoning districts in conjunction with your noise ordinance and within those parameters of when those can be operated. Yes, I would think it would be permitted in that neighborhood service use.

Mayor Pro Tem Eiselt said just so I understand, legally nobody else could ever use amplified sound, even if the building is sold?

Mr. Pettine said if it were approved as part of the conditions, yes. It is something that they are offering that does exceed the typical requirements within that district.

Mr. Egleston said a couple of points on parking; one, I'm not particular comfortable placing the burden on anybody who is developing this parcel to park everything around this parcel. The fact that we have a very popular brewery right up the street is not the fault of this developer. I would certainly hope that they have the appropriate amount of parking for their own site. I would note a person sitting in the chamber tonight has floated the idea on multiple occasions of having one side of outbound Central Avenue be evening only parking to accommodate some of those uses, the brewery, whatever would happen here, some of the rezonings that we've just approved at the old dry cleaner and auto sales location that are going to be food and beverage establishments now. There are hundreds of units going in in the Commonwealth/Morningside side kind of behind Veterans Park, so the parking situation is going to get worse, not better, and I would like for us to work with C-DOT, possibly go back and re-explore the idea of some street parking on Central Avenue that would accommodate evening parking demand but also facilitate some traffic calming on Central Avenue which can get people going pretty fast on that stretch there. I don't know that I'm comfortable with saying because this lot has been unused and has just served as a defective parking lot for a popular brewery that they should somehow



have to bear that burden going forward. We need to find a parking solution, and I don't know that it is going to be found on this lot.

Mr. Driggs said for him and not them.

**Councilmember Phipps** said I would echo Mr. Egleston's comments because I actually parked on this parcel as overflow parking for a big event for Sustain Charlotte, and so to say that these cars are going to be forced into residential streets along that corridor would make for a lot of angry residents I think.

Mr. Egleston said I would be one of them.

Mr. Phipps said is Central Avenue a City maintained street or a state maintained street?

Mr. Pettine said a City maintained street.

Mr. Phipps said okay but I do share some of those concerns of parking. It is just a problem just sitting there starring use in the face I think.

**Councilmember Ajmera** said what I really liked about this petition is there were a number of issues that were already addressed before it came in front of us for a hearing. I appreciate the work of the petitioner that has worked with the neighborhoods and community to address a number of concerns. I saw the slide; there were like eight or nine requests that came from neighborhoods, and the majority of them have been addressed so I appreciate the petitioner's willingness to work with the neighborhood and also the neighborhood's willingness to work with the developer. I think that goes a long way here. So, by-right there are 22 multi-family units that is by right and the petitioner is asking for 30; am I correct?

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

Ms. Ajmera said so, there is a difference of about eight units, and you all have come to the point where the majority of the things have been worked out, and I am pretty confident that we can work out this last request somewhere in the middle and though I do appreciate the diversity of pricing when it comes to single family, multifamily, because we do need that, especially in that area. Again, as my colleagues have mentioned around parking, that should not be a burden on the petitioner. I think that is something that falls in our court that we have to figure out. That is a concern that I think we have to address as a City, but so far, I really appreciate the work that you all have put in to come to this point and pretty confident that by the time it comes to a decision it will probably be easy for us to work out something in the middle.

Mr. Driggs said is there amplified music coming from the establishments that are across the street?

Mr. Warshauer said yes, lots of it. It is very hard for people, particularly in the houses behind along Tippah Park Court closer to Fulton Avenue; all of those homes they are getting the sound from Central Avenue; they are getting the sound from Resident Culture; there are two other bars closer than Resident Culture, and there are more bars getting ready to open and having amplified music or amplified sound I would really rather it be just amplified sound altogether immediately adjacent to the site which would really be intolerable. We really felt that this will not park their own uses on site; this is neighborhood services, so they are meeting their parking requirements but if they put in restaurants in that it is not going to park on site. It is going to create the additional demand for parking in our neighborhood, and we were built as a community that uses our on-street parking and our street is very narrow; it is only a one-way street.

Mr. Driggs said I asked about the amplified music.

Mr. Warshauer said yes there is amplified sound already all the way through and that was why we have been working so hard on that; we really felt we couldn't abide by both the additional parking and the amplified sounds.

Mr. Egleston said immediately across Landis Avenue there is a live music club.

Mr. Driggs said right, that is what I'm getting at but the point is if we put a lot of residences at this location we are setting us a challenge. It is essentially not our problem but then it could become or problem, or it become a source of controversy between the establishments that are there and the new residents when the time comes.

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

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**ITEM NO. 22: HEARING ON PETITION NO. 2018-133 BY CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.28 ACRES LOCATED AT THE INTERSECTION OF PROVIDENCE ROAD WEST AND BALLANCROFT PARKWAY, WEST OF JOHNSTON ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said just to go over some of the background of this site; we've got the general context of where this site is located, Providence Road West and Johnston Road. We are proposed to go to a neighborhood services district for the construction of a police station. The adopted future land use plan for this property does recommend residential uses, so the request we have in front of us is inconsistent with the land use plan; however, when we look at the request for the particular institutional use as most land use plans don't envision where institutional uses and uses of this type for community needs will be located. So, as we look at these requests most institutional uses for these types of things will be generally consistent with your plans as you can find because they don't envision where they may be needed based on future growth. So, in this case we do have an inconsistency with the plan but staff does support it based on the use itself and what the use is bringing to the community, which is a new police station. It will be about 22,500 square foot building with police station uses in there. It has about a 56-foot wide strip reserved for possible future connections along the south side, so we can provide some connectivity with some future development as this parcel gets further developed. We do have some things that address some of the lighting and other concerns that may come as a result of this use for some surrounding uses. So, a lot of those have been addressed through the site plan process. Staff does recommend approval even though it is inconsistent again but with the institutional nature of this use and the benefit to the community we do support this request.

**Jason Dolan, 610 East Morehead Street** said I am with the Timmons Group here in Charlotte, and I can answer any questions you might have. Mr. Pettine went over the project well, so if there any questions I can answer them.

**Councilmember Driggs** said I just wanted to say it is really exciting to see a new police station coming to south Charlotte so that our officers can move out of the shack they've been in there and would note that this site is actually seven acres so a little four acres is being used for this. The City will own the other acres and they will become part of our land use portfolio process. I haven't heard any objections from the community.

**Councilmember Egleston** said you are saying this will be in our portfolio of useable land, but it is kind of interesting when we are rezoning something for ourselves. Are we

committing to reserving the back part of the lot as tree save, or is it tree save until we potentially need it for some other use?

Mr. Driggs said we are rezoning four acres; the City bought seven acres so there is three acres that is not the subject of this rezoning that will become part of our portfolio.

Mr. Egleston said so this tree save is part of the four acres?

Mr. Driggs said it is part of this petition, yes.

Mr. Egleston said so, it is dedicated in perpetuity and the other acres are not even being shown here.

Mr. Driggs said correct, just informational on my part.

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously, to close the public hearing.
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**ITEM NO. 23: HEARING ON PETITION NO. 2018-134 BY HHHUNT FOR A CHANGE IN ZONING FOR APPROXIMATELY 20.03 ACRES LOCATED AT THE INTERSECTION OF OLD STATESVILLE ROAD AND INDEPENDENCE HILL ROAD, SOUTH OF I-485 FROM 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 case is located off of Old Statesville Road; we are looking at approximately 20-acres going to a UR-2(CD) zoning district for the development of 335 multi-family units that will average out at a density of about 16.7 units per acre. This petition is consistent with the North Lake Area Plan and actually did recommend dense development in this area based on some potential transit improvements. Those transit improvements were for the Red Line Commuter Rail, which that alignment is being restudied at this time. Although, that study is currently underway and ongoing the land use plan recommendations we still feel merits moving forward with this petition. As far as staff support goes, we also feel it could provide a little bit of transition from some of that multifamily with some of the other land uses in that area. There is multi-family zoning across the road between Independence Hill Road and Arthur Davis Road you do have multifamily zoning, so it wouldn't be a far reach from looking at this at about the same dwelling units per acre. I think it is up to about 17-units per acre across the road so we have some consistency between those uses there. Again, staff does support this recommendation, and it is consistent with the area plan.

**Keith MacVean, 100 North Tryon Street** said I am assisting HHHunt with this rezoning petition. With me tonight is Elam Hall with HHHunt as well as Daniel Ratkins with Bohler Engineering and Sy Davis, who is part of the ownership group of the existing site. I want to thank the staff for their assistance with this petition. As Mr. Pettine mentioned, right at 20-acres zoned R-4, currently vacant. HHHunt is a company that has been in business for 50-years, developed multi-family senior housing communities and also does some single-family development, develops and holds residential communities like this one that is being proposed. Currently have over 8,600 multifamily units under construction or in its portfolio, including 23 senior living communities, one which is located here in Charlotte at [inaudible]. As Mr. Pettine mentioned, the site is consistent with the North Lake Area Plan which recommends residential. Some changes undergoing in terms of alignment and future mode of transportation for the Red Line, but still this makes a good transition between the industrial and commercial uses on the west side of Old Statesville Road and the residential uses found on Independence Hill Road and as you go further towards Prosperity Church Road area on Eastfield Road.

The site plan does propose up to 335 residential units; access is both from Old Statesville Road and Independence Hill Road. We have worked with C-DOT as well as NC-DOT to make improvement to Old Statesville Road; left turn lane here as well as a left turn lane from Old Statesville Road to Independence Hill Road. There will be improvements along Independence Hill Road as well, widened lanes, curb, gutter, sidewalks, etc. There is a new public street network system within this site. That is a new public street here for future access to this area and a public street here and again, we have coordinated these improvements with the state's TIP project for Old Statesville Road. I will note this site plan is slightly different than the one Mr. Pettine had in his presentation. We have modified the building layout of this internal building to get better circulation around the building, better fire access to the building and to better integrate the club house and amenity area into the building design.

**Councilmember Phipps** said there seems to be quite a few comments about the availability of water system access, and it looks as if the developer is willing to make those improvements and donate those facilities to Charlotte Water. Did I read that correctly?

Mr. MacVean said yes sir you did.

Mr. Phipps said also under outstanding issues on environment; that first bullet there talks about the Post Construction Storm Water Ordinance and I'm wondering would this be impacted by one of our State Legislative Agendas dealing with changes to the Post Construction Control Ordinance in any way?

Mr. Pettine said I will have to do some follow-up on and get a better understanding of how that new legislation may impact the language that has been proposed. I will provide you some background information.

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

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**ITEM NO. 24: HEARING ON PETITION ON. 2018-135 BY WOODLAWN STATION HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.49 ACRES LOCATED ON THE WEST SIDE OF OLD PINEVILLE ROAD, NORTH OF SPRINGBROOK ROAD, AND SOUTH OF WOODLAWN ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-R(O) (TRANSIT ORIENTED DEVELOPMENT, RESIDENTIAL OPTIONAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**Kent Main, Planning** said this particular site is on Old Pineville Road, and it is just below Woodlawn Road. This is the strip shopping center with the Home Depot that backs up to the station, and it is actually a very long narrow site currently zoned I-2 industrial. It has a residential type structure that has been used for office and some warehousing and a little warehousing in the back currently. It is proposed for 39 townhouse style dwelling units. It is immediately adjacent to the Woodlawn Station Park and Ride lot, which you can see on this aerial and the Woodlawn Station is right there, so it is well located for its proposed purpose. The adopted future land use in the Woodlawn Transit Station Area Plan calls for TOD employment. Our expectation was at the time that this particular area would probably be more usable for employment uses than residential, but the current proposal is for residential use. The existing zoning is industrial; you can see the TOD on the site directly above that, and around there is primarily industrial. This was a TOD-M that we did just a month or two ago that is off of Woodlawn Road. The proposal again is for a minimum of 39 dwelling units, and that has to do as minimum because the requirement in TOD is a minimum when you are within a quarter mile of 20-units per acre, and that is what this takes to make that work. It is kind of hard to do with townhouse on occasions. It is set up with a driveway that comes off of Old Pineville Road and goes



down the center with units that would be built on either side. It is split by a piece of open space through the middle. Part of the negotiations that we've had is that we show a future road to the rear of this site and there is reservation for that. It would be used for a turn-around in the interim until such time as other properties come in to make that street possible. They have also provided for frontage along the edge of the TOD, the transit station Park and Ride lot for a future street that may be put in that location as well. There are architectural standards provided for it.

There is one optional request, and that is for minor encroachment into the setback along the street frontage that allows on upper floors for them to extend out for a couple of feet and also several feet for other things like roof projections and such as that. Staff does recommend approval upon resolution of some technical revisions in particular they are asking for up to 10,000 square feet of possible retail space that they could put on the front. We have asked them to adjust their square footage if that comes to pass, and that would certainly be part of a TOD proposal also. It is consistent with the overall vision of the plan; it is slightly inconsistent with the recommendation for an employment focus. As far as rational, it is certainly going to provide all of the kinds of walkable mixed use very close to the station that we are in favor of but the approval of this plan will cause a slight change in the area plan as far as the employment versus the residential focus of this particular site.

**John Carmichael, 101 North Tryon Street** said I am here on behalf of the petitioner and Jason McArthur is with me tonight. Mr. Main did a good job of going through the proposal. The site is a little under 1.5 acres located on the west side of Old Pineville Road between Springbrook Road to the south and East Woodlawn Road to the north. It is essentially across the street in a cattycorner fashion from the transit station and then the City's parking lot for the station is just to the north. This is an aerial that shows the City's parking lot, and the transit station and this is a view up the street looking north on Old Pineville Road. This is an existing driveway into the site; the transit station is here and then that is the parking lot for the transit station, so it is a very easy walk to the transit station for any residents of this proposed community.

The existing zoning is industrial; you've got TOD-M to the north. The proposal is to rezone the site to TOD-R(O), and the purpose of the rezoning request is to accommodate a minimum of 30-dwelling units and then the option to develop up to 10,000 square feet of commercial space along the sites frontage on Old Pineville Road, so if the commercial is not developed then the number of dwelling units would likely be 39 or 40. If the commercial were developed then the number of dwelling units would go down, because you would have to park it and also find space for the building.

This the site plan; you have access from Old Pineville Road. There would be an internal private street. This site plan is looking, north is here, south is here; it is turned a little differently than what you saw on the aerial photograph, but this is north. This is south; this is the City's parking lot. The transit station is here; Old Pineville Road is at the bottom of the page. You would access the site from Old Pineville Road. Once again, an internal private street that would terminate in hammerhead; the petitioner would reserve for future right-of-way about a 42-foot wide portion of the site for a future street that is part of the City's plans. The petitioner would dedicate the right-of-way at no cost to the City upon the request of the City. Likewise, they set up the site to accommodate a potential east/west public street along the site's northern boundary line and they are reserving right-of-way for the planting strip and the sidewalk and would dedicate upon the request of the City when the City is ready to do those improvements. We think it is a good location for the use. We did have a community meeting and only two individuals attended, and those individuals were happy to see something happen along this corridor, and the petition is hoping this will spur a development along that corridor, bring more residential services and employment and that sort of thing.

**Councilmember Mayfield** said even though I'm thankful through the negotiations, the petitioner has agreed to create an access road. The question I have is, we built a parking lot for transit; we didn't add a road, so please explain to me why we would ask for a

developer who comes in after us to provide something that we didn't provide when we built in the lot adjacent to it?

Mr. Main said this is built as a surface parking lot now; we have always from the beginning of the TOD evolution expected that at some point this will be redeveloped for some kind of more intense development and when that happens we will need to be putting in road just as everyone else will be needing to put in roads that meet our subdivision standards and our expectations. There is actually a road dotted in on the plan that would go across this area, so until redevelopment of that parking lot takes place, it is what it is. When the redevelopment takes place; this is a very sizeable piece of property, and there would be an expectation that some kind of road network would be included as part of any redevelopment of that site, and it would likely be done with structured parking that would replace and continue to provide for parking for the station. Does that make sense?

Ms. Mayfield said not really for me for the simple fact that again, we made an investment and what I'm hearing another investment was approved and identified many years ago, different Council. What I'm hearing is we have identified new opportunities today, and I still have the same question of which I'm going to assume that that is a bigger question for a later date, but I do want to share that I have concerns that we have requested for a petitioner to do something that we did not do when we made the investment so to say we made this investment, but we are looking at what the future of our investment can be so based on that future we are going to have development that comes around us to provide for an infrastructure investment when we have not created it ourselves should be a challenge. Thankfully, the petitioner did agree to this and for my colleagues, if you haven't had a chance to talk to the petitioner, what I do want to thank the petitioners for when you drive into the site, you are going to have the development on either side of you so you will go in and see activity on both sides and then go down and come around. I do want us to think about moving forward when we are talking about City owned land and any investment that we made and then development that is coming around it how realistically are we expecting for the development community to contribute to an investment whether that investment is road accessibility or not when we haven't done that when we are the ones through our Planning Department potentially creating the design of what the area will look like.

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

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**ITEM NO. 25: HEARING ON PETITION NO. 2018-139 BY DAVIDLAND, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.44 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD, SOUTH OF I-485 AND EAST OF I-77 FROM B-D(CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL) TO I-1 (LIGHT INDUSTRIAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**Kent Main, Planning** said this is on Statesville Road; it is off the spaghetti loop that is I-77 and I-485. Here is Statesville Road and it is fairly undeveloped, rural kind of road at present, not too far south of here is another major intersection that does have a little bit of development but as you go through here it is pretty undeveloped. The adopted future land use is from the North Lake Area Plan, and it calls for retail uses as a result of a prior zoning petition in 2008, which rezoned this site from industrial to a use for a hotel which did not happen. Now, they are coming back and the plan was revised to call for retail but before that it called for industrial uses. You will see along Statesville Road an industrial warehouse distribution site off of Twin Lakes Parkway, so that is not inconsistent with what is there today or what the plan recommended before the hotel that didn't happen.

This is proposed for I-1 light industrial use as of right, conventional zoning for any use in the I-1 district. Staff does recommend approval of this petition; it is inconsistent with the plan but only because of that prior rezoning. The hotel was never built, and it is at a

location where those freeways intersect and surrounded by industrial property. It will revise the plan to go back to industrial.

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

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**ITEM NO. 26: HEARING ON PETITION NO. 2018-140 BY PROFILE MANAGEMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 11.87 ACRES LOCATED ON THE NORTH SIDE OF RIDGE ROAD, WEST OF I-85 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**Kent Main, Planning** said this is 11.87 acres right at an interchange location. Here is I-485 as it loops down around the City; the Prosperity area is just a few miles up to the left as well. Here is Ridge Road coming along where it crosses I-485. This is an area of essential undeveloped land; it is a number of different parcels primarily vacant or occupied by single family older large lot homes. You can see that it is pretty much in the middle of other vacant land in similar circumstances.

The adopted future land use is the Northeast Area Plan, which recommends residential up to eight units per acre at this particular location. There is institutional, office, retail behind it, but the area right along the street there is all that kind of use. The site plan calls for 93 townhome style units, and it is right at that eight units per acre density as prescribed. There is a road that goes straight in and stubs out for future connections; there is a cross street here that is also setting up the future road pattern that would parallel Ridge Road as other properties are developed. There is some amenity area there; there are also buffers along what is for now still residentially zoned land. Staff does recommend approval of this upon resolution of a few outstanding issues in specific there are still some issues to deal with on-site distances in one location and a clarification of things like number of units. It is consistent with the Northeast Area Plan in terms of density and use and it is setting up that form that would be expected for other parcels on either side of it into the future.

**Bridget Grant, 100 North Tryon Street** said I am a land use consultant with Moore and Van Allen, and I'm here tonight with Tom Small with Profile. Staff did an excellent job on the presentation, and so we are here to answer any questions if you have them.

**Councilmember Phipps** said I understand this to be for sale product.

Ms. Grant said that is correct.

Mr. Phipps said would you characterize this as being an entry-level project for potential homeowners?

**Tom Small, Profile** said I think in the market place will this be entry level, yes.

Mr. Phipps said I would want to more or less congratulate the petitioner for bringing an entry-level product in to the market inasmuch as this corridor has a plethora of multifamily for rent projects in the corridor, so I'm just glad to see that we have some variety in housing options for people to choose from other than multi-family rental. The second questions I have is will this be a phased project?

Mr. Small said it blends itself to a phased project with the other street that crosses, so you could go from Ridge Road into that first cross street there.

Ms. Grant said we have a street that is running across that tapers south and then one is tapering north/south, so it is actually an east left connection, so there is opportunity for us

to phase between Ridge Road and that street in the first phase and then build the second phase beyond that.

Mr. Phipps said okay, my concern was I wanted to avoid a lot of spec owner occupied construction out there. That is good to know.

Mr. Small said we don't either.

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

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**ITEM NO. 27: HEARING ON PETITION NO. 2018-141 BY BROADSTREET HOMES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.90 ACRES LOCATED ON THE WEST SIDE OF HARRISBURG ROAD, NORTH OF CAMP STEWART ROAD, WEST OF MECKLENBURG SHRINE CLUB ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-4 (SINGLE FAMILY RESIDENTIAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this request is for about 17.9 acres located on Harrisburg Road, looking to go from an R-3 conventional to an R-4 conventional zoning district for the development of single family residential homes. The plan is consistent with the Rocky River Road Area Plan, which recommends residential uses up to four dwelling units per acre, so we do fall right in line with the recommended land use for this area.

Staff does recommend approval of this petition; it is consistent. The proposed R-4 zoning district does implement the land use plan, and the proposed zoning will maintain that low to moderate density residential character of the area. Much of the area is still surrounded by residential up to four units per acre, and this will maintain that general consistency with land use development patterns out there along Harrisburg Road. It is a fairly straight forward zoning request in front of you on this one, and I'll be happy to answer any questions that you may have.

**Sara Shirley, 8008 Corporate Center Drive** said I am the agent representing Broadstreet Homes for this project. I work with American Engineering, who is the Engineer of record for the project. I don't have a presentation; I'm here just to answer any questions if anybody has any.

**Kathy Wasner, 8200 Teeter Drive** said in the interest of time, I'm going to try to speak for Mike and myself. This is my first time, so cut me some slack. I would ask that the City Council and Zoning Committee consider the additional traffic burden changing from R-3 to R-4 will do. Harrisburg Road is already congested, and I realize that going to R-4 is only going to add approximately 18 houses, but if you consider usually there are two cars per home and that is 36 additional cars that is going to be coming out on Harrisburg Road. When you try to exit from Teeter Drive during peak traffic, it is five to six minutes if you don't want to pull out in front of somebody. It can be longer; the wait can be long enough to make you go from a perfectly great day to a perfectly bad day.

One thing that is not shown on this map is right across the road, I think that is institutional and that is actually a church. Behind that church they are building a church school and they already have the manufactured classrooms there, but it is not open. So, when that traffic starts feeding out directly in front of this subdivision, that is going to make it even harder to get out on Harrisburg Road. The speed limit is 45 mph, and I think most people take it as a suggested speed limit, because on my right which would be Camp Stewart Road there is a red light. When that light is going those cars are flying so for my safety and the other people that live on Teeter Drive, we would ask that you not increase it to R-4.



**Jillian Pope, 8204 Hornwood Court** said I didn't intend to speak at first but I have to agree with Ms. Wasner that the traffic is one concern, but my boyfriend bought his house four-years ago, and I live with him and it backs right up to the back edge of his property. He is right at the end of Hornwood Court, so we were concerned as well as the neighbor next door to him who works third shift that because of the slope of those properties goes up you are going to have people that are able to if their houses butting right back up to them, we are going to have to go back and put curtains back up in the back yard. The deer life is going to go away. It is kind of like a little setting in the country; it is really peaceful and then there is the only one grocery store. There is one fast food restaurant right here too; where is everybody else going to go? We would like to see a little more about what the actual proposed development that is going in here and how many people are we actually talking about. A little more attention to detail would have been helpful with this; that was the main reason for coming tonight anyway to try to get more information.

In rebuttal Ms. Shirley said before tonight we were unaware of any opposition in terms of this project. If there is anything we can help to alleviate concerns we will certainly be able to address those. In terms of traffic impact analysis, one is not required as part of our project; staff can agree with that or not. I guess to address the mainly the concerns about being adjacent to the roads that are behind our property, as part of any development in the City of Charlotte we've got to meet tree save standards, so as part of this project, we would have to save up to 10% or 25% existing trees on the property in order to develop the site under any current or proposed zoning.

**Councilmember Egleston** said for the young lady that spoke last, sorry I didn't catch your name, but I can appreciate your dilemma; I'm dealing with the same thing. You get accustomed to living in a certain set of circumstances, and we actually did just add blinds to some of our windows, because we weren't accustomed to having anyone that would be able to see them, because we had trees there. But, as was the case for me and as is the case here there is an entitlement that in this case without any rezoning the property owner could build 53 houses on this lot and so we have to weigh what they are currently allowed to do versus what they are asking to do, which is 71 houses in this case, which is an immaterial difference, but it is hard to have gone from what looks like a very rural setting to even the 53 house I imagine would still require curtains and probably still be displacing some of the wildlife that we all enjoy about the parts of Charlotte.

Again, I want to make sure it is being framed in everybody's mind in terms of what is already allowed there, not what is currently there. The other thing is and this being a conventional rezoning we don't have the ability to drill into the details of exactly what how this might be laid out. They are just saying we believe this use is appropriate and it is up to us to determine if it is. They are not presenting a specific site plan of us or anyone else to analyze and that is one of the limitations of a conventional rezoning. So, if we are not asking some of the specific questions you've heard us asking in other ones that is why because of the limitations of a conventional rezoning; it is kind of an up or down vote on is R-4 appropriate here, which the plan as staff has presented would indicate that it is. I just want to make sure all of that was out on the table as we are discussing this.

**Councilmember Newton** said thank you all for being here and for taking the time to let us know how you feel. Actually, I live in Cambridge, so I think you and I Ms. Pope live in the same community, and I get it. We live in an area that is quiet that is serene that is experiencing a lot of development. Over off of Bedford Green there is a connector to a new development right there [inaudible] Village, and so we know we are going to experience more traffic regardless, more development, there is one by right going in down at Robinson Church Road and Harrisburg Road, so I fully understand.

To build on Mr. Egleston's point the challenge we face is that even by right the developer could come in and build at an R-3 density. So, the powers that be in their infinite wisdom back about 10-years ago decided that this could accommodate R-4. I have some questions, if the petitioner is comfortable answering these. I did have some questions getting to some of the density because I think some of the concern here pertains to the

unknown. So, due to the fact that this is a conventional rezoning, not requiring a community meeting, not requiring a site plan I think this has caused some of that confusion and concern. If you would be willing to comment, if you even know, comment on your intentions for units. Simply because we go up to allowing 71 units, is that your intention to go that high?

**Terrie Hagler-Gray, Senior Assistant City Attorney** said Mr. Newton, you can't ask specific questions about the site.

Mr. Newton said alright so, the petitioner is not free to volunteer any information either?

Ms. Hagler-Gray said no sir.

Mr. Newton said I did try, so I will say this, the challenges we face I think are a bi-product of the conventional rezoning here, and I don't think this is all that uncommon for a community to be a little concerned even in a slight uptick in density. I think you are willing to work with the community moving forward. You seemed to have been forthcoming in that regard here tonight, so I really appreciate that, and I think maybe we can come to some consensus here before it comes back for a final vote.

Ms. Shirley said we would be happy to answer any questions in the future whether it comes from Council of neighbors.

**Councilmember Driggs** said I know it is hard to see a change like this happen; the difficulty for us as has been mentioned is the R-3 to R-4 is a relatively small increment as these things go. The only thing I would like to point out and have pointed out is we have a congestion situation, and we run the risk of just ignoring it and not caring. I would be interested to know if C-DOT has any ideas about for one it is conventional rezoning, so I assume there are no traffic improvements or other things associated with it, and what are our thoughts about the point that is being made about traffic on the road?

**Felix Obregon, Transportation** said Harrisburg Road is a state maintained road. With this development, we would require a left turn into their access which would fall in line with what NC-DOT would require as well. So, the future traffic would be mitigated by improvements that would be required of the development.

Mr. Driggs said which would be required only at the time of construction; is that the idea? So, you would just tell them when time comes and you do something there that has to include the lane?

Mr. Obregon said correct, whenever they come in for construction then they would be required to provide road improvements.

Mr. Driggs said is it your opinion that adding 800 trips per day does not create an unacceptable situation on Harrisburg Road?

Mr. Obregon said that is correct.

**Councilmember Ajmera** said I was listening to comments that were made by the Wasner Family when I was in the back room, and I understand some of the concerns that were made. I don't live too far from this site, and what I struggle with it is sad this is conventional rezoning, so it is very difficult, and there is so much uncertainty. As I said, it is just very difficult for us to approve something, especially for me, with not knowing the site plan.

**Councilmember Phipps** said I have a question for staff; is it my understanding that years ago that Charlotte established its base density to be R-4?

Mr. Pettine would be a question I would have to look over to some of my colleagues that have been with the City a little bit longer. That would be a yes.

Mr. Phipps said I worked on this Rocky River Road Plan, when I was on the Planning Commission, and going from R-3 to R-4 the new base density for the City is something that was agreed on years ago as the new base density for the City, so I wonder why we are still talking about it.

Mr. Newton said one of the major public safety hazards we face in this area of town is the lack of sidewalks on Harrisburg Road, so I think it is also important noting that this development. As I read through our transportation considerations and notes, you see that C-DOT has noted a lack of curb, gutter and sidewalks, and it is also made in the notation that there will be an upgrade in streetscape improvements. I'm assuming this is pursuant to our sidewalk ordinance; could you maybe comment on that?

Mr. Obregon said the subdivision ordinance requires sidewalk along the frontage along Harrisburg Road and then based on the development they would be required to provide curb, gutter and sidewalk within the development itself.

Mr. Newton said so maybe addressing some of that public safety concern that we have on the Harrisburg Road Corridor inasmuch as we don't have sidewalks, this development would be required to put it in.

Mr. Obregon said correct.

Mayor Pro Tem Eiselt said how much sidewalk has to be put and where? Does it really do anything, because there is no other sidewalk.

Mr. Obregon said it would be along their entire frontage along Harrisburg Road and also on any new public streets within the site.

Mayor Pro Tem Eiselt said I have always struggled with these conditional rezoning; it is just sort of like closing your eyes and throwing a dart, and you don't really know what you are going to end up with, but it is what it is.

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

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**ITEM NO. 28: HEARING ON PETITION NO. 2018-144 BY PORTMAN HOLDINGS FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.21 ACRES LOCATED ON THE EAST SIDE OF HAWKINS STREET, SOUTH OF WEST TREMONT AVENUE FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL).**

**Kent Main, Planning** said this is right in the center of activity, and it is 2.2 acres currently zoned MUDD-O. It is a single-story architect's office and other commercial uses at present. Just to the north is the Ashton, which is about 10-story residential building. Just to the south is Sycamore Brewery and right across the rail line is the Atherton Mill development, so it is in the middle of things. It is proposed for a new building that would be 275-feet in height and that does exceed the traditional TOD height limit, which is at 120-feet, and that would be one of the optional provisions for this particular site. The adopted future land use; it is in the South End area and within the South End Vision Plan and the South End Transit Station Area Plan, both of which recommend TOD uses at this particular location. Again, it allows all uses in the TOD-M District and is specified to have two uses so maybe retail, maybe office, maybe residential, but at least two of those uses so it will have mixed use. It does provide for an extension of the multi-use path from 12-feet to 16-feet within the limits of this particular site, and there will be transportation improvements provided as well. There are architectural standards as to building length and facades and buildings having active uses along the edges. Again, the optional use is

for the height extension. It is an extensive distance, I think 1,043-feet away from the nearest single-family neighborhood, so the height will not be objectional from that point of view.

This provides a massing diagram of how the building might rise with active uses at the ground level and extending up from there. Staff does recommend approval of this upon resolution of some outstanding issues, specifically there are some provisions that have to do with providing open space, and we need to clarify that a little bit, tree spacing a few things of that nature. It is consistent with the plan; it is within a quarter mile walk of the East/west Transit Station, and it is a particular location where the height is appropriate in terms of the density of the neighborhood around there and the activities going on.

**Keith MacVean, 100 North Tryon Street** said I am with Moore and Van Allen; Jeff Brown of our firm and I are assisting Portman Holdings with this rezoning petition. With me tonight is Harry Jay, as well as John Golden with Gensler Architects, and Justin Houston with Kimley Horne and Associates, as well as Frank Cotrochy with [inaudible]; they are all part of the design development team for the site.

I want to thank Mr. Main and the staff for their assistance on this petition. They have helped us develop a plan that both integrates and uses the design standards of the new TOD districts, also a plan that is consistent with the South End Vision Plan, as well as the South End Station Area Plan. We will be addressing the remaining outstanding issues that are listed in the staff analysis for the site. We believe we can respond to those as requested, and we will be submitting the revised plan before the Zoning Committee meeting.

Portman Holdings is a vertically integrated real estate development company; has been in existence for over 60-years. Portman was founded in 1953 and has been successful in delivering distinctive urban retail real estate developments, has developed over 65 million square feet of office, hotel trademark and residential mixed use developments throughout three continents.

This proposed site plan continues the recent success in the South End area of bringing to South End attractive office space of the recent approval of the Spectrum mixed use building, the Beacon Partners Development that is almost finished and Dimensional Funds Building being examples of that next evolution in the South End area of mixed use, office based developments. The development of this site is also to be an office based development with ground floor retail active uses. The plan pays close attention to the South End Vision Plan by growth by design, again high quality architecture utilizing the new design standards of the new district, which are implemented on this conditional plan as design standards, expanding the mix by bringing more day time population to the area, also celebrating public spaces as Kent mention the area between the proposed building and the light rail line is being set aside as open space area for the building and the tenants and also for both the residents and other users of the South End area and the light rail line.

These are some precedent images of that that retail space might look like and how it might be developed. This is some precedent imagery of the internal area of the building, the ground floor area which is devoted to active uses, retail, restaurants. Obviously, we do have to have an office lobby, but the idea is to create a destination active uses on the ground floor that both enrich the environment on the light rail line as well as Hawkins Street. This site we really feel has two building fronts, the primary front really addressing the light rail line with a large setback and then also the building addressing Hawkins Street where other existing development occurs.

Again, a large amount of open space here, open space here and on the perimeter of the site. This is a more detailed footprint that gives you a little bit more detail as to how the planning for the site evolving the footprint for the site, again a lot of open space areas. The thought is try to allow food trucks to be part of the open space use at the rear of the site, allowing them to again bring special activities to the site during times when that would make sense.



Here is a view of the building as you see it from the light rail line; the improved transit corridor Rail Trail as well as the improved open space so the building as you saw in the earlier slides, this building is designed to have multi-levels so it is not one flat building and I think in Kent's slides you saw where these step-ups in the building are proposed and then the taller building to the far right.

This building is the first large, mixed-use building with direct frontage on the Blue Line corridor. The other buildings I showed you, the Spectrum, the Rail Yard, Dimensional Fund Advisory is very close within a quarter mile of the transit station as is this building, but this building has an additional factor that it is actually on the rail line, on the Rail Trail and then it sets a new tone for development in the Rail Trail. If you will notice other developments that have occurred along the Rail Trail since the adoption of the South End Area Plan in 2005, have brought the buildings very close to the Rail Trail and have addressed it, but this addresses it in a different fashion, enlivening that area, creating an improved open space that addresses the Rail Trail and creates an amenity and a destination along the Rail Trail itself.

I do want to mention one item that we will be adding to the site plan as an optional provision. As the development of the site has occurred and the internal workings of the site has occurred, we will be adding an optional provision to allow on a limited basis some trucks to maneuver on Hawkins Street into the loading dock. We discussed that briefly with C-DOT. The new TOD regulations actually would not even require an optional provision to allow that maneuvering into the street for a loading dock. This building does have the required number of loading docks, and the right size of the loading docks per the current ordinance, but there is an anticipation there may be an occasional large vehicle that may need to maneuver on Hawkins Street, so that is the second optional provision in addition to the option provision for height.

I would mention that the new TOD ordinance would support buildings of this height without by right; it would not require a rezoning. The new TOD regulations for the urban commercial district will allow buildings up to a height of 300-feet; we are under that. I also would mention that we were contacted by the owner of the Ashton Apartments, which Kent mentioned, which is directly to the north of this site. We were contacted by Mr. Henderson, and I think he has signed up to speak against the petition, and you will hear from him shortly. They contacted us last week on Thursday, had some concerns about the development of the site and how it might impact the pool deck on the existing Ashton Apartments. The Ashton Apartments are owned by MetLife Real Estate Investors, and we have met with them and also have discussed this development with Mr. Henderson, both on Friday and representatives of Portman met with MetLife Real Estate Investors earlier today.

One of the things Portman did when we heard about the concern about the pool deck is they ask Gensler Architects to create shadow studies of the proposed building and how would that or would it even affect the pool deck that is located on the roof of the Ashton. As Kent mentioned, the Ashton is about a 10-story building; the actual pool deck is located at the very top of the roof. This is a study in the summer on June 21st; it is hard to see the shadows here, but it is the darker areas you will see on the building. At 10:00 in the morning, 12:00 noon when the sun is directly above, and even at 2:00 there is no impact to the pool area itself from this building in terms of casting shadows. In the spring, we also did another shadow study and again there are no shadows from this building that affect the pool deck. I would point out that the Ashton is designed so that between the residential component of the Ashton and our building is their five-story parking deck that is part of the building. So, our actual building property line to the residential component of the Ashton varies between 210-feet to 180-feet from property line to the actual building and ultimately, we did do a study also in December, again not a time when we would expect to see a lot of activity on the pool deck. The days are shorter and it gets dark by 5:00 when we are supposed to be at work, but even then the only time you saw some effect on the pool deck was at 2:00 p.m. four days before Christmas and just a very small impact to the pool deck itself from the building in the late afternoon in late winter. We are committed to continue to work with the MetLife Real Estate Investors to see if there is

anything else we could do to address their concerns. The Ashton building was built in 2008; that was three years after the development of the South End Station Area Plan and the adoption of TOD ordinances. It was really one of the first higher density developments to take advantage of the TOD regulations in effect at the time. We are now 11-years later, the City is in the process of rewriting the Transit Oriented Districts and involving the transit oriented development pattern in South End and other parts of the City to take advantage of the success of the light rail. This building looks to do the same thing, take advantage of the fact that employers now want to be on the rail line, not just residential higher density folks but daytime employment that will boost the growing retail market as well.

**Robert Henderson, 831 East Morehead Street** said I am with the law firm, Henderson, Nystrom, Fletcher and Tidings here in Charlotte. I represent MetLife, the owner, builder and operator of the Ashton. Some quick perspective I guess, sitting here tonight it is hard to remember that 10-years ago we were all sitting around somewhat wide eyed, because the cranes had all comedown, and if you remember as I do this building, the Ashton went forward and was built in the darkest days post 2008 and was a remarkable story and went on to be a very successful luxury apartment. It houses today many of Charlotte's celebrities and professional athletes, and it is an extraordinary site. Certainly, as Keith would indicate, one of the great successes along the rail line, and while I think it is certainly true that development is all about leveraging on your past success and to that extent taking advantage of it. We also don't want to literally take advantage of those who came before in ways that are unfairly detrimental to their project, and in this case MetLife is quite fearful that this proposed project for all of its many attributes and for all of the hard work they have done with staff will have a serious detrimental effect on its existing operations and that the loss of privacy on its deck, which I will tell you, it is much more than just a pool deck, it is certainly is a pool deck, but it is a multi-season deck. The loss of privacy there is a real concern and one that I hope you will take to heart. When they put this building up they built it to the standards of TOD which are the standards today and yet as I stand here before you what you've heard is well this is consistent with plans for the area and yet we are talking about a building 275-feet in height against a standard of 130-feet. In my estimation when you make a change of that scale it is not a hotdog anymore; it is a whole other thing. Now, I suggest to you this needs to be thought about in a whole other way.

In addition to the concerns with the sun and we appreciate the work on that and we remain to be convinced and the concerns with privacy, there are also some real concerns about the effect of wind being directed onto this deck and onto the Ashton because of the immediacy. I think it is fair to say no-one knows right now what that exact effect will be, but it is a critical one to my folks. Some of the other concerns they have are the elevated parking decks potentially immediately adjacent to residences. We need to be satisfied that that isn't going to have a negative effect, and they are presently not satisfied.

The point I'm going to make there is probably no-one here who isn't familiar with this area. It is one of the more remarkable points along the light rail line in that so many things come together at one place. In the span of just a few hundred feet, you have South Boulevard and the Rail Line and the Rail Trail Line and Camden and Tremont, and it just goes on and on so it is a very tight area. Our fear is that if this isn't reviewed very carefully and in a way that recognizes just how complex this area is you may take what is now a gem, what everyone acknowledges to be an extraordinary area and kill the golden goose. What we say is this requires further and close study.

I also want to I think take a little exception of the staff comments and in their pre-hearing staff analysis which was slight different from what they put up today, but in that they said the optional request to construct a 275-foot building will allow a building that is 155 feet higher than what is allowed by ordinance standards. A 155-feet however, the site is separated from single-family neighborhoods by some distance and will not have a negative effect on established neighborhoods. Well, I will contend to you that the Ashton is the neighborhood; they are apartments, but these people exists and the effect of this project on that neighborhood has been I think completely disregarded because perhaps it is not a single-family area. When you are granting optional rights, which are far beyond

what TOD now contemplates I think it is something these folks deserve a look; they deserve the same protections as anyone else.

Lastly, I think we are perhaps a little too cavalier about what is permitted as optional under this ordinance and here is what I mean by that. It is almost as though it is a zoning variance in that there is a very specific standard given for when you get optional and it is not just because you think it is a good idea and here is what the standard is. It says where regulations do not address or did not foresee or due to the specific requirements of the regulations and their application to a specific proposal create an undesirable or unintended outcome. Well, I submit to you that if you look at that standard and apply it to this particular project, desirable as it might be, it really can't meet that standard. There is nothing unintended here; all we have here is a project that is twice the size of the building that my client built only 10-years ago to great success and which now threatens, despite all this great design to undermine the very strength of that development.

So, Mr. MacVean and his folks have been quite courteous as you know they would be in our conversations. We look forward to continued conversations, but I hope you will in your deliberations ask these hard questions, because there is a real consequence here to my folks.

In rebuttal Mr. MacVean said we don't believe we are taking advantage; we think we are building on the success of South End. We are enhancing South End by bringing a mixed use development, a quality office building with ground floor retail, active open space areas that we think will be an amenity to the residents of the Ashton, a destination for those residents to easily walk to and take advantage of. It builds on the Atherton Mill development across the way, which is an active retail and restaurant area. The design center which also does the same thing. It builds on that, adds to the area, enhances the area, not take advantage of it. It is a taller building and the 120-foot height limit that was established in TOD looked at this area away from downtown 16 plus year ago, 2003 and felt that was the appropriate height, but as the area has evolved we've seen that taller buildings can be appropriate in this location, can be sustained by the infrastructure and do enhance the area and the City.

We've looked at the shadow studies, we don't affect them. The predominant number of units in the Ashton are oriented toward uptown; that is the view. The view to the south is not a bad view, but it is not the big view or the million-dollar view of the uptown skyline. Most of their units orient the other way; they will not be affected by this building. It is also an office building. There is no open balconies; there are no windows that open so yes, there are people that can look out the window and may occasionally see the pool deck. These are folks that are there during the day, gone at night and on weekends when the activities at the pool deck are probably the most prevalent. People come home at night and go to the pool deck, but the people in the office building have left, so we don't think we are taking advantage.

**Councilmember Egleston** said the Ashton is a phenomenal property; I had a good friend that moved in shortly after it opened, and I enjoyed spending a lot of time there. I think that when it was built the people over at Pike's Soda Shop probably felt like well, what about all the nice sun we get on our outdoor dining area, so I think there is always going to be those impacts. The Ashton was significantly taller than anything around it at the time and I'm sure Pike's lost some sun on their patio and I think some of that is inevitable. It kind of feels a little bit like closing the door behind you when you get through it. I would ask, and I'm not asking you to give us the answer right now Mr. Henderson; but I would say we got a decent sense of what your concerns are, particularly as it relates to height, but I think it is more specificity to the petitioner and then ultimately to us would be useful as to what you ask is, because I don't know that I got a sense of what your specific ask is. You said well it is tall, and there are some privacy concerns. I think specific asks around we believe that if the petitioner does A, B, and C that will largely address our concerns would be useful for us in trying to judge whether they have made a good faith effort towards those ends. Knowing what you don't like doesn't help me as much as knowing what you are asking for and what you would like and again, that is not a question for right this minute. I do think that part of the value of living in South End or working in

South End or anything that is being built along the light rail is the density that we want to continue to pursue in the mix of uses and I would just say to the petitioner it is easy and we see it frequently to put compelling pictures on slides. I hope that what is ultimately built is as compelling as some of the pictures that went up, because I do think particularly that ground level shot, I know that is not a pledge or anything that you are bound to, but I do think that was compelling looking at ground activation, and so I hope that what is built is equally impressive.

**Councilmember Driggs** said Mr. Henderson, you are speaking for the residents; were you hired by them to speak for them? Do you live there yourself? Maybe you explained this at the beginning.

Mr. Henderson said this is an apartment project; it is owned by the MetLife folks, and they have hired me to speak for them.

Mr. Driggs said alright because there seems to be some disconnect in terms of what the residents want or don't want or whether it is an amenity for them or isn't, so I would be interested to hear from residents. If we could get some sort of consensus from the residents and input from them so that we don't have to hear other people talk about what they want or don't want; that would be useful. I lived in New York, so there was no presumption of privacy, and we are kind of urbanizing here a little bit. Some of the issues of tall buildings and lines of sight, and so on. are beginning to crop up but further to the earlier question you could take 100-feet off the height of this building, and you would still have no privacy on the pool deck; is that right?

Mr. Henderson said I can't answer that question.

Mr. Driggs said if you take 100-feet of the height of the building and you still would not have assurance of privacy on the pool deck, because there would still be people at levels at or above that of the pool.

Mr. Henderson said that is potentially true. I can't answer that specifically. At the dramatically different heights, it is almost certainly a problem as you come down, certainly 100-feet it becomes less likely to be true, but it could be true.

Mr. Driggs said right, so if the privacy concern is a consideration for us we would have to take it that you would want the building not to be tall enough to give line of sight from the building to the pool deck. Is that right?

Mr. Henderson said let's be clear about this and to your Mr. Egleston, we are not closing the door behind us; we met the standard of TOD, and that is still the standard today.

Mr. Driggs said correct, but the option is not specified, so we don't have an objective context in which to interpret the option request.

Mr. Henderson said but there is the context of what your ordinance tells you is a basis for an option, and it is not just because you think it is a good idea. I suggest to you that just because it is bigger does not mean it meets the requirements of your ordinance. If I cut you off I apologize.

Mr. Driggs said okay, I get that, and I need to do a little more investigation on that one myself. If you could just somehow get some sort of consensus from residents to us to think about as we look at this that would be helpful.

Mr. Henderson said perhaps I should have clearer when I was speaking; the concern of the ownership relates to the prospective tenants because they are day today in the business of marketing the building. They think they know a lot about what tenants are interested in, and so from their perspective the people who live there now, while they are not disinterested in them. They are tenants. It is the next guy and what they believe the next guy wants in his backyard.



Mr. Driggs said right, I think the best predictor of what will want would be what the people who live there now are concerned about. The best we can do is to get some input from any apprehension that people who live there now may have at that.

Mr. Henderson said we will work on that.

**Councilmember Harlow** said Mr. Henderson, thank you for being here I do agree with you; apartment communities are communities. There are people that live there. I think for us as Council; this reminds me a little bit while they are different. They are a little bit of the Midtown Building in the Elizabeth/Cherry area that we approved some months back now; 20 plus stories in height or something like that. Very different but closer to single-family neighborhoods and how we consider transit oriented activation, urban development of our growing community activation of the investments we've made particularly light rail.

For staff we talk about the options in the TOD ordinance and height, what basis do you use to say yes, we approve this understanding that this is 150-foot difference versus 30-foot difference or something like that? Help us out with that a little bit, because while we don't see these drastic ones so often, what are you guys using on that?

Mr. Main said the 120-feet was established when we did TOD as sort of the base line; that is the basis from it, and we have had applications and we have approved applications for higher buildings. Several of them come to mind; one there was one where the silos are today. There was another one, the Simpson Lighting site right on South Boulevard that were approved for higher heights. In earlier evolutions, both of those fell apart in the recession, so we lost that and they were replaced by the five-story buildings that are there today. Some of the elements that we used at that time and have continued to use are how do these relate to uptown? How do they align with the rail line itself? So, we are interested in having the ones that are right on the rail line being the place where the activity is and not being set aside at some distance. Those kinds of proximity issues were what we looked at, at that time and still do. As we've proceeded with the South End Vision Plan we have had a lot of input saying that we need to up the ante even more so that 120-feet; we will be pushing that even further. I recall when we were first doing TOD going to look around DC, the Boylston Line, which goes through Crystal City, they were tearing down buildings bigger than we were building to build even higher buildings and that is where we are today.

Mr. Harlow said I agree with that; I share some of that sentiment. I think we continue to march down that path of urbanization and building design will inform us on some of those things and market will inform us on other things. Ms. Hagler-Gray, are there any legal implications around us approving options like this and someone coming later and saying well you did this, and this is some form; do we have anything to worry about there?

**Terrie Hagler-Gray, Senior Assistant City Attorney** said I would like an opportunity to follow-up with the particular option being requested in this case and how staff is evaluated it before I answer that. Can we get back to you in a follow-up report?

Mr. Harlow said yes, please do.

Mayor Pro Tem Eiselt said I have a question with the regards to the new TOD. We talked about that at lunch today; so, the height that they are requesting, the additional 155-feet would be allowed under the new TOD. Is that correct?

Mr. Main said this would most likely be our highest intensity of the urban center TOD district, and there are provisions for and there would be some possible requirements for open space and energy efficiency and other standards that we would use to judge for higher in the new TOD ordinance, but it would it certainly be eligible.

Mayor Pro Tem Eiselt said that is my question, then therefore would the open space that is being presented in here line up with what we would have asked for open space in order to [inaudible] density or are you saying it wouldn't have been consider a density bonus; it

would have been just flat out approved under the new TOD, but how about the open space? Would we be looking for more open space?

Mr. Main said they are doing some open space now while there are criteria that we have not dealt with in the new ordinance that we would probably be looking at as part of the new ordinance but those standards are still in flux and under discussion, so we don't really have a hard line there for that.

Mayor Pro Tem Eiselt said I understand that but I'm just trying to compare to what are we aspiring to there if we are saying we are going to let people go higher, because we want that density, but we want to make sure we have open space, we want to make sure we don't have blocks of buildings that people have to walk three city blocks to get around and that kind of thing. With regards to open space, I'm just curious.

Mr. Main said in regard to the open space the sorts of things you saw on the site plan, particularly the widening of the rail trail and the other facilities along the parameter are all the kinds of open spaces that we might be looking for.

**Councilmember Phipps** said I wanted to get an idea on the consistency with the proposed changes in the TOD Ordinance that we have going now. I think your line of questioning touched on what I wanted to ask.

**Councilmember Ajmera** said I didn't get clear yes or no; could you tell me yes or no what Mayor Pro Tem Eiselt asked; would this height that they are proposing which 155-foot higher, since 275 is the ask, would that be allowed by right?

Mr. Main said it would not be allowed by right; it would be allowed as part of that evaluation of those particular criteria, which we have yet to formerly reify or even work through yet, but it is within the realm of possibilities of the height that would be allowed in that zone.

Ms. Ajmera said in exchange for an open space?

Mr. Main said in exchange for some of those matters that we are looking at.

Ms. Ajmera said I know that is still in the pipeline; I would like to understand the open space that we are getting for additional height. How would that perform under what we are currently evaluating?

**Laura Harmon, Assistant Planning Director** said we probably need to come back in a follow-up report and give you the specifics. They could get additional height with the open space; it would not get them to the height being requested so it would require more than the open space. We've estimated that they probably have about 10% and the requirement that we have now would be five percent. You get some additional height with going from five percent to 10% but there are some other things, as Mr. Main was talking about, being environmental features on the site that you can use to also get additional height bonus, affordable housing fee in lieu that you can also use to get, and in this case because this is a fairly significant height increase you would need a number of those items put together, it wouldn't be one single item. So, you couldn't get there only with the open space.

Ms. Ajmera said so, it would require additional things whether it is environment focus, whether it is open space, a number of items in order for them to get to 275 ask?

Ms. Harmon said that is correct.

Ms. Ajmera said the site plan that you propose, is that final?

Mr. MacVean said it is still being worked on. We have the open space commitments that Ms. Harmon mentioned are a part of the conditional plan, the improvements to the open space will be part of the conditional plan, so they would like up with the pictures that we showed you; so improvements and amount are documented. Other design standards of

the TOD have been implemented. We will be happy to look at the bonus system, the building may comply with other provisions of the bonus system that are still under development to reach the 275 but it isn't finalized, and we would have to review it.

Ms. Ajmera said it is not finalized, but I would like you to consider some of these additional things that we are considering approving. I know it is not approved as of right now, it is still in discussion, but I think we have to consider that. Coming back to Mr. Henderson's question; some of my colleagues have already addressed this, but I did not get exactly as to what is your opposition to this petition? Is it the height or what exactly is it?

Mr. Henderson said it is the impact of this project on my client's existing property, primarily as a result of the height and hence scale of the project. I want to point out the things that we are now talking about for a future ordinance are great, and there is a whole process for that, right, and when that is approved it will be great, and we can go forward with that. That ordinance doesn't exist right now, and to ad hoc create a zoning in effect that doesn't contemplate any of those things now, I just think it is outside the ordinance that you have. If you read the language of it I don't think you can get there.

Mr. MacVean said I feel taken advantage of here; he is debating the issue, not answering questions. We feel our height is appropriate with the Vision Plan. If he gets to do it I should get to do it right.

Ms. Ajmera said I think the height and the overall language of the proposed plan is a concern for you Mr. Henderson. As we grow at such a fast pace as a City we have to look at where does this growth go. Does it mean that buildings get taller, but we have to somehow figure out how do we accommodate 70 or 80 people that are moving into our City every single day, whether it is now jobs that are coming in, new folks moving into our City so we can't really say no to the growth. Somehow, we've got to figure out how do we accommodate growth while also continuing to support our existing neighbors. In that case Mr. Henderson, your client and residents that live there. I look forward to continued conversation as we figure out can we come up with a middle ground here.

Mr. Egleston said I don't mind us being proactive about allowing what will be allowed when we adopt TOD, and I think that is relatively imminent, but if we are going to allow what will be allowed by the new TOD, we should require what will be required by the new TOD. Otherwise just because of scheduling difference of maybe two months where we are not maximizing the program that we are creating, so I don't have any qualms with being a couple months ahead of the curve before we approve it, but if we are let's not those couple months difference means we don't get the return on that TOD that we are creating that we would have two or three months down the road for them to come back and ask for that same height. I do think that is a reasonable ask at this point if they are asking for us to be a little ahead of our approving the TOD.

Mr. Driggs said I was thinking about the same thing that Mr. Henderson talked about. We have to make this decision based on rules that are in place now. To the extent that we have discretion in our decision, we can be informed by the thought processes that are going into, but it should not look as if we are trying to impose a new ordinance on a current application. My question to you was, this is an option, right? So, what currently are the criteria for assessing the acceptability of this option?

Mr. Main said there were a number of standards that we had on a list and I don't recall exactly point by point what those were, but we did have a number of criteria, and I alluded to a few of those such as its proximity to a station and to the line itself and/or to downtown were two of the ones that were most critical at the time. There were a few others that we will have to get back to you as to what those criteria were.

Mr. Driggs said it would be interesting for all of us to know that because at the end of the day if we are making a judgement call and we need to look at the rules that we had and then think about the aspiration that we have, but I don't think, for example, it would be reasonable to say that we won't approve this unless you adhere to a standard that we haven't adopted yet. Recognizing that the preparation leading up to today goes back

quite some time, so I think we need to play by the rules that were in place when a lot of this development was first contemplated and again, if we don't get any specific guidance from the old rules then we have latitude to either put a cap on the height or introduce something else before we make our decision. If you could get that for us.

Mayor Pro Tem Eiselt said I just want to say it is kind of a matter of language but the whole idea of the Comprehensive Vision Plan, for example, is what do we want to be, what do we want to look like? That is not an ordinance either; the Comp Plan won't be an ordinance. It is a vision, so I do think that we are pretty far along with our new TOD, a ton of work has gone into it that we can say this is the vision we have. We know that the vision is more height, and that is where the question is does the open space fit what the vision is going to be. So, I hear what you are saying and it is sort of a bit of a dance with the legality and whether or not it is an ordinance, but I think it is important that we all think about vision especially in these hot neighborhoods that are growing at a rate that it is hard to keep up with.

**Councilmember Mayfield** said to one of the questions asked earlier, I do want to make sure that my colleagues are aware that at this neighborhood meeting 12 were in attendance and unfortunately overwhelmingly out of that 12, the representation was business related representation. We do not see as many multi-family residents that attend at the same time, the South End Neighborhood Association is extremely active and very vocal on projects that come in, and they have a very detailed vetting process themselves prior to it making it to our Zoning Committee and here. Mr. MacVean, I have a specific question for you regarding comments that have been shared. I believe that staff has shared for that additional 155-feet there were multiple ways that there were concessions made in order to reach that outside of what was discussed tonight regarding additional land space along our Trail in South End. Can you give me an idea of what other agreements were identified that we have in language for this project, because I believe the challenge is the height? One of the challenges is the gap of the height.

Mr. MacVean said I think the best way to answer that in terms of the design standards in this plan utilize the new higher performance architectural standards that are being implemented, and so the design and the criteria of how the building addresses the street, how the building addresses the light rail line, how the parking deck is designed on the upper levels to make sure it does not affect the residents in the Ashton; all those are design commitments and architectural standards that are embedded into the conditional plan. So, it doesn't just use today's TOD ordinance; it uses that as the base, but it has built upon it with a lot of additional standards and performance criteria that are in notes that will require a well-designed building that addresses we believe some of the concerns of the MetLife Real Estate Investors.

Ms. Mayfield said a question for staff and I do want to acknowledge that we had a number of conversations, and I also had some concerns and we identified some additional opportunities with the site, with the facing of the site as well. Just for clarity sake because I've heard by colleagues ask it, but I still didn't hear a clear non-academic level answer that is just a basic answer of how staff was able to become comfortable with this height. What I'm hearing from Mr. MacVean is it might not be this total height; it might actually come in a less than the 275 total.

Mr. MacVean said it is an up to number.

Ms. Mayfield said right, that number is up to, but it will be helpful to just have a clear answer from staff on how you were able to be comfortable as South End is changing with this additional 155.

Mr. Main said it is replacing a one-story building with a taller building. There is a 10-story building obviously, their building, as a precedent right there. Right across the tracks we've got the Atherton Mill development, which is also a substantial building with substantial heights, and it is one of a sequence of buildings that we've seen marching down the South End corridor. This is a location that is right at a station area, right on the rail line, so it does meet those kinds of criteria for higher heights.



Ms. Mayfield said what I will share with my colleagues, one of the many conversations from the South End residents is not seeing more of the same ole and feeling that a number of the developments did not speak to the creativity and the feel of South End. This particular project is something very different that we've seen. I personally do appreciate the staggered design and the fact that it is a building where if we move forward from tonight, of which I'm hoping that they are able to have continued conversations regarding this project, but this is one of those that I truly feel that would be a different look and feel in what has seemed to many as a sea of repetitiveness in the area. So, I do appreciate both of you sharing and hope that you have opportunity to have continued discussions and I appreciate all the work that staff has done with it.

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

**John Fryday, Zoning Committee Chairperson** said we would like the staff report for our hearing to properly review this. Normally, the staff report gets to the Council before their vote, but not to us. We would like to have it for this project sooner.

A vote was taken on the motion and carried unanimous.

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#### ADJOURNMENT

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

The meeting was adjourned at 8:32 p.m.



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Stephanie C. Kelly, City Clerk MMC, NCCMC

Length of Meeting: 2 Hours, 57 Minutes  
Minutes Completed: March 26, 2019