

ZONING BRIEFING

The City Council of the City of Charlotte, North Carolina convened for an option Zoning Briefing on Tuesday, January 22, 2019 at 12:06 p.m. in the 8th Floor Conference Room of the Charlotte Mecklenburg Government Center. Councilmembers present were Larken Egleston and Matt Newton.

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

ABSENT UNTIL NOTED: Councilmember LaWana Mayfield

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Tammie Keplinger, Planning went over the agenda pointing out petitions that have requests for deferral and answered questions from Council.

Councilmember Mayfield arrived at 12:12 p.m.

Taiwo Jaiyeoba, Planning Director introduced David Pettine who will be Tammie Keplinger's replacement upon her soon retirement.

David Pettine, Planning gave a short introduction on his background.

The meeting was recessed at 12:47 p.m.

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DINNER MEETING

The City Council of the City of Charlotte, North Carolina reconvened for the Dinner Meeting on Tuesday, January 22, 2019 at 5:05 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Ed Driggs, Larken Egleston, Matt Newton, Greg Phipps, and Braxton Winston, II.

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

ABSENT UNTIL NOTED: Councilmember LaWana Mayfield.

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Mayor Pro Tem Eiselt said the Mayor is not here this evening, so you are stuck with, me and we will let Tammie get started with our Dinner Agenda.

Tammie Keplinger, Planning said since our Lunch Briefing we haven't had anything to change on the Dinner Agenda, so we will over the deferrals. Decisions: Item No. 4, Petition No. 2018-011 by Harrison Tucker & John Perovich defer to February 18, 2019; Item No. 6, Petition No. 2018-123 by Topgolf International, Inc. defer to February 18, 2019; Item No. 7, Petition No. 2017-186 by Drakeford Co. defer to February 18, 2019; Item No. 8, Petition No. 2018-012 by Harrison Tucker & John Perovich defer to February 18, 2019; Item No.12: Petition No. 2018-083 by Chick-fil-A defer to February 18, 2019. Hearings – Item No. 28, Petition No. 2018-097 by Stamatis Tsilimos defer to February 18, 2019; Item No. 34, Petition No. 2018-133 by City of Charlotte defer to February 18, 2019.

Ms. Keplinger said we have one speaker against tonight which is Item No. 27, Petition No. 2018-053 by Boulevard Real Estate Advisors, LLC. That is the only speaker in opposition that we have and what staff is going to do on the cases where we have no speakers against and staff is supporting; we are going to try to keep our presentations to 45 seconds.

Councilmember Mayfield arrived at 5:07 p.m.

Councilmember Driggs asked if there were any petitions that staff isn't supporting?

Ms. Keplinger said there is only one that staff is not supporting and that is the first hearing, Item No. 25, Petition No. 2017-206 by BWN Investments, LLC.

Ms. Keplinger said I have a few things that Mr. Winston had asked, and he wasn't at the Lunch Meeting, so I want to know if Council would mind if I just went over the questions he had on his list. Mr. Winston had asked a question on Petition No. 2018-063. This is a Text Amendment.

Councilmember Winston said I can tell you what my question was; I feel like I was supposed to have a meeting to discuss this, and that never happened, so I don't feel any more educated on this than I was a month ago. SO, I was going to make a motion to defer this, because I don't know what is going on.

Mayor Pro Tem Eiselt said we all calls to meet to talk about it.

Mr. Winston said then I question, why isn't this something that runs through Committee, because it is basically a change in policy, so why wouldn't we run this through a Committee?

Laura Harmon, Assistant Planning Director said practice has been for major Text Amendments they may go through Committee, but typically for minor Text Amendments we don't, unless it is referred there by Council. This is simply a change in the way meet the current requirements, so we don't really see it as a major change in policy, but right now with the open space and the multifamily development certain conditions instead of limiting how you meet the requirements. This is just giving you more options on how someone could meet the requirements. Right now, you have on ground open space, 400 square feet required, and now if you approve this on rooftops on porches in different ways a common open space to provide more flexibility to the development community to meet the changing market needs.

Mr. Winston said literally, I was agreeing to it, and I wanted some time to kind go through this [inaudible],

Mr. Driggs said it was a hearing last month; it's not like you have no idea what this is about.

Mr. Winston said I understand that, and we deferred the decision, didn't we?

Mayor Pro Tem Eiselt said no.

Mr. Winston said we just said [inaudible]. I'll think about it.

Ms. Keplinger said Item No. 10, Petition No. 2018-069 Mr. Winston had an additional question on Dependable Development; in regard to Charlotte Water, about water and sewer. The developer is required to [inaudible], and that is something they know they are required to do as part of the development. There was a question on Chick-fil-A, Item No. 12, but that is being deferred so we will get that one next month. It was about trip generation.

Ms. Keplinger said finally, on Item No. 18, Petition No. 2018-113 by Ryan Companies and this is about the issue of light industrial to institutional.

Mr. Winston said the request is to go form light industrial to institutional, and I know that we've had some conversations around the dais about losing industrial zoned land use, so I was wondering what about this rezoning should make us feel comfortable with losing this particular piece of industrial zoning, and we had talked about protecting it, and that seems to be disappearing fast. What do you think we should be considering on whether industrial zoning should stay or go?

Mayor Pro Tem Eiselt said it is kind of like deciding about NOAH's. That is a tough one to say when do we decide that and an apartment complex is so old it is okay to tear it down. I'm not sure we have that answer.

Ms. Keplinger said what I talked about at lunch today was the purpose of the institutional district and our ordinance says that it is for major cultural education, medical, religious, athletic, and other institutions, so those are the types of uses that are allowed in the institutional district. It doesn't allow residential, which is one of the things that we know houses of that complex is industrial. That is just for information for Council.

Mr. Winston said I think this is not something that I asked to get an answer for from around the dais, but I think it has come up, and I don't know why I should support this versus not supporting something that is housing that we do need as well. The conversation was that residential shouldn't be around industrial, but we know that is not true. So, if the idea is to protect our industrial zones, how do we think we should recon with a land decision whether it is right or wrong.

Mayor Pro Tem Eiselt said I am looking at Taiwo, who is looking the other way.

Mr. Winston said if you have something to share with us I would love to hear it.

Mayor Pro Tem Eiselt said to your point, it is sort of a bigger conversation and not really part of the zoning conversation, but it is part of the conversation of the issue of industrial land.

Taiwo Jaiyeoba, Planning Director said it is institutional, so what we need to think about is, we framed it in the context of trying to be careful not to abuse the amount of industrial land uses, especially if you were rezoning from industrial to residential next to an existing industrial area. If it is an institutional use they do not have to be there 24/7, but they only come there for school or other civic related office use you may not necessary have to consider that as a loss of an issue because of the type of use.

Mr. Winston said I was saying if it is residential it may expand more residential and take up more industrial land around it.

Mr. Jaiyeoba said if it was residential in an industrial area I would be more concerned; if it was institutional in an industrial area I would probably be less concerned.

Mr. Driggs said I don't want to agree with my colleague publicly, but I have a question about the industrial land in the context of the conversation we've just had about the apartments is a fair question. I think there is a consistency issue here or a positive question about what the circumstances are under which we rule a different use of industrial land is appropriate. That is probably something we should take up in a different context, but I see what you are doing.

Mayor Pro Tem Eiselt said that is what I was saying that this is really something we should be talking about as part of the Comprehensive Vision Plan, looking at it through the context of, how do we feel about reserving industrial land? Is that something that if we did—

Mr. Winston said is this something that would be referred to TAP for informational kind of presentation?

Councilmember Egleston said the question was whether TAP could take up conversation around the need for industrial land inside the City limits and when it would be appropriate to transition away from industrial land in certain circumstances but not others.

Mr. Jaiyeoba said I agree with Ms. Eiselt that this should be part of the broader conversation with the Comprehensive Plan, because that is not the only issue. I think it is something we should discuss around that broader frame work and then [inaudible].

Mayor Pro Tem Eiselt said which doesn't help tonight's case, but I think it has to be within the context of what we decided as part of our vision for the City.

Councilmember Phipps said this has been a topic of conversation way back when McCrory was Mayor about 2005, and he was concerned that businesses could not expand, because there wasn't enough industrial zoned land within the City limits. So, that is something that has been tossed around, but I don't know if it has ever been studied or what really could come of it.

Ms. Keplinger said it has been studied. I remember when we did the industrial study and it was done to protect the environment at that time, but it has been a while.

Mr. Driggs said I just wanted to say I see some differences between this case and the other one, but it doesn't mean there isn't a general question because the question [inaudible] industrial land to other uses is common talk about, but there we had an affordable housing conversation, and there was a question about whether that was a good setting for residential. This is a [inaudible] we've had so many of these so, I'm willing to go along with this tonight. I think the suggestion that we consider what the basis is for repurposing industrial land.

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UPDATE ON THE TOD ORDINANCE

Taiwo Jaiyeoba, Planning Director said before I do that, I know some of you were not at the Lunch Meeting where I introduced our new Zoning Manager David Pettine. I do not want to say that it is the new Tammie, but David comes with very impressive experience, Planning Director in York, South Carolina and very impressive references as well. [inaudible].

I want to talk to you quickly about the TOD Ordinance that was revised in mid-December. You have a Committee meeting on February 5, 2019 at the Belmont Community Center at 6:00 p. m. to share this with the public as well, but the goal is to have the public hearing on February 25, 2019. I know that you have been hearing different things from different people, but I just want to pull it together. Number one, we are going to be bringing some presentations to you through the Economic Development Committee and priorities, and they will also bring to you some deep dive with the HAND Committee in February as well. We tried as much as possible to make our focus really on three things that will consider Council priorities, which is affordable housing, workforce economic development, and infrastructure. We want the TOD system that will reflect all of these areas, so today we worked closely with housing, and we want to make sure we are on the same page, especially on affordable housing.

We have done a cost analysis between staff and also some of our development community members as well. We've been doing this with the Economic Development staff, and from now and beginning tomorrow and for the next two weeks, we are going to be doing an analysis of the bonus structure that was done which will involve some consultants to help us [inaudible] to come up with the goal being that we want to use these as a tool, not just to [inaudible] affordable housing but as Charlotte continues to be an attractive development for retaining our current businesses and attracting business, especially around the transit stations. We are sharing the results of that analysis or the outcome of that with you in the next few weeks, but I want to be mindful of the fact that this is a combination of a journey that started in 2014 when we started to revise the Transit Development Ordinance and the goal at the time was to raise the bar. In terms of the type of development, we want a transit station, and I would like to say that [inaudible] the Blue Line area around the station is probably different from where we are today; It is what it is. We want to make sure that this TOD Ordinance captures the next wave of opportunities, whether that be the Blue Line or in the future with the Silver Line. We agreed to continue to meet with you one-on-one or one-on-two just to make sure that we have the feedback. One thing that we are doing over the next few weeks is not only are we meeting with large size, medium size or small size developers [inaudible], but we are going to be meeting with affordable housing activist and activists in the community to monitor their needs as well to make sure that we have balanced input from everyone in regard to what the TOD ordinance should look like.

The most up-to-date version was released on December 20, 2018. Between then and now, we have met it differently while we continue to do that. We continue to make changes as we

go along, but I will say that it way better than what we currently have in the books. We are mindful of the fact that we don't want a bonus system that will not be used; we don't want to come back to you a few months after adoption and say it is not being used. So, we really are trying as much as possible to be sensitive to what we are hearing from you and from the community as well. If you were to ask me if we managed this TOD right previously, I would say that it is way better than what I was working with previously. Monica Holmes and her team have done an incredible job of trying to walk that fine line between [inaudible], what is going to be possible as far as what is practical but also to continue to make Charlotte an attractive place and friendly for business. That is what I wanted to share with you, so if have any comments or you want any information, we will be glad to sit down with you, spend time with you, walk through with you just to make you feel comfortable with where we are and where we are going. On this timely manner, I know that everybody did not get everything that they want but also understand that it we are making such good progress with ordinance will get everything they want but also understanding that would make such good progress with this development ordinance.

Councilmember Driggs said as we continue to discuss this, keep in mind that we have larger planning process going on. It feels like this is front running a little bit that other thing and may be actually putting in place some things that we haven't really adopted yet. I see why you want to proceed, so I'm fine with that, but I hope that when we have these in-depth conversations, we will have a little bit of context we have planned and how this [inaudible].

Mr. Jaiyeoba said we will have that presented to you [inaudible].

Mayor Pro Tem Eiselt said when is the public hearing?

Mr. Jaiyeoba said February 25. 2019.

Mayor Pro Tem Eiselt said I am a little concerned about that, because that is a month away, and if you are going to spend that next month between now and then to have the Council comments, people to be able to give you feedback from the community, I'm a little concerned from what I'm hearing that people don't have their head wrapped around this, but I think that February 25, 2019 date is pretty soon.

Councilmember Egleston said if we are bringing in consultants too, I don't know what they timeline is to give us something back, but we would want time to digest that as well.

Mayor Pro Tem Eiselt said what I'm hearing is that people have some consternation about is that a lot of the focus for affordable housing is around height, and that there should be other things that we should be considering. Everybody sort of has a different opinion, but I've heard from stakeholders that they are concerned about it, and I just want to make sure that we have enough opportunity to let everybody sort of air their feelings about it before that public hearing.

Mr. Jaiyeoba said I understand that but like I said earlier, this is a process that started way before my time, but also since January of last year when I came here we had what we called an Ordinance Advisory Committee, and all we did at that point was to have people in their buckets. One bucket was to the meet the developers regardless of what type of product is developed. Architects, designers, and we worked with them and we also met with neighborhood resident leaders and all of that so we have over 1,000 comments on this subject. We've met essentially about 25 times. [Inaudible] what we've been doing since then is to continue to meet with different people. What I can tell you, I'm not trying to push back, is there is no date that will be soon enough or far enough. People will constantly say that say let's move this forward. My concern with that is that the more we continue to push it, the more we will never get anything done. We will continue to meet with people. I will continue to do that; we've got some I think stakeholder meetings tomorrow with some identified people that that would not fight with us between [inaudible] ED and Planning, and also, we've have some committee advocates, like Sustain Charlotte that we have been meeting with, another set of [inaudible]. What you will find out is that a number of concerns that people have we have really begun to address the current ordinance [inaudible].

Mayor Pro Tem Eiselt said at this point, I have a lot of reservations.

Mr. Egleston said I can appreciate there will always be people who will say well, I've got to say about it, and since we are the ones voting on it, I'll just say that depending on when the consultant's report come back to us, how in-depth it is and what it contains, we may or may not at that date feel comfortable to vote, and we are the ones who have to feel comfortable to vote.

Mayor Pro Tem Eiselt said the public hearing is not voting.

Mr. Egleston said I thought you said we were voting on this.

Mayor Pro Tem Eiselt said no, no but if that is set can we go back and have another public hearing again if there are significant changes?

Mr. Jaiyeoba said yes.

Mr. Driggs said a lot of people have been watching this process, and they are hearing stuff at, and there is stuff at different stages of where the conversation has progressed, so it would be nice to have a period after you have decided what exactly is going to be discussed at the hearing, because some people I've talked to are saying I'm not really even studying this yet, and I want to see what it looks like. Just at least have a window there where you've got something and say this is what we are going to discuss at the hearing.

Mr. Jaiyeoba said we also understand when something is close to implementation, before we begin to focus on [inaudible]. So, we will definitely be mindful of that. I am glad we caught that, but again [inaudible]. The study will be done before then. You need to see the result of this study and be comfortable with it [inaudible].

The meeting was recessed at 5:32 p.m. to move to the Council Chambers for the regularly scheduled Zoning Meeting.

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ZONING MEETING

The City Council of the City of Charlotte, North Carolina reconvened for a Zoning Meeting on Tuesday, January 22, 2019 at 5:36 p.m., with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Ed Driggs, Larken Egleston, LaWana Mayfield, Matt Newton, Greg Phipps, and Braxton Winston, II.

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

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INVOCATION AND PLEDGE

Councilmember Mayfield gave the Invocation followed by the Pledge of Allegiance to the Flag.

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EXPLANATION OF A ZONING MEETING

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

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INTRODUCTION OF THE ZONING COMMITTEE

John Fryday, Zoning Committee introduced the members of the Zoning Committee and said the Zoning Committee will meet Tuesday, February 5, 2019 to 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 on charlotteplanning.org.

Mr. Friday said we have before us a very special request on which we want to advise you, a request of over 20-years in the making and one that was too delicate to even hold a public hearing on, but the whole Commission has worked on this and Victoria Washakie and Sam Spencer, our Chair and Vice Chair of the Zoning Committee, are here with me tonight. You have before you Petition No. 2019-0-No by Tammie Keplinger, the Petitioner. It's a request for a change in classification from GPS to R, which is Gracious Public Servant to Retired. We had to ask Bolan what the word "retired" means, because none of us know what that means.

This is a by-right request; this request is made by the applicant to allow for additional leisure time, travel, the elimination of composing late night e-mail responses to millions of questions. The applicant has requested the first right of refusal to respond to any Planning communications from this day forward, Council District Representatives, all of ours. Note, there are two optional provisions that the words rezoning request be evermore banned from conversation in her presence, nor that she be asked in the future, can't I just make this one little revision the day of a hearing. The Zoning Committee with wholehearted support from the Planning Commission discussed the requests and with great reluctance voted 7-0 to support the petition and inform Council of our decision. This petition is found to inconsistent with the City's efforts to retain its best employees, but we support it based on the information from our analysis and because the law allows it. We are aware this case may set a precedent so to establish that any future requests must be just as compelling to gain our support. Our Consistency Statement is as follows: Whereas the applicant has been the Planning Program Manager for over seven years, suffering our countless questions, and a member of the Planning Department for 20-years, 11 days, 11 hours, and maybe 30-minutes. The request is consistent with the GDP's the General Development Principles of the City, which allow for retirement of personnel, even key personnel after 20-years which provides her vested rights. While C-DOT stated there are too many possible uses of her free time to give exact counts, traffic will be reduced by the elimination of many trips per day between her home, the Government Center and countless trips to sites around the area, and it will serve as an appropriate transition from the years of dedicated service to this community to private life. While we do not find this to be in the public interest, it is in her own. We recommend Council approve and adopt this Consistency Statement as its own, and there was no further discussion of this petition.

Tammie Keplinger, Planning said thank you all very much; as you can see, this is very hard. I've enjoyed working with this Council and the many Council's before and the Zoning Committee of the Planning Committee and especially City Staff, and I appreciate all the opportunities and the many questions you've asked me. They have only helped me to grow, so thank you very much.

Mayor Pro Tem Eiselt said we are going to miss you tremendously Tammie, but we will make it as difficult as possible tonight to get through the evening just, so you will feel really good about your decision. Truthfully, we are all happy for you, and we will miss you, but you've given a lot to the City, and we appreciate it.

Councilmember Driggs said I just want to add to that, Tammie, we all went to school on zoning with you, and your expertise and your patience has helped us a great deal and it has been an enormous asset to the City. I just wanted to add my own thanks and best wishes for your future.

Councilmember Winston said I'm going to go ahead and join my colleague to the left and to the right I guess and wish you the best of luck. Coming into this last year this was the one thing that gave anxiety, these land use decisions and this big thick binder, and as you know I don't like to make decisions that I don't feel informed about, and you from day one you've been true to your word and your pledge to help me and by colleagues get as smart and confident as we can in these very important decisions when you look at the scope of things, scooter policies and RNC's, and RNC's get so much attention, but it really is the land use issues that have the most impact on equity and access and the things that we want our City

to be. So, thank you so much for the care and dedication that you have given, not just to your work, but to us on Council.

Mayor Pro Tem Eiselt said with that we will jump right into it and give Tammie one more opportunity to set us all straight on Zoning.

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DEFERRALS

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to defer Item No. 4, Petition No. 2018-011 by Harrison Tucker and John Perovich at the northeast corner of 17th Street and North McDowell Street; Item No. 6, Petition No. 2018-123 by Topgolf International; Item No. 7, Petition No. 2017-186 by Drakeford Company; Item No. 8, Petition No. 2018-012 by Harrison Tucker & John Perovich located at the intersection of North Davidson Street and East 17th Street; Item No. 12, Petition No. 2018-083 by Chick-fil-A; Item No. 28, Petition No. 20018-097 by Stamatis Tsilimos; and Item No. 34, Petition No. 2018-133 by the City of Charlotte, all are being deferred for one month until February 18, 2019.

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DECISIONS

ITEM NO. 5: ORDINANCE NO. 9492, PETITION NO. 2018-063 BY LANDDESIGN, INC. FOR A TEXT AMENDMENT TO 1) ADD TWO NEW DEFINITIONS FOR “USEABLE COMMON OPEN SPACE” AND “PRIVATE OPEN SPACE” AND MODIFY A CURRENT DEFINITION FOR “SUBLOT”. 2) PROVIDE AN ALTERNATIVE TO REQUIRING PRIVATE OPEN SPACE WHEN LAND IS SOLD WITH AN ATTACHED SINGLE FAMILY DWELLING UNIT BY ALLOWING A PERCENTAGE OF USEABLE COMMON OPEN SPACE TO BE PROVIDED INSTEAD. THIS WOULD APPLY IN MULTIPLE ZONING DISTRICTS. 3) ALLOWS ADDITIONAL FEATURES AND AMENITIES TO COUNT TOWARDS PRIVATE OPEN SPACE AND USEABLE OPEN SPACE.

The Zoning Committee voted 7-0 (motion by Samuel, 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 Centers, Corridors and Wedges Growth Framework, based on the information from the post hearing staff analysis and the public hearing and because the plan calls for residential opportunities to accommodate a diverse population in quality and livable neighborhoods. 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 it adds definitions for “useable common open space” and “private open space”, and modifies the definition for “sublots” and relocates it into Definitions section of the Zoning Ordinance, where terms are commonly defined, making it clearer for users and allows decks, patios, balconies, porches, roof-top decks, and areas designed for outdoor living or landscaping to count towards required private open space or useable common open space, providing more flexibility in the design of residential developments and expands design flexibility for single family attached residential developments (excluding duplex, triplex, and quadraplex dwelling units) to provide either private open space or useable common open space to adapt to the changing residential marketplace and buyer preferences and provides consistency in regulations across multiple zoning districts which allow single family attached dwelling units.

Motion was made by Councilmember Egleston and seconded by Councilmember Newton, to approve this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework, based on the information from the final staff analysis and the public hearing and because the plan calls for residential opportunities to accommodate a diverse population in quality and livable neighborhoods. 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 it adds definitions for “useable common open space” and “private open space”, and modifies the definition for “sublots” and relocates it into Definitions section of the Zoning Ordinance, where terms are commonly defined, making it clearer for users and allows decks, patios, balconies, porches, roof-top decks, and areas designed for outdoor living or landscaping to count towards required private open space or useable common open space, providing more flexibility in the design of residential developments and expands design flexibility for single family attached residential developments (excluding duplex, triplex, and quadraplex dwelling units) to provide either private open space or useable common open space to adapt to the changing residential marketplace and buyer preferences and provides consistency in regulations across multiple zoning districts which allow single family attached dwelling units.

A substitute motion was made by Councilmember Winston, to defer this item to February 18, 2019. There was no second to the motion.

Without a second, the motion was not considered.

Councilmember Winston said staff had reached out to give some more clarification and have a more in-depth discussion, so I and others could be more confident with this. I think some of the holidays got in the way and weather got in the way of making some of that happen, and I would like to have the opportunity to get a better understanding of exactly what is being voted on right here and the implications of this decision. I don't think this is a terrible thing to do, but I think there are some questions we have; we don't know the potential environmental impact will be of this text amendment. What do you do about impermeable land and what kind of further implications this may have. I would beg my colleagues to take one more month.

Mayor Pro Tem Eiselt said I think a lot of Councilmembers aren't just trying to jump ahead of it but have had opportunity to speak with staff about the issue and those who are comfortable are moving forward. Without a second the substitute motion was not considered.

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

YEAS: Councilmembers Driggs, Egleston, Eiselt, Mayfield, Newton, and Phipps.

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 36-42.

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ITEM NO. 9: ORDINANCE NO. 9493-Z, PETITION NO. 2018-058 BY WHITE OAK MANAGEMENT, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.77 ACES LOCATED ON THE EAST SIDE OF CRAIG AVENUE, NORTH OF NORTH SHARON AMITY ROAD FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO O-2(CD) (OFFICE, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is

found to be inconsistent with the South District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends multi-family residential use. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed parking lot is located behind dwelling units that are owned and used by the abutting nursing home/institutional use, White Oak Manor. The parking will be used as accessory parking to the dwelling units and the adjacent nursing home and there are no buildings proposed with the parking lot, and streetscape improvements will be provided along the frontage of abutting public streets; and a buffer will be provided abutting existing residential dwelling units, and no access will be allowed across the residential zoning and the site is bounded by streets on two sides, and one-way access will be provided. The approval of this petition will revise the adopted future land use, as specified by the South District Plan, from multi-family residential to institutional for the site.

Motion was made by Councilmember Newton, seconded by Councilmember Mayfield, and carried unanimously to approve this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends multi-family residential use. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed parking lot is located behind dwelling units that are owned and used by the abutting nursing home/institutional use, White Oak Manor. The parking will be used as accessory parking to the dwelling units and the adjacent nursing home and there are no buildings proposed with the parking lot, and streetscape improvements will be provided along the frontage of abutting public streets; and a buffer will be provided abutting existing residential dwelling units, and no access will be allowed across the residential zoning and the site is bounded by streets on two sides, and one-way access will be provided. The approval of this petition will revise the adopted future land use, as specified by the South District Plan, from multi-family residential to institutional for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 43-44.

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ITEM NO. 10: ORDINANCE NO. 9494-Z, PETITION NO. 2018-069 BY DEPENDABLE DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10 ACRES LOCATED ON THE WEST SIDE OF MT. HOLLY-HUNTERSVILLE ROAD, SOUTH OF MT. HOLLY ROAD FROM B-2 LWPA (GENERAL BUSINESS, LAKE WYLIE PROTECTED AREA), I-1 LWCA LWPA (LIGHT INDUSTRIAL LAKE WYLIE CRITICAL AREA, LAKE WYLIE PROTECTED AREA) TO MX-2 LWCA LWPA (MIXED USE, LAKE WYLIE CRITICAL AREA, LAKE WYLIE PROTECTED AREA).

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 Catawba Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the Catawba Area Plan recommends residential, office and/or retail and use 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 rezoning is consistent with the land use recommendation for this site and the proposed density of this petition is consistent with Catawba Area Plan recommendation, that if residential is developed as a single use, the density should not be higher than 12 dwelling units per acre and the proposed site plan provides the required street network for the site and the proposed townhome development provides a mix of uses in a neighborhood serving center that is served by bus service.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Catawba Area Plan, based on the information from the final staff analysis and the public hearing and because the Catawba Area Plan recommends residential, office and/or retail and use 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 rezoning is consistent with the land use recommendation for this site and the proposed density of this petition is consistent with Catawba Area Plan recommendation, that if residential is developed as a single use, the density should not be higher than 12 dwelling units per acre and the proposed site plan provides the required street network for the site and the proposed townhome development provides a mix of uses in a neighborhood serving center that is served by bus service.

The ordinance is recorded in full in Ordinance Book 62 at Page(s) 45-46.

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ITEM NO. 11: ORDINANCE NO. 9495-Z, PETITION NO. 2018-075 BY FOUNTAIN RESIDENTIAL PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.77 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF EAST MALLARD CREEK CHURCH ROAD AND UNIVERSITY CITY BOULEVARD FROM R-12MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) AND INST (INSTITUTIONAL) TO MUDD(CD) (MIXED USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 7-0 (Motion by McClung, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends multi-family residential. However, the proposed density is found to be inconsistent with the Northeast District Plan, based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends densities of up to 8 and up to 12 dwellings per acre for different sections of the property. 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 continuing growth of the UNC Charlotte campus and surrounding area, as well as the area's evolution to a denser and more walkable form represent a change of conditions warranting reconsideration of the density proposed in the area plan and the site is located just beyond the boundaries of the University City Area Plan (2015) to the west and the Rocky River Area Plan (2006) to the south. These other plans are more recent and reflect higher density uses in proximity to this site which is still covered by the much older Northeast District Plan (1995) and the Boulevard 98 apartment development adjacent to the west across Mallard Creek Church Road was rezoned in 2012 at a density similar to the subject proposal and Mallard Creek Church Road adjacent to the south is proposed for a grade separated southward extension across University City Boulevard, which is a major change in condition within the area, supportive of significantly increased density at the subject site and the site is within close proximity to UNC Charlotte's main campus and the Carolina's Medical Center University Hospital, and the proposed development could offer a conveniently located housing choice for students and employees and the site immediately abuts 1990's garden apartments to the north and a retail shopping center to the east, such that it does not impact any adjoining lower density residential neighborhoods.

Motion was made by Councilmember Phipps and seconded by Councilmember Newton to approve this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan, based on the information from the staff analysis and the public hearing and because the plan recommends multi-family residential. However, the proposed density is found to be inconsistent with the Northeast District Plan, based on the information from the final staff analysis and the public hearing, and because the plan recommends densities of up to 8 and up to 12 dwellings per acre for different sections of the property. 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 continuing growth of the UNC Charlotte campus and surrounding area, as well as the area's evolution to a denser and more walkable form represent a change of conditions warranting reconsideration of the density proposed in the area plan and the site is located just beyond the boundaries of the University City Area Plan (2015) to the west and the Rocky River Area Plan (2006) to the south. These other plans are more recent and reflect higher density uses in proximity to this site which is still covered by the much older Northeast District Plan (1995) and the Boulevard 98 apartment development adjacent to the west across Mallard Creek Church Road was rezoned in 2012 at a density similar to the subject proposal and Mallard Creek Church Road adjacent to the south is proposed for a grade separated southward extension across University City Boulevard, which is a major change in condition within the area, supportive of significantly increased density at the subject site and the site is within close proximity to UNC Charlotte's main campus and the Carolina's Medical Center University Hospital, and the proposed development could offer a conveniently located housing choice for students and employees and the site immediately abuts 1990's garden apartments to the north and a retail shopping center to the east, such that it does not impact any adjoining lower density residential neighborhoods.

Councilmember Driggs said this is the one where we were displacing I believe 24 units of affordable housing. I would just like to repeat my request that in our affordable housing policy we take on board dislocated people as potential tenants for the affordable housing that we are creating.

Councilmember Phipps said this one received considerable attention and discussion, and matter of fact, I was conflicted some with it inasmuch as it did displace some tenants in an affordable 1950's era apartment there, but I'm pleased that the petitioner did reach out to each of those 16 individuals in terms of providing some substance to relocate, and some of them have taken advantage of it. I think close to almost \$4,000 at the end of the day will be given to each of these residents; four of which out of the 16 have already been slated to move into another affordable unit elsewhere. This is something that they took on, and it is unfortunate that this particular development included that demolition, but there are a lot other things going on there so at some point those particular apartments were going to be demolished, but I do thank the petitioner for reaching out and using social services in his efforts to afford those displaced individuals with a decent place to live and picking up considerable expenses as well for each of them on a go forward basis and sacrifice of their being displaced. I just wanted to add that to this particular discussion.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 47-48.

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ITEM NO. 13: ORDINANCE NO. 9496-Z, PETITION NO. 2018-085 BY THE SPECTRUM COMPANIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.89 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET, SOUTH OF CARSON BOULEVARD FROM TOD-M (TRANSIT ORIENTED DEVELOPMENT – MIXED USE) AND I-2 (GENERAL INDUSTRIAL) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT – MIXED USE, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Ham, second my McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Vision Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends transit supportive development. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within a ¼ mile walk of the Carson Boulevard Transit Station on the LYNX Blue Line, which allows underutilized sites to convert to intensities appropriate for transit supportive development and the petition will include a mixture of uses, a minimum of at least two land uses permitted by ordinance standards, which is consistent with the South End Vision Plan recommendation to expand the mix of uses in the district and the 250-foot building height optional request in Development Area A is 130 feet greater than what is allowed by ordinance standards. However, the site is separated from single family neighborhoods by some distance and will not have a negative impact on established neighborhoods. Furthermore, the site is located within a ½ mile walk of Uptown and the petition includes a central plaza which will be accessible from Carson Boulevard; ground floor active uses on all public streets; and sidewalk/streetscape improvements on all streets. Together, these improvements will significantly enhance the pedestrian environment for the subject site and the proposed development is providing design standards and regulations consistent with the new TOD language under development.

Motion was made by Councilmember Mayfield, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2018-085 and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Vision Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends transit supportive development. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within a ¼ mile walk of the Carson Boulevard Transit Station on the LYNX Blue Line, which allows underutilized sites to convert to intensities appropriate for transit supportive development and the petition will include a mixture of uses, a minimum of at least two land uses permitted by ordinance standards, which is consistent with the South End Vision Plan recommendation to expand the mix of uses in the district and the 250-foot building height optional request in Development Area A is 130 feet greater than what is allowed by ordinance standards. However, the site is separated from single family neighborhoods by some distance and will not have a negative impact on established neighborhoods. Furthermore, the site is located within a ½ mile walk of Uptown and the petition includes a central plaza which will be accessible from Carson Boulevard; ground floor active uses on all public streets; and sidewalk/streetscape improvements on all streets. Together, these improvements will significantly enhance the pedestrian environment for the subject site and the proposed development is providing design standards and regulations consistent with the new TOD language under development.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 49-50.

ITEM NO. 14: ORDINANCE NO. 9497-Z, PETITION NO. 2018-095 BY WEWORK COMPANIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.82 ACRES LOCATED AT THE CORNER OF NORTH TRYON STREET AND WEST 4TH STREET FROM UMUD (UPTOWN MIXED USE) TO UMUD-O (UPTOWN MIXED USE, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Charlotte Center City 2020, based on the information from the post hearing staff analysis and the public hearing and because while this plan does not make a specific land use recommendation for the site, it recognizes Center City's continuing role as the central economic engine and diversified employment hub of the region. Therefore we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the

petition proposes an optional request to increase the allowed exterior signage for an existing uptown building and one sign area, equal to 650 square feet, is proposed for one side of the top parapet (a low protective wall that rises above the roof) of the existing high-rise building and the proposed signage will have limited impact due to its location above the ground-floor and since the building is 90 feet tall in comparison to the building and is consistent with similar signage approved for other UMUD-O requests in the Uptown area varying from 330 to 650 square feet and all other signage will conform to the UMUD zoning district standards.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2018-095 and adopt the following Statement of Consistency: 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 Charlotte Center City 2020, based on the information from the final staff analysis and the public hearing and because while this plan does not make a specific land use recommendation for the site, it recognizes Center City's continuing role as the central economic engine and diversified employment hub of the region. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition proposes an optional request to increase the allowed exterior signage for an existing uptown building and one sign area, equal to 650 square feet, is proposed for one side of the top parapet (a low protective wall that rises above the roof) of the existing high-rise building and the proposed signage will have limited impact due to its location above the ground-floor and since the building is 90 feet tall in comparison to the building and is consistent with similar signage approved for other UMUD-O requests in the Uptown area varying from 330 to 650 square feet and all other signage will conform to the UMUD zoning district standards.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 51-52.

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ITEM NO. 15: ORDINANCE NO. 9498-Z, PETITION NO. 2018-105 BY GREG GODLEY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.90 ACRES LOCATED ON THE SOUTH SIDE OF EAST 36TH STREET BETWEEN THE PLAZA AND HOLT STREET FROM B-I (NEIGHBORHOOD BUSINESS) TO NS (NEIGHBORHOOD SERVICES).

The Zoning Committee voted 7-0 (motion by Samuel, 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 plan recommends retail 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 site is currently developed with a retail use, which is proposed to be repurposed for uses allowed in the NS (neighborhood services) district and the site is located on a commercial corridor that serves surrounding neighborhoods and the uses allowed by NS (neighborhood services) would provide goods and services to the residents of the adjoining neighborhoods and enhanced streetscape along E. 36th Street will enhance walkability in area.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to adopt Petition No. 2018-105 and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends retail 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 site is currently developed with a retail use, which is proposed to be repurposed for uses allowed in the NS (neighborhood services) district and the site is located on a commercial corridor that serves surrounding neighborhoods and the uses allowed by NS (neighborhood services) would provide goods and services to the residents of the adjoining neighborhoods and enhanced streetscape along E. 36th Street will enhance walkability in area.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 53-54.

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ITEM NO. 16: ORDINANCE NO. 9499-Z, PETITION NO. 2018-106 BY LINCOLN HARRIS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.58 ACRES LOCATED ON CARNEGIE BOULEVARD, NEAR TORP LANDING BOULEVARD & CHARMECK PALISADES DRIVE, WEST OF BARCLAY DOWNS DRIVE FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

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: This petition is found to be consistent with the SouthPark Small Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends mixed use, as amended by a prior rezoning for the larger area of which the subject property is a part. 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 vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses and in addition, the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development and the proposed rezoning is consistent with the vision articulated in the area plan and in the Centers, Corridors and Wedges Growth Framework, and is consistent with the overall mix of uses programmed in the larger development anticipated in the prior approved rezoning petition and the site plan for this proposal includes a vertical mix of uses and provides active uses on the ground floor oriented to the sidewalk network and the site plan also provides for variations in sidewalk placement and setbacks to preserve existing mature trees and to accommodate elements of the proposed SouthPark Cultural Loop project.

Motion was made by Councilmember Winston and seconded by Councilmember Egleston, to approve Petition No. 2018-106 and adopt the following Statement of Consistency: This petition is found to be consistent with the SouthPark Small Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends mixed use, as amended by a prior rezoning for the larger area of which the subject property is a part. 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 vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses and in addition, the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development and the proposed rezoning is consistent with the vision articulated in the area plan and in the Centers, Corridors and Wedges Growth Framework, and is consistent with the overall mix of uses programmed in the larger

development anticipated in the prior approved rezoning petition and the site plan for this proposal includes a vertical mix of uses and provides active uses on the ground floor oriented to the sidewalk network and the site plan also provides for variations in sidewalk placement and setbacks to preserve existing mature trees and to accommodate elements of the proposed SouthPark Cultural Loop project.

Councilmember Egleston said Mr. Bokhari may be joining us later this evening and is not able to be here so an uncharacteristically short statement for me to read, much briefer than I was expecting. Councilmember Bokhari would like to particularly thank all the neighborhoods and the petitioner for working together over the last few months to bring a single unified ask before the Council tonight. He would also like to recognize the petitioner Lincoln Harris for funding a portion of the SouthPark Loop as an added community benefit.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 55-56.

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ITEM NO. 17: ORDINANCE NO. 9500-Z, PETITION NO. 2018-111 BY DAVID WEEKLEY HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE AFFECTING A CHANGE IN ZONING FOR APPROXIMATELY 5.79 ACRES BOUNDED BY DRUMMOND AVENUE, LYDIA AVENUE, CATAWBA AVENUE, DUNCAN AVENUE, OFF THE PLAZA FROM R-5 (SINGLE FAMILY RESIDENTIAL), R-22MF (MULTIFAMILY RESIDENTIAL), AND O-2 (OFFICE) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS.

The Zoning Committee voted 7-0 (motion by Watkins, second by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be primarily consistent with the Central District Plan, based on the information from the post hearing staff analysis and the public hearing and because for the portion of the site currently zoned R-5, the plan recommends residential uses up to 17 units per acre and for the portions of the site currently zoned R-22MF, the plan recommends residential uses up to 22 units per acre. However, for the small portion of the site currently zoned O-1, the plan recommends office 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 site is located on The Plaza, and this section of the street is a commercial corridor that serves surrounding neighborhoods and the proposed mix of single family attached and detached residential dwellings provides a transition from the commercial uses fronting The Plaza, to the lower density residential north of the site and building placement and height is consistent with the building pattern in the surrounding area and with the maximum base height allowed for single family homes and in addition, the proposal provides buildings that are oriented to public streets along with streetscape improvements that will enhance the pedestrian environment in this area. The approval of this petition will revise the adopted future land use for the small portion of the site currently zoned O-1, as specified by the Central District Plan, from office use to residential use at up to 17 dwellings per acre for the site.

Motion was made by Councilmember Egleston and seconded by Councilmember Driggs, to approve Petition No. 2018-111 and adopt the following Statement of Consistency: This petition is found to be primarily consistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because for the portion of the site currently zoned R-5, the plan recommends residential uses up to 17 units per acre and for the portions of the site currently zoned R-22MF, the plan recommends residential uses up to 22 units per acre. However, for the small portion of the site currently zoned O-1, the plan recommends office 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 site is located on The Plaza, and this section of the street is a commercial corridor that serves

surrounding neighborhoods and the proposed mix of single family attached and detached residential dwellings provides a transition from the commercial uses fronting The Plaza, to the lower density residential north of the site and building placement and height is consistent with the building pattern in the surrounding area and with the maximum base height allowed for single family homes and in addition, the proposal provides buildings that are oriented to public streets along with streetscape improvements that will enhance the pedestrian environment in this area. The approval of this petition will revise the adopted future land use for the small portion of the site currently zoned O-1, as specified by the Central District Plan, from office use to residential use at up to 17 dwellings per acre for the site.

Councilmember Winston said I think this was the presentation that we had last month, where I really do suggest that we have to look at the street here. There is going to be a lot more folks that are going to be using a pretty crazy intersection of the streets, and we are going to have to do something here or somebody is going to get really hurt I think. We have to come up with solutions, because it is tough right now, and I can't imagine hundreds more people using it a day and what it is going to do to the traffic flow, but also, I'm sure we are going to see an uptick in accidents here and we should be proactive instead of reactive in situations like this.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 57-58.

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ITEM NO. 18: ORDINANCE NO. 9501-Z, PETITION NO. 2018-113 BY RYAN COMPANIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 11.34 ACRES LOCATED ON THE NORTH SIDE OF SHOPTON ROAD, WEST OF BEAM ROAD FROM I-1 AIR (LIGHT INDUSTRIAL, AIRPORT NOISE OVERLAY) TO INST AIR INSTITUTIONAL, AIRPORT NOISE OVERLAY)

The Zoning Committee voted 7-0 (motion by McClung, second by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: The petition is found to be inconsistent with the Southwest 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. 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 institutional land uses are considered compatible in most areas, including industrial locations and the property to the east of this site is an institutional use, as it is the City of Charlotte's Police Department Defensive Driving Academy and institutional uses will provide a good transitional land use across the street from residential development along Shopton Road. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, from industrial to institutional for the site.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following Statement of Consistency: The petition is found to be inconsistent with the Southwest 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. 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 institutional land uses are considered compatible in most areas, including industrial locations and the property to the east of this site is an institutional use, as it is the City of Charlotte's Police Department Defensive Driving Academy and institutional uses will provide a good transitional land use across the street from residential development along Shopton

Road. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, from industrial to institutional for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 59-60.

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ITEM NO. 19: ORDINANCE NO. 9502-Z, PETITION NO. 2018-116 BY JDSI, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.34 ACRES LOCATED ON THE NORTHEAST CORNER OF MALLARD CREEK ROAD AND HUBBARD ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-4 (SINGLE FAMILY RESIDENTIAL).

The Zoning Committee voted 7-0 (motion by Ham, second by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan, 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 area plan recognizes the existing residential uses located on the subject property and the surrounding area is developed mostly as single family, low density residential, consistent with the proposed R-4 zoning district and the differences between the R-3 and R-4 zoning districts, are some minimal lot dimension related to lot size, width, rear and side yard requirements.

Motion was made by Councilmember Winston, seconded by Councilmember Egleston, and carried unanimously to approve this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District 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 area plan recognizes the existing residential uses located on the subject property and the surrounding area is developed mostly as single family, low density residential, consistent with the proposed R-4 zoning district and the differences between the R-3 and R-4 zoning districts, are some minimal lot dimension related to lot size, width, rear and side yard requirements.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 61-62.

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ITEM NO. 20: ORDINANCE NO. 9503-Z, PETITION NO. 2018-118 BY JKS MANAGEMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.82 ACRES LOCATED ON THE SOUTH SIDE OF MONTFORD DRIVE, EAST OF PARK ROAD FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

The Zoning Committee vote 7-0 (motion by Gussman, 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 higher intensity uses (residential, retail and/or office) in a pedestrian-friendly form for the site. Therefore we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is located in the Park/Woodlawn Mixed Use Activity Center, which is a priority area to accommodate future growth in an urban, pedestrian-oriented development form and the proposal is consistent with the Community Design Guidelines in the adopted area plan, and

supports specific recommendations from the plan for walkability by placing a building along the Montford Drive street frontage with street level entrances and activity, and locating parking and circulation primarily behind the building and the proposal is consistent with the plan's Montford Drive streetscape concept and supports the City's future Montford Drive streetscape improvement project to enhance the pedestrian environment and the proposal preserves and improves an unnamed road segment along the site's west edge with on-street parallel parking, sidewalk and planting. This street segment is under study for an extension southward to Abbey Place, which would improve the area street network.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2018-118 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 higher intensity uses (residential, retail and/or office) in a pedestrian-friendly form for the site. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is located in the Park/Woodlawn Mixed Use Activity Center, which is a priority area to accommodate future growth in an urban, pedestrian-oriented development form and the proposal is consistent with the Community Design Guidelines in the adopted area plan, and supports specific recommendations from the plan for walkability by placing a building along the Montford Drive street frontage with street level entrances and activity, and locating parking and circulation primarily behind the building and the proposal is consistent with the plan's Montford Drive streetscape concept and supports the City's future Montford Drive streetscape improvement project to enhance the pedestrian environment and the proposal preserves and improves an unnamed road segment along the site's west edge with on-street parallel parking, sidewalk and planting. This street segment is under study for an extension southward to Abbey Place, which would improve the area street network.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 63-64.

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ITEM NO. 21: ORDINANCE NO. 9504-Z, PETITION NO. 2018-120 BY CLARIUS PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 34.63 ACRES LOCATED ON THE NORTH SIDE OF TUCKASEEGEE ROAD, WEST OF WESTWOOD DRIVE, NORTH OF I-85 FROM R-3 AIR LLWPA (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA) TO I-1(CD) AIR LLWPA (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 7-0 (motion by McClung, second by Samuel) to recommend approval of this petition and adopt the following Statement of Consistency: A majority of the site is consistent with the Northwest District Plan and the remainder of the parcel inconsistent with the adopted plan, based on the information from the post hearing staff analysis and the public hearing and because the adopted plan recommends office/industrial land use for much of the site, single family up to three dwelling units per acre for a small portion of the site. Therefore we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is located just north of the airport, abutting Interstate 85 and the proposed warehouse/distribution and industrial uses are appropriate within the Airport Noise Overlay and in addition, the petition proposes to remove the residential properties on this site which are not recommended in the Airport Noise Overlay and this proposal is compatible with the industrial uses that exist or are being planned for the area between Interstate 85 and Wilkinson Boulevard, due to its proximity to the airport, the intermodal yard and the interstates and the dedication of right-of-way for proposed new road connections/realignments and street improvements that are a part of this rezoning will provide improved access to the site and create additional street network for the area. The

approval of this petition will revise the adopted future land use for a small portion of the site as specified by the Northwest District Plan, from single family residential to office/industrial.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2018-120 and adopt the following Statement of Consistency: A majority of the site is consistent with the Northwest District Plan and the remainder of the parcel inconsistent with the adopted plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends office/industrial land use for much of the site, single family up to three dwelling units per acre for a small portion of the site. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is located just north of the airport, abutting Interstate 85 and the proposed warehouse/distribution and industrial uses are appropriate within the Airport Noise Overlay and in addition, the petition proposes to remove the residential properties on this site which are not recommended in the Airport Noise Overlay and this proposal is compatible with the industrial uses that exist or are being planned for the area between Interstate 85 and Wilkinson Boulevard, due to its proximity to the airport, the intermodal yard and the interstates and the dedication of right-of-way for proposed new road connections/realignments and street improvements that are a part of this rezoning will provide improved access to the site and create additional street network for the area. The approval of this petition will revise the adopted future land use for a small portion of the site as specified by the Northwest District Plan, from single family residential to office/industrial.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 65-66.

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ITEM NO. 22: ORDINANCE NO. 9505-Z, PETITION NO. 2018-122 BY GREG GRUENEICH & BRIAN WALLACE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.24 ACRES LOCATED NEAR THE INTERSECTION OF EAST 4TH STREET AND SOUTH TORRENCE STREET, SOUTH OF CHARLOTTETOWNE AVENUE FROM B-2 (GENERAL BUSINESS) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Gussman, second by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Midtown, Morehead, Cherry Area, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential, office, and/or retail uses for the subject site. Therefore we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposal will allow a building previously used for warehouse and distribution to be used for a range of nonindustrial uses such as retail, eating/drinking/ entertainment, office, and residential uses and the petition will maintain and renovate two existing structures with the requested optional provisions, preserving elements of the area's historic fabric and character and the petition will upgrade the pedestrian experience along South Torrence Street frontage with new active uses such as outdoor dining and entertainment.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2018-122 and adopt the following Statement of Consistency: This petition is found to be consistent with the Midtown, Morehead, Cherry Area, based on the information from the final staff analysis and the public hearing and because the plan recommends residential, office, and/or retail uses for the subject site. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposal will allow a building previously used for warehouse and distribution to be used for a range of nonindustrial uses such as retail, eating/drinking/ entertainment, office, and residential uses and the petition will maintain and renovate two existing structures with the requested optional provisions, preserving elements of the area's historic fabric and character and the petition will upgrade the pedestrian experience along South Torrence Street frontage with new active uses such as outdoor dining and entertainment.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 67-68.

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ITEM NO. 23: ORDINANCE NO. 9506-Z, PETITION NO. 2018-124 BY CROSS DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.75 ACRES LOCATED ON THE SOUTH SIDE OF UNIVERSITY CITY BOULEVARD, EAST OF CABARRUS FARM ROAD FROM B-1 SCD (BUSINESS SHOPPING CENTER) TO I-1 (LIGHT INDUSTRIAL).

The Zoning Committee voted 7-0 (motion by Samuel, second by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Rocky River Road Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends warehouse/office uses for the subject property. 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 located between University City Boulevard, which is a major thoroughfare, and the railroad and industrial zoned land to the south, creating an environment that is suitable for nonresidential uses and the adopted land use calls for office/warehouse uses, as allowed in the proposed I-1 industrial zoning district and with the exception of the subject property zoned B-1SCD (business shopping center), adjacent properties located on the south side of University City Boulevard are zoned I-1 (light industrial), I-2 (general industrial), I-2(CD) (general industrial, conditional), and B-D (distributive business), which are districts intended to allow industrial, warehousing, manufacturing/ processing/ assembling, distributive and wholesaling uses and the site is appropriate for the proposed I-1 (light industrial) zoning, in light of the surrounding industrial, utility, office and institutional uses.

Motion was made by Councilmember Phipps, seconded by Councilmember Newton, and carried unanimously to approval of Petition No. 2018-124 and adopt the following Statement of Consistency: This petition is found to be consistent with the Rocky River Road Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends warehouse/office uses for the subject property. 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 located between University City Boulevard, which is a major thoroughfare, and the railroad and industrial zoned land to the south, creating an environment that is suitable for nonresidential uses and the adopted land use calls for office/warehouse uses, as allowed in the proposed I-1 industrial zoning district and with the exception of the subject property zoned B-1SCD (business shopping center), adjacent properties located on the south side of University City Boulevard are zoned I-1 (light industrial), I-2 (general industrial), I-2(CD) (general industrial, conditional), and B-D (distributive business), which are districts intended to allow industrial, warehousing, manufacturing/ processing/ assembling, distributive and wholesaling uses and the site is appropriate

for the proposed I-1 (light industrial) zoning, in light of the surrounding industrial, utility, office and institutional uses.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 69-70.

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ITEM NO. 24: ORDINANCE NO. 9507-Z, PETITION NO. 2018-125 BY BROOKSHIRE BOULEVARD INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.06 ACRES LOCATED ON THE WEST SIDE OF BROOKSHIRE BOULEVARD, NORTH OF LAWTON ROAD FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL).

The Zoning Committee voted 7-0 (motion by Ham, second by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: The petition is found to be consistent with the Thomasboro/Hoskins Area 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 the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed industrial zoning district is consistent with the industrial land use recommended for this site, and all surrounding sites and the site is located within an industrial activity center and the recommended land use does not differentiate between heavy or light industrial uses.

Motion was made by Councilmember Winston, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2018-125 and adopt the following Statement of Consistency: The petition is found to be consistent with the Thomasboro/Hoskins Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends industrial land uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed industrial zoning district is consistent with the industrial land use recommended for this site, and all surrounding sites and the site is located within an industrial activity center and the recommended land use does not differentiate between heavy or light industrial uses.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 71-72.

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HEARINGS

ITEM NO. 25: HEARING ON PETITION NO. 2017-206 BY BWN INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.35 ACRES LOCATED ON THE EAST SIDE OF 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).

Mayor Pro Tem Eiselt declared the hearing open.

Ed McKinney, Planning said I will provide a quick overview of the petition and our recommendations; the site is highlighted in yellow. For context, it is essentially north of the intersection of W. T. Harris Boulevard running north/south; here is Albemarle Road, and for broader context we are probably about a mile east of Eastland Mall down Albemarle Road. Couple of quick slides to give you the context of the adopted future land use and the zoning, I want to talk about these a little more closely, because the land use context is important to our recommendation, so you see the future land use. The orange color is the multifamily future land use. You see a collection the red for retail, the purple for office. The strip color is a mix of commercial and office, and you see that use sort of concentrated around the

Albemarle Road, W. T. Harris Boulevard corridor within the multifamily, the orange color wrapped around that particular as you go north on W. T. Harris Boulevard. Again, the notion from a future land use standpoint is that mix of commercial and office use is really concentrated around that intersection of W. T. Harris Boulevard with the multi-family residential wrapping this activity center. Just to show you what that looks like from a zoning standpoint, again the current site is zoned R-17 multifamily, and you can see everything around it essentially to the north is that same zoning and then you see a collection of B-1, Office and some other conditional commercial B-2 zoning essentially reflecting that future land use pattern again with that zoning law being the multi-family residential to the north as you get away from the Albemarle Road intersection.

There are some important investments that have been made and are being made now currently in this area so this is an aerial view looking down W. T. Harris Boulevard to Albemarle Road; there is the Albemarle Road, W. T. Harris intersection, the site here again highlighted in yellow. Here is Lawyers Road which is a new street connection that was finished around the 2009/2010 timeframe, City project and adjacent to that is or the ramification of that project were two City parcels, one that was developed with a CATS Park and Ride lot, so there is a Park and Ride facility here and several routes, two important express routes that run from this site and from the east side to uptown and then the other site here you see highlighted in blue is a future site. This is a City owned parcel which is under construction now for the CMPD Hickory Grove Police Station. Two pieces essentially adjacent to this infrastructure and new street of Lawyers Road and then you see in context the site we are talking about. Another view of the context, here we are standing on W. T. Harris Boulevard looking south to Albemarle Road; here is the site, here is the intersection of Lawyers Road, and again the importance of this image is to show the context of that transition from the commercial corridor of Albemarle Road to what is essentially a neighborhood multifamily as you move from that intersection north along W. T. Harris Boulevard. Everything around you see in this image from a zoning and future land use standpoint is anticipated to be multifamily.

Here is a zoom in on the site, again Lawyers Road, W. T. Harris Boulevard and then Albemarle Road is just off this image, so the proposal is for a couple of uses combined; one is car wash facility in this development Area A. So, there is a car wash facility and a related access to it. There are fuel pumps here essentially for a gas station that is part of that development Area A and then in development Area B for the rezoning is a 10,000-square foot building that could accommodate a range of uses that could be office, retail or other commercial uses which also includes a drive-thru facility on the side, so you see sort of a combined site plan with a commercial use, fuel pumps, and then a car wash facility. Key points of access, there is a right in/right out here off of W. T. Harris Boulevard. There is a right in/right out with a new sort of left in cut in off of Lawyers Road and a future potential connection that could be provided with some coordination with CATS that would connect you to the CATS Park and Ride facility.

Staff does not recommend approval of this petition; the petition is inconsistent with the East District Plan for as you saw earlier the multi-family use. It is a site that is both zoned and future land use for multifamily. Our rationale, we believe that adopted policy really helps our intent which is really to help concentrate and keep the spread of commercial uses focused at this intersection and maintain essentially the multifamily residential pattern around it as a transition as you go further up W. T. Harris Boulevard. We believe it is important to protect that residential site and maintain the adopted policy from the East District Plan.

Anthony Fox, 401 South Tryon Street said I am with Parker, Poe, Adams, and Bernstein, and I am representing the Petitioner BWN Investments with regards to this proposed use. We realize that this proposed use is inconsistent with the area plan. We seek to revitalize and rezone this 3.35-acre site, which is located as the staff had indicated at East W. T. Harris Boulevard at the intersection of Lawyers Road and Albemarle Road from what is shown in the East District Area Plan as R-17MF to B-2(CD).

This is an interesting site, and we realize that the area plan was generated in 1990 almost three decades ago. At the time the area plan was done, the realignment of Lawyers Road did not exist. Your CATS Park and Ride facility, which abuts this site, did not exist. The

plan would call for this site to be maintained as residential multifamily; I would suggest that while there is a need for multifamily in this City this is not the site. Can you imagine children playing in a multifamily facility surrounded by what I call this concrete island of Lawyers Road, Albemarle Road and East W. T. Harris Boulevard? The site is not that big. I would also suggest that this proposed improvement adds to the character of that neighborhood. It is providing what I think will be welcome opportunity for development with a carwash facility and a fuel canopy. Interesting enough, staff mentioned the improvements that you as a City are making to this site. You are putting a Police Substation there; you have the CATS Park and Ride facility. Our proposal has included the dedication of a right-of-way into our facility and into our site to provide access for those people who park, ride, leave their vehicles, come and continue with their commute to fuel or to wash their vehicles. It also provides an opportunity for your Police Officers and their vehicles to be serviced.

I'm joined here tonight with Jeremy Roberts; he is with Ego Engineer and he did the site plan for this. As proposed, this car wash would have about 4,400 square feet and would have about 12 fueling stations. The development area B is conceptual, but as staff indicates, it does include a proposed plan for a restaurant, office or retail or financial uses of 10,000 square feet or less. I would like to comment staff; they have done a great job in terms of working with us on this site, notwithstanding the fact that they are bound by the area plan, but we believe that this rezoning is a good use for this site and would ask for your support.

Jeremy Roberts, 2013 Van Buren Avenue Suite A, Indian Trail said we drew the site plan that is before you, and I welcome any questions you may have on the site plan.

Mr. Fox said we did conduct a mandatory community meeting in the neighborhood at the library on Albemarle Road, and no-one spoke in opposition and very few attended.

Councilmember Newton said I think we had an opportunity to talk about this today Mr. McKinney; and I appreciate your time earlier to discuss the area plan, which I think is really the issue here. We are talking about a plan from 1990 and adhering to it, and I think we can look at the way the area has changed and say that there are different characteristics here for Harris Boulevard and Albemarle Road. At the same time, I think the petitioner alluded to this too that we have this new connection with Lawyers Road that kind of separates this piece of land from the other area and I guess more frankly from the residential areas to the north. I have some questions pertaining to the consistency here; when I look at the rational, what really sticks out to me is the intension to concentrate retail and commercial development along the Albemarle Road Corridor and if you go back to the land use slide, you can see where we've got an O-15 to the left which seems to jut into residential development to the north. I just wanted to ask, so why would this be inconsistent given that and then secondarily, my next question and I wish this map showed us further south, because I do know we have a Walmart. King of Spicy is down there, so we have a shopping center, and at least for me, I would like to see something before we make a final decision in a greater scope and context from that southern portion to see how far the commercial and retail that is centered on the Albemarle Road Corridor. The basis of the rational here actually extends beyond that corridor to the south, but for the sake of right now that question pertaining to how we stay consistent given the other development to the west particularly in light of the fact that we are also seeing a separation with the extension of Lawyers Road, a separation of this piece, this node, I think is what we were discussing earlier and the residential to the north.

Mr. McKinney said notwithstanding there have been a number of changes obviously since the area plan was adopted and as we've talked about Lawyers Road, and the investment the City is making being some of the more significant. The issue here is maintaining what I think has been a long time practice and policy around the commercial corridor itself so this development, the office and the commercial uses and this line that has been both from a zoning and land use standpoint has been struck has been a pretty consistent line, so the notion of insuring that property, some of which are larger, that have access to Albemarle Road is really where the focus of that commercial corridor is and as you transition particularly in this case to the north everything going north of W. T. Harris Boulevard from this point is multi-family residential. You are correct. If we were to zoom out a little further you would certainly see that node to the south; there is a couple of school facilities to the south as well

but again most concentrated around the Albemarle Road Corridor. It has really been our policy that once those lines are established we really want to ensure that we maintain the focus of commercial development in a way that does support the reinvestment and the development of those corridors, but also ensures that we have a line that respects the residential and the neighborhoods around it.

In this case, while those have changed we still believe that this site, particularly as it is located now, even with access to Lawyers Road, we think it is still in many ways with the investment in Lawyers Road the adjacency of Park and Ride continues to make this a strong location for multi-family development with access to the activity center and access to transit and a site that certainly the context of it around to the north and adjacent to it is really been consistent a multi-family site.

Mr. Newton said I recall we made a unanimous decision as Council to change a residential designation to an office or business designation back in November for a five-story hotel, and I know I'm ambushing you with this. So, maybe this is something to consider to get back to us about. This was back in November and that was inconsistent with the land use plan at the time, that five-story hotel. Staff recommended approval, and I just wanted to maybe get some feedback, and once again, I understand this is ambushing you on this, but to get some feedback on why that was seen as something that staff approved whereas this, which I think is similar in scope, at the same time has this separate node unto itself now, because the Lawyers Road extension would not be approved by staff.

Mr. McKinney said we can get back to you in the follow-up report with a comparison of the case you just mentioned and how it might relate to this site. Certainly, as you can imagine every case with the context of an area plan is going to be different, so this case the merits of the policies we are viewing here are what led us to our recommendation.

Councilmember Phipps said right here, if I'm not mistaken, are there a cluster of single-family homes here directly across from the site? I thought when I passed by there, there were about five or six newly constructed single-family residences. Am I mistaken?

Mr. McKinney said I would have to check it; I don't have an image of that. It is hard to see on this image, but those are essentially small lots; that certainly could be what you are describing. I don't have an image of probably the most recent condition.

Mr. Phipps said that would give me pause right here, with this commercial establishment right in front of this group cluster. How recent is this picture here?

Mr. McKinney said this is probably a little dated so this might not have any recent construction, but that is the view I think you are talking about.

Mr. Phipps said I think as you pull in and turn that there is a cluster of five or six single family, garage houses there that I would agree with staff in my mind that it more or less defeats the residential character of this particular corridor, and that is what is giving me pause at this time about supporting this particular facility at this site directly across the street. I can appreciate the petitioner's assertion that no-one spoke in opposition of the four people that came to the public hearing and my review of the minutes community report shows that those four, including my colleague here, was one in attendance they were pro carwash. This really wasn't reflective I don't think of the community at large even though obviously the community didn't show up, but to say that no-one spoke in opposition is a stretch.

Mr. Fox said with all due respect, we followed the procedure that you require in terms of noticing for a public hearing. We held the public hearing, and we stayed even beyond the time required, and that was the result. Another point I would like to make, and you sound like you are very familiar with the area, then you know that this area sits where the Bojangles does on Lawyers Road and Albemarle Road and East W. T. Harris Boulevard, and beside that Bojangles is a Pennzoil Change facility. This is a carwash, no different than type of environment that currently sits there.

Councilmember Egleston said Mr. Fox stole one of my points, which is we've started putting pictures in the books to give us some surrounding context, and I think it is a mistake that the Pennzoil, because I pulled it up on Google Maps and if you go to the zoning map that little sliver of O-1 behind the Bojangles is a Pennzoil Oil Change place and I think that is immediately adjacent to this site and highly relevant to this decision and I'm not sure why that picture was not included in our recap here. I wonder too; across Harris Boulevard into the R-3 zoning it looks to be a pretty significant tree save there. Mr. McKinney; do we know if that is something that is developable or it was part of a rezoning and it's got to be tree save or would that screening stay between the existing housing and Harris Boulevard or could it potentially be developed as more housing than already exist there? As you are coming out Lawyers Road from Albemarle and you into Harris Boulevard the tree save there directly across from the end of Lawyers Road in the bottom middle of your picture. Is that tree save likely to stay or if that is developable land based on what else has already on that site?

Mr. McKinney said the answer to that is this is not tree save; this is simply land that has yet to develop. It is currently zoned similarly. It is zoned for R-17MF, and this is zoned for multifamily, so by right this whole piece here could develop for multifamily, the same way this site today could develop by right with multifamily. They would have to adhere to our current tree save standards but you wouldn't see as many trees as you are seeing here. Just to make a point, that is a little bit of the context here; you think of this intersection and this is the parcel that Mr. Phipps just mentioned. It seems like there is a single family development here now, so everything you see at this intersection of Lawyers Road and W. T. Harris Boulevard is zoned for residential multifamily, and so the idea around the plan and that transition albeit yes, there is commercial uses and we've just talked about the Bojangles and the oil change site, that transition has to happen somewhere and our believe here in the policy is that essentially this intersection here at W. T. Harris Boulevard and Lawyers Road and the multifamily that extends along W. T. Harris Boulevard is the location to do that.

Mr. Egleston said you said the bottom left of that screen is now. On Google Maps it is being clear cut by a backhoe; you say it is now multifamily or single family?

Mr. McKinney said I'm only going by the observation Mr. Phipps made, I don't have a current image of that, that has apparently been developed for residential units. We can follow up and get an update on that whether it is single family or townhomes, but it a site zoned for multifamily, so by right certainly what could be developed there is residential uses.

Councilmember Winston at the beginning of this one, I thought it was going to be easy. I thought I was going to be with staff all the way, but looking at the O-2 and the Pennzoil Oil Change and the Bojangles it would seem that if we went the rezoning route this would create a nice neat little block there. There are some questions I have about keeping it residential. How long ago was the Lawyers Road Extension completed?

Mr. McKinney said was completed around 2010.

Mr. Winston said so, about eight or nine years, going on a decade. How would you describe the overall residential development in that area? How would you described the development activity over there of residential properties?

Mr. McKinney said off the cuff we can follow up and provide some information on development permits on what has happened in this corridor more accurately, but certainly in this area in this location, obviously we haven't seen although we just mentioned the recent development potentially at this corner. Relatively modest but we will be glad to provide some more information about what development activity is happening.

Mr. Winston said I would like that; my line of questioning really is around the right land use for this parcel. In one way I can see that a gas station and a carwash will go really well next to a Park & Ride and new Police Station. You can see how things comingle pretty well, but you can also see potentially how a residential unit there could play well. Would we consider this a transit area because of the Park & Ride? I'm assuming that this is a popular kind of transit line that would connect east Charlotte into the rest of the City. Are there multiple connectors here and that line of questioning kind of goes with when we talk about the Blue

Line for instance, do we really want to be putting gas stations next to transit options that would be quick access points to the rest of the City. Is this a relevant comparison?

Mr. McKinney said I think so; it is obviously not one our rapid transit corridors; it is not on our light rail line. As I mentioned before, we are probably maybe a mile just east of Eastland Mall which in our plans will have streetcar extension to it. The reason why there is a Park & Ride here is there are two significant express bus routes that run along this corridor that essentially get you from here to uptown, and I think there are at least two other local routes that routes through this Park & Ride. So, it certainly an investment that CATS has made both in the Park & Ride and the routing themselves that this is a high transit corridor for bus travel, and this is a location that ultimately is a good example of where we do want to provide a mix of use to take advantage of that.

Mr. Winston said I know this is looking to go to B-2, but should we look at this as sort of transit oriented development area where we want to create more walkable spaces and encourage that type of development versus more car oriented development that we don't want in transit kind of zones?

Mr. McKinney said therein lies the most tricky policy question about a site like this. As I mentioned, it is not a transit station the way we are thinking about TOD, but we do have many locations like this around the City that are part of our transit system and do provide higher level of transit access. What I would say, go back to the policy as we do which is one of the reasons why maintaining a certain line of the commercial and a close relationship to residential and multi-family residential to these corridors is important, because that is where any investment we are making in transit, so we want both things. We want people to live near them, and we want the corridors themselves to provide employment and retail services along them so while the area plan date is de-seemingly dated, the fundamentals of that makes sense, which is want to insure that we get that concentration of uses along these corridors, because that is where we are making transportation and transit investment and why it is important to us that we don't let sort of a lower density kind of commercial spread and limit our ability to provide for that mix of use and particularly residential that would be literally walking distance literally out your back door to transit.

Mr. Winston said I would really like to get a better understanding about the residential development in that area as to whether this parcel is an anomaly or kind of consistent with like development in the immediate area.

Mr. McKinney said we will provide some follow up on that.

Councilmember Driggs said just a technical question, if this is an R-17 and it is three and a third acre, why does the vehicular generation analysis suggest that the entitlement is 290 trips based on 27 multi-family units? It doesn't seem like your arithmetic works there. Shouldn't there be something in the high 50's in terms of units?

Mr. McKinney said let's see if our C-DOT folks have an answer to that; we may have to provide a follow-up.

Mr. Driggs said it is not terribly important; what I'm really looking at is the exiting use of zero trips and the proposed zoning at 3,500 almost. I'm not that familiar with conditions, but it is a big intersection, two major roads, so are we confident that putting that much trips and I realize a lot of it is probably drive by but right there near that major intersection is not going to interfere with traffic flow at the intersection?

Felix Obregon, Transportation said this site actually provided a traffic impact study and the traffic study was reviewed by both C-DOT and NC-DOT and based on the traffic impact study, the only improvements that were required for this site was the right-turn on W. T. Harris Boulevard and the left-turn on Lawyers Road.

Mr. Driggs said right, so you are telling us that you don't feel that this activity near that intersection; we've just got in my District at least, you've got a number of big intersections where the wait times have gone up to something like four or five light cycles during peak

traffic. I would just like to get some confidence that we are not going to add to a problem at that one, but we can talk about it off line.

Councilmember Newton said I wanted to ask about the tree save to the north and what the plans are for that. In the pictures, we are not seeing much there at all. Will there be trees planted there and to what extent?

Mr. Fox said where the site intersects with East W. T. Harris Boulevard and Lawyers Road we did include a tree save area.

Mr. Roberts said the existing tree will remain, and we will also be planting some at the City's rate of 36 trees per acre in that area.

Mr. Fox said that met the staff's requirements.

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

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ITEM NO. 26: HEARING ON PETITION NO. 2018-051 BY SXCW PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.72 ACRES LOCATE AT THE SOUTHWEST CORNER OF MALLARD CREEK ROAD AND CAROLINA LILY LANE FROM CC (COMMERCIAL CENTER) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said this site is similar in program to the one we just looked at; the size of the site is very similar. This one is just off of I-485 on Mallard Creek Road. I-485 is just a few blocks further down and to the left. Mallard Creek Road runs along here, and we are just inside the County boundary and Mallard Creek Road goes on into Cabarrus County to the back side of Concord Mills. It is just off the corner of Carolina Lily Lane and Mallard Creek Road, a part of a site that was rezoned in 1998 with some changes in 2011 that provided for retail uses along the front that sort of then went back into multifamily behind. The Northeast Plan does call for retail and offices uses in this particular site, so it is consistent with that. The property just south of there is actually zoned residential, single family but is intended for future higher density residential. It calls for a carwash, and you can see similar to the last one there is the carwash with 12 gas canopies out front and vacuuming station there. It is not directly located on Carolina Lily Lane so getting from here to there, there is really only one way into the site. This other piece here is not part of this rezoning but is owned by the same property owners and we have been working to ensure that we get a way into and out of that particular property. One of the particularly strong needs for this particular site is what is named Aspire Street that is intended to run along the back side of this particular property. Again, the yellow is the outline of the property under consideration. These properties all along here are the source of recent multi-family rezonings that have been approved over the past year or so and we've been working very hard to get this Aspire Street as a parallel street connection and we consider it very important that it continue on across and make its way all the way to Carolina Lily Lane, so that is one of the major factors for staff.

We do recommend approval of this petition; the transportation again is the main thing we've been working with the applicant and we believe that we've gotten most of that worked out, but we still think we've got to cross some t's and dot some l's on that. Also, some technical revisions about parking and fuel station counts on the property. It is consistent with the Northeast Area Plan and staff will be recommending approval.

Anthony Fox, 401 South Tryon Street said I'm here on behalf of the petitioner which is SXCW Properties, LLC. Again, this is seeking to rezone the property from its current zoning of CC to B-2(CD). The purpose of that is to accommodate a carwash facility with a fuel

canopy component. This site is owned by the petitioner and the total site is about 6.3-acre site; we are seeking to rezone the 3.72-acre portion of that site. As the overhead showed there, the property that we are building will have some improvements made. There is a private drive that comes along the parallel to Carolina Lily Lane and that will be a primary ingress and egress out to Mallard Creek Road. The petitioner has agreed as a consequence of this rezoning to provide another ingress and egress from Carolina Lily Lane to the private drive, and that is a portion of your desired goal of getting property dedicated for the completion of Aspire Street. The petitioner has also agreed to dedicate the right-of-way from the private drive to the western part of the site as a dedicated right-of-way but not to construct that portion of that right-of-way but to provide to the City through dedication the right-of-way that will help complete this desired thoroughfare of Aspire Street to the property. We thank staff for their work on this and their support of this petition.

Councilmember Egleston said I know there is a technical difference between this one and the last one, because this one is not currently zoned residential and the last one was, but this seems to make sense and from a practical standpoint this is intruding into a residential zoning. I only say that to say that the first one to me, if this one makes sense which staff is saying it does. I have trouble coming to the conclusion that the one before this doesn't make sense.

Councilmember Phipps said I am familiar with this area too and also aware of the Mallard Creek Road widening project from Derita Road that is there. Did I understand you to say that the transportation notes that are in the plan that the petitioner is okay with those?

Mr. Fox said I don't recall the notes verbatim, but what the petitioner is doing as a consequence of this rezoning petition, it will acknowledge the improvement of the Mallard Creek Road improvement by dedicating 68-feet of right-of-way in fee simple along Mallard Creek Road. It will support and help extend Aspire Street to connect to Carolina Lily Lane but from its private drive to Carolina Lily Lane. The way to think of it is the right-of-way shown on the back part of the improved parcel would not be constructed but will be dedicated. The right-of-way from that on to Carolina Lily Lane on the parcel that is not improved will be constructed and dedicated.

Mr. Phipps said I ask staff this; with what the petitioner just said does that satisfy the contingencies that staff has put in here?

Mr. Main said we think we need to have a little bit more discussion on that matter, and I think we will be doing that as we follow on from here.

Councilmember Winston said Mr. Egleston you brought a point up and while I get the line of thought, I don't think it is apples to apples comparison when you look at where these two parcels are located on our map and what is going on when you consider that part of East Charlotte is in more of a transitioning part of town where it once was very suburban, but it is getting to more of a dense urban outfit and how do we support that type of transition versus this parcel, which is on Carolina Lily Lane, which is in a very suburban area, which is very car oriented, and isn't under the same type of development conditions or the kind of vision that we have for that point in town. I see what you mean in terms of where the parcel is located in relation to residential land. I just don't think we can apply that simple of a comparison.

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

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ITEM NO. 27: HEARING ON PETITION NO. 2018-053 BY BOULEVARD REAL ESTATE ADVISORS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.17 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET, NORTH OF YORKSHIRE DRIVE, SOUTH OF CLANTON ROAD FROM R-5 (SINGLE FAMILY RESIDENTIAL), B-1 (NEIGHBORHOOD BUSINESS, I-1 (LIGHT INDUSTRIAL) AND I-2 (GENERAL

INDUSTRIAL) TO TOD-M(CD) (TRANSIT ORIENTED DEVELOPMENT – MIXED USE, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

Laura Harmon, Planning said the subject property is outlined in yellow; this is South Tryon Street, and this is the Scaleybark Station, and it is approximate within walking distance of the Scaleybark Station. You can see the land use; it is for the most part proposed for transit oriented development. There is one parcel that is planned for residential. It does have a home on the front, but in the back, it appears that there is business use going on, something we are still exploring to see if that is a zoning violation. One critical element of this petition is that there is a neighborhood between the station here and the site, so something we are sensitive to and continuing to work on how we preserve that neighborhood, but the site for the most part is planned for transit oriented development.

We have a pretty straight forward site plan; it will allow all uses in TOD, will have streetscape improvements on all three abutting streets. Some critical elements are the setback on Yorkshire Drive, the buffer abutting the residential; again, something we are continuing to talk about and some architectural standards that are comparable to what is in the proposed new TOD districts that we have dealing with longer buildings, ground floor activation and architectural treatments of the ground floor. Staff is recommending approval upon the resolution of some outstanding issues that we are working with the petitioner on. This is consistent with the Scaleybark Plan for the most part, inconsistent for two parcels that would, if this were approved, change the plan land use to TOD from single family residential for those parcels and again we are supporting this, because of its proximity to the transit station, allowing a site to convert to transit supported uses, the ability to provide what we think when we finish working on this would be a good transition from the established neighborhood to the development on this site and also the setback on Yorkshire to be similar to the existing single family home.

Ty Shaffer, 101 North Tryon Street said I'm here on behalf of the petitioner. All four people that are signed up to speak in favor are with the rezoning team, so they are here to answer any questions that you might have. We are pleased that staff recommends approval of this petition; we are certainly going to work through the outstanding issues with them to try address all of those before the Zoning Committee hearing. The petitioner's request is for the site to be rezoned TOD-M; the existing zoning is seven parcels that make up this site. The existing zoning is a mixture of industrial, business; the two narrow parcels on the southeast of the site are zoned R-5. The rear parcel is currently being used as a laydown yard, parking, not being used for residential purposes. There are three single-family homes that front Yorkshire Drive, two in the parcel zoned B-1 and then one in the parcel zoned R-5. All three of those are currently being used as office and not being used as residences.

I want to give an overview here, an aerial of the sit; currently there is a mix of industrial, warehouse, office and commercial uses on the property, but what I want to mention in a little more detail as we move into discussion of some changes that have been made in the plan, the site will border only two parcels. The parcel to the north that fronts Tryclean Drive further from South Tryon Street is an industrial site split zoning I-2 and I-1; it is part of the Tryclean Industrial Park, and the parcel to the south is a single parcel that is zoned R-5. This matter was set for public hearing in December, was deferred for 30-days and the petitioner did makes some changes to the site plan during that time. Ms. Harmon did a good of job of pointing out what some of those are, but just to summarize for Council the plan does now show a commitment to a 10-foot Class B buffer on that portion of the site that borders the parcel that is zoned for residential use. There is also a 20-foot rear yard that includes that 10-foot buffer, but there will be a 20-foot rear yard at which point buildings would have to begin under the current plan. The height limitations would be the height limitations that are set out in the TOD-M provision in the ordinance which will begin at 40-feet and then transition as you move away from a residential use. The plan was also revised to add the 30-foot setback along Yorkshire Drive, extending all the way to South Tryon Street instead of just those portions that are across the street from residential uses. Staff provided feedback; we got feedback from the neighbors that was relayed to us by Councilmember Mayfield and the petitioner is also willing to commit to some other changes that will be shown on the site plan

in advance of the Zoning Committee meeting. One of those is that it will put in the notes that it will request that any construction entrances during development, if this were to be approved, would ask that those would be off of South Tryon Street instead of Tryclean Drive and Yorkshire Drive where the residents are accessing. That would have to be subject of being approved by C-DOT but that is a request the petitioner is willing to make. The petitioner is also going to commit in the notes that construction hours would begin consistent with the code requirements for construction. We will put that in the notes and specify that. The petitioner is also currently working with the engineers, designers of the site, to put together an enhanced buffer on that portion of the property that abuts the residential use, and we will have that in shape that we can commit to that on the site plan in advance of the Zoning Committee hearing that is at its working session. I will be happy to answer any questions you have. I may have some time reserved after we hear from the gentlemen who signed up to speak against this, and I will come back and address any issues as necessary that might be raised.

William Campbell, 300 Sloane Square Way said I come here to let you know that overpopulation is going to ruin Charlotte in the future, because all construction jobs are just temporary jobs, and once they construct something the job is over. They've got no income or anything like that, but if we are consistently constructing in the City, we are going to turn into New York City, because it is going to be so compacted with no subways and over populated will cause a lot of traffic issues and buses be jammed with the traffic. Since everything is being built out of cement while the consistent construction is going on right now that cement will get just as hot as stone does and that is going to cause a lot of heat and lots of wildlife will die out if we consistently constructing all of these apartments and stuff like that with no trees. Lots of bug predators won't survive in the heat and that spread a lot of plagues and stuff like that. More people will be staying indoors because there will be more heat, and with more people and over population that is going to cause of air conditioners and refrigerators carbon and making the place a lot hotter. It is going to increase the heat, so less people are going to want to come outside to exercise and when you weaken your strength and energy that weakens your immune system too.

Mayor Pro Tem Eiselt said Mr. Campbell, for this zoning hearing you have to speak specifically about this petition. Do you have some comments in opposition to this particular project?

Mr. Campbell said yeah, we need to decrease the amount of apartments we are building.

Mayor Pro Tem Eiselt said I understand that, and I appreciate your concerns and your comments but we can't make comments in general; it has to be specific to this particular project. You can speak at our public forum on any topic you want. If this is an area you want to speak about and bring to the Council's attention you can sign up for one of our public forums to do that.

Mr. Campbell said well, I'll tell you God makes me feel that I fail at everything. He only wants me do the writing of the book, but if I make enough money off the book-

Mayor Pro Tem Eiselt said thank you Mr. Campbell; we can certainly have you speak to the Clerk and sign up for a public forum and have three minutes to do that at our public forum so thank you very much.

Mr. Campbell said I fail at everything; that is all it is.

Mayor Pro Tem Eiselt said no, you are raising some great points sir. We just have a process that we go through on our zoning meetings. We certainly welcome those comments at another time.

Mr. Campbell said so, I can't speak to increase the amount of trees and stuff like that and add more landscaping?

Mayor Pro Tem Eiselt said not tonight but those comments are certainly appropriate at another meeting. Ms. Kelly can share with you when is the right time to sign up for that, and you are welcome to sign up for that.

Councilmember Mayfield said I want to take the time to thank the petitioner for listening to the concerns that were shared by residents who were not able to be in attendance that live in the neighborhood, and I look forward to what will be brought back to us prior to the actual zoning meeting on this.

Councilmember Phipps said they had a comment in the Charlotte Water section, and I just wanted to know has this water/sewer project started yet?

Ms. Harmon said I am not sure of the exact status of it; we will put that in a follow-up report on whether it has started or not.

Mayor Pro Tem Eiselt said can I ask about the nature of the project because I am just a little bit concerned about taking residential land off line close to TOD, so I just want to know because the scope of TOD as it stands right now is pretty broad. We are aspirational as to what we want TOD to be, but right now there are uses that I would struggle with replacing residential for that purpose.

Mr. Shaffer said at this point the request is for all uses that would be permitted by right in TOD and the zoning district. As to the residential properties that might be displaced our understanding is those are not actually being used as residential properties, which I think is why there was some comfort in recommending approval here, but at present, the request is for all uses that would be permitted in TOD.

Ms. Mayfield said that is the challenge that I've said regarding TOD, because if it falls under TOD it is just that, so you don't get details or specifics under a TOD rezoning.

Mayor Pro Tem Eiselt said I have concerns about it because I don't know; it is just really rare to have residential land zoned near our TOD stations, near our light rail stations, and I hate to take it off line for a storage facility or something that is currently allowed under TOD.

Ms. Mayfield said one of the other challenges for this particular site is that several of the homes have been operating as a business for many years and that had not been necessarily caught or tracked so when you go back and you look at what staff shows the piece where the outline comes into the residential, the green, so you have a home that has been operating as a business for years and the back of that business has multiple items behind it. That is something that should have been tracked years ago along with fines and permitting and other things that never happened. Now that it is coming before us the challenge is with this particular rezoning because what falls in TOD it can be retail, or it can be multifamily but the biggest concern that I have from speaking to a resident is making sure there is a clearly defined buffer between the current residential that is actually owner occupied versus this home that has been operating as a business. There is a separate conversation that needs to happen regarding how staff goes out between City and County when permitting is being done, finding out if a permit was ever pulled and when Code is out traveling through neighborhoods. What is the trigger to know that a residential is transitioning into a business and whether or not they are permitted for whatever type of business they are attempting to start?

Councilmember Driggs said I just wanted to point out if you look at the vehicle trip generation section it says there is one dwelling unit there now; the entitlement allows for two, so we are not exactly deleting a lot of residential from the existing zoning. There are four different zoning categories at that three-acre site now and again one house there at the moment and two by entitlement. In that sense, even though I agree with you in principle it doesn't look like a big issue.

Mayor Pro Tem Eiselt said thank you but I just wanted to state that I'm not comfortable with a lot of other reasons that Ms. Mayfield has said in the past that TOD as it stands now is so broad.

Mr. Driggs said they are not even guessing at the traffic estimate.

Ms. Mayfield said because we don't know how many people will actually utilize the rail versus drive, but that has been one of the challenges that I've had regarding the creation of TOD, and as we continue to clean it up and create different options of TOD that is going to help us reduce what can go into whether it is TOD-A to X to give a lot more clarity.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2018-102 BY AUDIES MOORE FOR 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).

Mayor Pro Tem Eiselt declared the hearing open.

Tammie Keplinger, Planning said this is located just south of I-85 along Rozzelles Ferry Road; this is our site and it is approximately half an acre. The request is to go from B-2, general business to I-2 general business. It is a conventional request; there is not associated site plan. The request is consistent with the Central District Plan, which recommends industrial uses and staff is recommending approval.

Councilmember Egleston said primarily Mr. Phipps has talked about issues in his district with truck parking so I wonder if we are taking away truck parking? Just want to make sure we look and analyze where there are other options for trucks to park so they are not ending up in places that they are not supposed to be and causing problems as Mr. Phipps has pointed out in his district.

There being no speakers either for or against, a motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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ITEM NO. 30: HEARING O PETITION NO. 2018-115 BY JDSI, LLC FOR 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).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said this an R-3 area outside the City limits, because it is very lightly developed at this point, very large lots, and it is on Beatties Ford Road not too far south of I-485. There is Miranda Road just for reference, and the North Lake Area Plan from 2008 calls for R-4 or four units per acre zoning in this area. It is R-3 right now. They are asking for R-4, and that would be not conditional, so it would be a conventional application. This particular spot right below that is developed at R-3, but there is an R-5 right up here; there is an MX development just north along McClure Road as well, so it is consistent with other development that is happening along the area. Again, it is consistent with the adopted future land use, which calls for four units per acre and staff is recommending approval of this application.

Judson Stringfellow, 3515 Dovewood Drive said I would just like to thank the retiree over here or soon to be retiree. Even though there were times she didn't give me the answers that I wanted she is very prompt in responding and numerous times even after hours so if

there was a way to vote to keep her I might suggest you do that, but I do want to express my appreciation for very prompt responses in the past. Thank you, Tammie. I really don't have anything to add to what Mr. Main said, be glad to answer any questions.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2018-129 BY THOMAS CONCRETE OF CAROLINA, INC FOR 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 WYLE CRITICAL AREA).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said this is again I-485, and we are way over on the west side now of I-485 just outside the loop. Here is the Airport on the righthand side and Old Dowd Road comes cutting under I-485 and going off that way. This particular site is right now in use for truck storage and loading and unloading. Right across the street is a steel fabricating plant. The intent of this particular property is for all uses in I-2(CD) with the exception of a few particular uses that are prohibited, which you will see in the report and also listed on the slide here. The expectation is that it is for a concrete manufacturing plant, and that is a property that is being sort of removed from an area nearer the Airport, so this is a specific relocation for a particular business that this is going on. There are various requirements or various provisions for buffers along the parameter, also a setback for the street there. Old Dowd Road is also intended for a connection for Dixie River Road that is intended to come swooping down and follow the outside of I-485 over the long-terms, so there are some provisions in there to provide for that street connection at some point when that may happen as well.

Staff recommends approval of this based upon resolution of a few remaining outstanding issues. In particular, there is a multi-use path, some driveway discussions that we need to wrap up and a little bit of environmental concerns that we need to finish up. It is inconsistent with the Dixie/Berryhill Strategic Plan which calls for the land use to be office, retail and light industrial. This will be heavy industrial uses, but because of the steel plant that is already there and other uses around there, we are relatively comfortable with that. Again, it is making provision for relocation of a property that is being displaced by other Airport expansion. The plan will revise the adopted future land use provided in the plan from office, retail and light industrial to industrial uses if passed.

Susanne Todd, 1065 East Morehead Street said I am here on behalf of our Client, Thomas Concrete, who is the petitioner in this matter. As you just heard, we are being displaced by the Airport Master Plan, so we have been looking for another site for our concrete facilities plant. With me today is Mr. James Daniel, he is with Thomas Concrete, overseas special projects as well as Jeff Osborne who is our Engineer. We have been working with C-DOT on the transportation issues and should get those resolved by next week. We also can commit to the environmental revisions; we will add a note to our plan, so if you folks have any questions we are here.

Mayor Pro Tem Eiselt said is that a portion of Norfolk-Southern that is an active railroad?

Ms. Todd said it is an active railroad track. The property is bounded by essential I-485, Old Dowd Road and then Norfolk-Southern to the north and the steel fab.

Mayor Pro Tem Eiselt said but concrete presumably just goes by truck, is that right? You don't need to be close to the railroad.

Ms. Todd said correct, concrete as far as you are talking whether concrete gets shipped by rail.

Mayor Pro Tem Eiselt said how do you transport concrete?

Ms. Todd said by truck and what I learned throughout this process is that concrete will set up in 30 to 45-minutes, so you have to be close to the end user, even when it is going round and round in the back of the truck.

Councilmember Phipps said how long has Thomas Concrete been in operation?

James Daniel, 2500 Cumberland Parkway, Atlanta, GA said the company itself has been around since the early 60's. We've been in the Charlotte area since the early 2000, made a big expansion, and we have nine plants in the area, one of which is the Airport Plant just north of the Airport, but we have nine plants cited throughout the Metropolitan area.

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

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ITEM NO. 32: HEARING ON PETITION NO. 2018-130 BY 2301 DISTRIBUTION, LLC FOR 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, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

Laura Harmon, Planning said this is the subject property in yellow; you can see that it is fairly close to the rail line; the East/West Station up here, Newbern Station down the way. It is in an area that is entirely planned by Council adopted plan in the Newbern Transit Station Area for transit oriented development, mixed use. The proposal is for reuse of the existing building for all uses in TOD, potential for a small addition and an optional provision to allow parking as generally configured now to be located between the buildings and the public street. Staff is recommending approval upon the resolution of our outstanding issues, and I think nothing terribly major. Again, consistent with the Newbern Transit Station Area Plan. We are supporting it because of its location within a half-mile walk of the Newbern Station and calling for and implementing our goals for transit oriented development.

Eric Gibson, 810 East Morehead Street said I'm here to answer any questions along with the other three that have signed up in favor as well.

Councilmember Egleston said I never miss an opportunity to appreciate people for finding new uses for old buildings so thank you.

Councilmember Winston said again to my colleagues, this is another situation where we are taking away some general industrial. I know this is a different type of neighborhood where that is happening, but I think this is something we should discuss and figure out moving forward.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2018-131 BY HCBV, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.47 ACRES LOCATED ON THE NORTH SIDE OF

SOUTH MINT STREET, EAST OF SUMMIT AVENUE FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT, MIXED USE).

Mayor Pro Tem Eiselt declared the hearing open.

John Kenly, Planning said the site is on South Mint Street as you see on the screen abutting Wynona Street as well. It is zoned I-2 and the proposed zoning is TOD-M. The South End Transit Station Area Plan, adopted in 2005, recommends transit supported uses for the site; that was reaffirmed with the recently adopted South End Vision Plan which also recommended transit supportive uses for the site. The site is in the Gold District, as well as identified by the South End Vision Plan. Staff is recommending approval of the petition; it is consistent with the South End Station Area Plan, and the South End Vision Plan recommendation for transit oriented uses. You will notice on the zoning slide the property is zoned I-2, and there are a lot of I-2 zonings around the property; however, if you go back to the land use plan all along South Mint Street and Summit Avenue. This is identified as transit supportive area and therefore recommended for TOD or transit supportive zoning.

Keith MacVean, 100 North Tryon Street said I'm with Moore & Van Allen representing HCBL, LLC the petitioner. As you mentioned, Randy Smith representing the petitioner is here also to answer any questions. This site is consistent with the South End Station Area Plan, as well as the recently adopted South End Vision Plan, part of the Gold District that is part of that area. The rezoning will allow the site to be transitioned to transit supportive uses either through the adaptive reuse of the building or the redevelopment of the site. We will be glad to answer any questions.

Councilmember Mayfield said John, can you go back to the previous slide that showed the development all around it and showing the transition of the area?

Mr. Kenly said here is the existing zoning what is currently zoned on the ground. Again, I-2 for most of the property, but if you transition to that to what is recommended by our adopted policies, both the South End Station Area Plan, and the recently adopted South End Vision Plan you see what would be recommended and supported for the transit supportive uses.

Ms. Mayfield said was saying specifically go back to the previous one which shows the transition so the first of the two slides that you showed, because I'm looking to speak to a specific point. So, Council colleagues as we look at this on our screen as well as those that are able to look up top, we see the transition. So, we are having conversations tonight regarding light industrial. It is now been four years that we have been doing TOD, so when I first started the conversations regarding the impact of TOD and the loss of light industrial, this right here was one of the biggest concerns, but with the investment of the light rail and because of the way TOD was originally written, you can see all around the area with TOD as warehouse. We had a number of clothing stores, furniture stores, different types of small business, light industrial that have been there in the area from the 70's and before. As we continue to have these conversations because the reality is as I mentioned in the previous request, we don't get the detail in the TOD, but as we are presenting this information and we are looking at how neighborhoods are transitioning, we do need to take into consideration and I believe in one of the conversations our Planning Director and I had, they are looking at all of this because we are also trying to figure out where are we creating more light industrial spaces to keep these small businesses and some of our medium size and large businesses in tact if there is a relocation, but as we had the conversation tonight I need us to think back that isn't a brand new conversation. We've been having this conversation for almost five-years now and the impact of TOD and the loss of light industrial, but if you drive through South End and even going further down pass Elwood and almost to China Grove Church Road you are seeing where the new development, whether it is turning into most retail and scattering of multifamily as well as townhomes, but I want to make sure that we are having a very consistent conversation when a project comes up that is TOD, and we are looking at how do we turn the clock back or how do we try to create a better transition moving forward, because as this transitions, you are going to see probably within the next year or so more TOD what is currently zoned as I-2, light industrial. We are going to see a lot more of it, so we need to have some real conversations, hopefully starting at our upcoming Retreat next week.

Mayor Pro Tem Eiselt said great points Ms. Mayfield.

Councilmember Winston said I don't want to beat a dead horse, because it has come up several times, but just considering what we talked about in the Dinner Briefing with Taiwo mentioned, this is still sort of an industrial place Little Hardware and there are mills over here. So, I would like something that gives me a little more guidance to consider that kind of zoning creep I guess that will eliminate these industrial areas which we do covet although it seems to not actually go with area plans. I hear the concerns that have been brought up time and time again, and this is a particularly interesting one because I see how this can potentially continue that creep, but I don't understand where we should preserve on industrial zones if not something like this.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2018-136 BY ASANA PARTNERS LP FOR 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).

Mayor Pro Tem Eiselt declared the hearing open.

Laura Harmon, Planning said this is the subject property; there is an existing building on it that is being proposed to be used for all uses in the TOD-M District. It is in an area that is recommended for TOD mixed use, and it is approximate to the 36th Street Station, which you can see up here. It is proposing reuses of the existing building with a small expansion with a maximum of 22,509 square feet, adding some open space to this site and some commitments for window transparency. Again, some of the things we are looking for in our new TOD district, but they are making this commitment for an existing building, adding patio areas, as you can see parallel to 36th and 35th Streets and designing the area along 36th of the Plaza area. They are also providing \$10,000 worth of public art funding, and they do have some optional provisions that are dealing with the fact that they are dealing with an existing building. Staff is recommending approval upon resolution of outstanding issues. This is again consistent with the Transit Station Area Plan for the Blue Line Extension, and it is within a quarter mile of the 36th Street Station.

Keith MacVean, 100 North Tryon Street said I am with Moore & Van Allen assisting Asana Partners LP with this rezoning. With me tonight is Mr. Liles, with Asana Partners and Adam McGuire with Land Design, land planners for the site. I want to thank Laura and the rest of the staff for their assistance on this petition. We will be submitting our revised plan to address the remaining outstanding issues. As Laura mentioned, one-acre, zoned TOD-M currently developed with a 20,000-square foot building that used to be a warehouse. This is the proposed site plan again, adaptive reuse of the existing building. It will allow some minor expansion. I think Laura went through all the details of the plan in terms of streetscape, plazas and open space areas as well. We have met with the NoDa Neighborhood Business Association on several occasions, and we have a letter of support for the petition from the association. We do have some building elevations that are not part of the petition but just wanted to indicate the direction we are headed with architectural notes that have been included in the plan. You will see at the top this is how the building will address 35th Street, the building will address 36th Street and then the building rehab would address the future Rail Trail. That is the proposed elevations or proposed renovations to the building, again adding a lot of glass, animating the warehouse and intended uses are anticipated to be retail and restaurant uses, personal services. I do want to mention one item from C-DOT and the comments about approaching the adjacent property owner on 36th Street to consolidate driveways. Asana Partners have reached out to that property owner on a number of

occasions to see if something could be done there in terms of acquiring the property and consolidating parcels. That property owner has not responded to numerous requests so we are not able to do that in terms of consolidating driveways. One other minor thing in the staff analysis that talks about 5,000 square feet of improved urban open space. I think that is a typo, we are actually at 500 square feet. So, I didn't want to mislead anybody on that. Be glad to answer any questions.

Councilmember Egleston said I'm glad we have two hours and 12 minutes left, because I want to really dig into this one. Just to echo my comments from earlier, the greenish building that is already there particularly in this part of town, this is an adaptive reuse that will add to the character of a neighborhood full of character, but much of it has been lost in years past because people want to tear down instead of adaptive reuse. It is going to be an awesome project, and I appreciate your work on it.

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

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ADJOURNMENT

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

The meeting was adjourned at 7:48 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 20 Minutes
Minutes Completed: January 29, 2019