

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, July 20, 2020, at 4:00 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, and Matt Newton.

**ABSENT:** Councilmember Braxton Winston II.

**ABSENT UNTIL NOTED:** Councilmembers James Mitchell and Victoria Watlington.

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**Mayor Lyles** called the meeting to order and said tonight's Zoning Meeting is being held as a virtual meeting in accordance with the Electronic Meeting Statute. The requirements of notice, access, and minutes are being met through electronic means. The public and the media are able to view this meeting on the Government Channel, the City's Facebook page, on the City's YouTube page.

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### **INVOCATION AND PLEDGE**

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

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**Mayor Lyles** said before we begin, I would like to take a moment of silence. We lost a City essential worker today. Robert Taylor worked for our Solid Waste Department and he lost his life in a tragic traffic accident. I would like for all of us to recognize how valued we believe our employees are and to know when things like this happen, we come together as an organization to make sure his spouse, Tammy Taylor, and their children and grandchildren understand that we are with them through this most difficult time of grief and loss. Mr. Jones and I went to visit the family today. They are so distraught, but I also think that they were comforted that people who work with Mr. Taylor at Solid Waste Services surrounded them and express their support to them, and I too tonight, on behalf of myself and the Charlotte City Council the support to his family during this really unexpected and tragic loss. So, thank you Mrs. Taylor for allowing us to be apart of this time of grief for you.

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### **EXPLANATION OF ZONING MEETING PROCESS**

**Mayor Lyles** explained the Zoning Meeting rules and procedures.

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### **INTRODUCTION OF ZONING COMMITTEE**

**Keva Samuel, Chair of the Zoning Committee of the Planning Commission** introduced members of the Zoning Committee. The cases heard tonight will be deliberated and recommendations made by Zoning Committee on August 4<sup>th</sup>, at 5:30 p.m. This meeting is open to the public, but please note it is not a continuation of tonight's hearing meeting. The public is welcome to attend virtually through the City's YouTube channel, Facebook page, or the Government channel.

**Mayor Lyles** said the council has made a policy decision that we may recess meetings at 10:00 p.m. and reconvene at our next Business Meeting those hearings. We hope to be able to get through every hearing but sometimes we just don't, and we really feel like about 10:00 p.m. or 10:15 p.m. that is the time to end our meeting so that you can have the benefit of having good listening skills and applied by the City Council.

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**DEFERRALS / WITHDRAWALS / NEW PUBLIC HEARING DATE**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer: a decision on Item No. 5, Petition No. 2019-160 by Meritage Homes of the Carolinas, Inc. to August 10th; a hearing on Item No. 25, Petition No. 2020-023 by Phillip Neal Sparrow to September 21, 2020; a hearing on Item No. 26, Petition No. 2020-045 by Andrew Klenk to September 21, 2020; a hearing on Item No. 27, Petition No. 2020-049 by The Keith Corporation to September 21, 2020; a hearing on Item No. 28, Petition No. 2020-057 by Lakemont Property Investors, LLC to September 21, 2020; a hearing on Item No. 29, Petition No. 2020-067 by Terranova Group, LLC to September 21, 2020; a hearing on Item No. 50, Petition No. 2020-059 by Hanover R.S. Limited Partnership to September 21, 2020; and, withdrawal of Item No. 24, Petition No. 2019-175 by Weekley Homes, LLC.

**Councilmember Watlington arrived at 4:22 p.m.**

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**ITEM NO. 2: FOLLOW UP REPORT**

There was no follow up report.

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**DECISIONS**

**ITEM NO. 3: ORDINANCE NO. 9837, PETITION NO. 2020-081 BY UNIVERSITY CITY PARTNERS- FOR A TEXT AMENDMENT TO MODIFY THE SETBACKS IN THE RE-1 AND RE-2 ZONING DISTRICTS.**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the University Research Park Area Plan and the University City Area Plan based on the information from the post-hearing staff analysis and the public hearing and because reducing setbacks significantly to one standard setback will create a more attractive streetscape, and buildings closer to the street will activate the public realm. 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 a standard minimum setback will create a more interesting urban walking experience for pedestrians.

Motion was made by Councilmember Johnson, and seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2020-081 by University City Partners – Text Amendment and adopt the following Statement of Consistency: this petition is found to be consistent with the University Research Park Area Plan and the University City Area Plan based on the information from the final staff analysis and the public hearing and because reducing setbacks significantly to one standard setback will create a more attractive streetscape; and buildings closer to the street will activate the public realm. 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 a standard minimum setback will create a more interesting urban walking experience for pedestrians.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 212-213.

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**ITEM NO. 4: ORDINANCE NO. 9838-Z, PETITION NO. 2019-146 BY ALB ARCHITECTURE, PA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .17 ACRES LOCATED AT THE EASTERN CORNER OF NORTH DAVIDSON STREET AND EAST 19<sup>TH</sup> STREET IN THE OPTIMIST PARK COMMUNITY FROM R-8 SINGLE-FAMILY RESIDENTIAL TO UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL) & UR-C (CD) (URBAN RESIDENTIAL COMMERCIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Ham, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Parkwood Transit Station Area Plan with respect to land use, based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends residential uses up to 12 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the requested height and residential type are similar to what has been constructed by-right at a neighboring parcel to the west (1517 N. Davidson Street). The area plan states that low-density residential uses should be maintained, enhanced, and protected. However, the transition from more intense development that may adversely impact the character of the neighborhood is desired. While at a higher proposed density than the area plan recommendation of up to 12 dwelling units per acre, this petition provides an appropriate transition between single-family and transit-oriented uses. The petition's commitment to future sidewalks and planting strips along with N. Davidson and E. 19th Street compliments the area plan's recommendation for pedestrian and cyclist accessibility and safety. Proposed pedestrian enhancements and preservation of a historic storefront contribute to the plan's recommendation of signature intersections along N. Davidson Street. The adopted policy states that residential uses, including duplexes, are appropriate with the desired maximum building of height 40-feet. The petition commits to a maximum building height of 40-feet.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-146 by ALB Architecture, PA and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Parkwood Transit Station Area Plan with respect to land use, based on the information from the final staff analysis and the public hearing and because the Plan recommends residential uses up to 12 dwelling units per acre. 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 requested height and residential type are similar to what has been constructed by-right at a neighboring parcel to the west (1517 N. Davidson Street). The area plan states that low density residential uses should be maintained, enhanced and protected. However, transition from more intense development that may adversely impact the character of the neighborhood is desired. While at a higher proposed density than the area plan recommendation of up to 12 dwelling units per acre, this petition provides an appropriate transition between single-family and transit-oriented uses. The petition's commitment to future sidewalks and planting strips along N. Davidson and E. 19th Street compliments the area plan's recommendation for pedestrian and cyclist accessibility and safety. Petition 2019-146. The Zoning Committee Recommendation proposed pedestrian enhancements and preservation of a historic storefront contribute to the plan's recommendation of signature intersections along N. Davidson Street. Adopted policy states that residential uses, including duplexes, are appropriate with a desired maximum building of height 40-feet. The petition commits to a maximum building height of 40-feet.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 214-215.

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**ITEM NO. 6: ORDINANCE NO. 9839-Z, PETITION NO. 2019-177 BY ENCORE REAL ESTATE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.0 ACRES LOCATED ON THE NORTHEAST CORNER OF PROSPERITY CHURCH ROAD AND OLD RIDGE ROAD FROM UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND NS (NEIGHBORHOOD SERVICES) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by Ham) to recommend approval of this petition and adopt the consistency statement as follows: This petition is found to be consistent with the Prosperity Hucks Area Plan (2015), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends a mix of Residential/Office/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 this site is located on the east side of Prosperity Church Road, and the proposal includes up to 15,000 square feet of commercial development and up to 79 single-family attached residential units. The area plan calls for a density of up to 12 residential dwelling units per acre. This proposal is consistent with the area plan's recommendation with a density of 11.8 dwelling units per acre. This proposal is consistent with the area plan's recommendation to build a network of local streets and make a street connection to Prosperity Commons Drive. The site plan is designed to add on to Prosperity Commons Drive, which will then connect to a new public road, Goose Creek Drive. Goose Creek Drive will have an ingress and egress from Prosperity Church Road and Ridge Road, allowing for further connectivity and greater accessibility. The site plan will greatly enhance the pedestrian experience in the commercial area by committing to provide direct pedestrian connections between street-facing doors and to place buildings in such a way that presents a front or side façade to all public/private network-required streets. These commitments are consistent with the plan's recommendation to orient new buildings toward streets, and to design buildings in such a way that activate streets and open space. The site plan, in accordance with the recommendations of the area plan, also commits to enhancing the pedestrian experience in the residential area by requiring a setback of one to two feet for garage doors and by requiring walkways to connect all residential entrances to sidewalks along public and private streets. While the area plan does not recommend drive-through facilities in this site, the proposal does include a drive-through for a financial institution. However, this drive-through is requested solely for a financial institution, not for eating, drinking, or entertainment use. This proposed drive-through use will not cause excessive traffic or require more surrounding parking but will add to the variety of commercial uses to be built on this site. It will also be a benefit to the needs of the surrounding community.

**Councilmember Johnson** said I want to add that the developer worked with the community and is going to make some improvements to the infrastructure, so I am excited to support it.

Motion was made by Councilmember Johnson, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-177 by Encore Real Estate and adopt the following Statement of Consistency: this petition is found to be consistent with the Prosperity Hucks Area Plan (2015), based on the information from the final staff analysis and the public hearing and because the plan recommends a mix of Residential/Office/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 this site is located on the east side of Prosperity Church Road, and the proposal includes up to 15,000 square feet of commercial development and up to 79 single-family attached residential units. The area plan calls for a density of up to 12 residential dwelling units per acre. This proposal is consistent with the area plan's recommendation with a density of 11.8 dwelling units per acre. This proposal is consistent with the area plan's recommendation to build a network of local streets and make a street connection to Prosperity Commons Drive. The site plan is designed to add on to Prosperity Commons Drive, which will then connect to a new public road, Goose Creek Drive. Goose Creek Drive will have an ingress and egress from Prosperity Church Road and Ridge Road, allowing for further connectivity and greater accessibility. The site plan will greatly enhance the pedestrian experience in the commercial area by committing to provide direct pedestrian connections between street facing doors and to place buildings in such a way that presents a front or side façade to all public/private network-required streets. These commitments are consistent with the plan's recommendation to orient new buildings toward streets, and to design buildings in such a way that activate streets and open space. The site plan, in accordance with the recommendations of the area plan, also commits to enhancing the pedestrian experience in the residential area by requiring a setback of one to two feet for garage doors and by requiring walkways to connect all residential entrances to sidewalks along public and private streets. While the area plan does not recommend drive-through facilities in this site, the proposal does include a drive-through for a financial institution. However, this drive-through is requested solely for a financial institution, not for an eating, drinking, or entertainment use. This proposed drive-through use will not cause excessive traffic or require more surrounding parking but will add to the variety of commercial uses to be built on this site. It will also be a benefit to the needs of the surrounding community.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 216-217.

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**ITEM NO. 7: ORDINANCE NO. 9840-Z, PETITION NO. 2019-182 BY CAROLINA CENTER FOR RECOVERY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.9 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD, ACROSS FROM GIBBON ROAD, EAST SIDE OF INTERSTATE 77 FROM I-1 (LIGHT INDUSTRIAL) TO INST (CD) (INSTITUTIONAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northeast District Plan (1996), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends industrial uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes a conditional rezoning to INST(CD) to accommodate a health institution on the site. Although the proposal is inconsistent with the specific recommendation in the area plan, the plan does not provide specific guidance for institutional and medical land uses. The center will take place in an existing building on the site and will have space for about 100 beds. The petitioner does not plan to build any additional buildings on the site. While the Northeast District Plan recommends industrial uses on this site as the future land use, the I-1 zoning also allows for similar

uses to the use put forth in this petition, such as medical clinics by right, and short-term care facilities provided they meet certain design requirements.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-182 by Carolina Center for Recovery, LLC and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northeast District Plan (1996), based on the information from the final staff analysis and the public hearing and because the plan recommends industrial uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes a conditional rezoning to INST(CD) to accommodate a health institution on the site. Although the proposal is inconsistent with the specific recommendation in the area plan, the plan does not provide specific guidance for institutional and medical land uses. The center will take place in an existing building on the site and will have space for about 100 beds. The petitioner does not plan to build any additional buildings on the site. While the Northeast District Plan recommends industrial uses on this site as the future land use, the I-1 zoning also allows for similar uses to the use put forth in this petition, such as medical clinics by right, and short-term care facilities provided they meet certain design requirements.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 218-219.

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**ITEM NO. 8: ORDINANCE NO. 9841-Z, PETITION NO. 2020-002 BY THE DRAKEFORD COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.55 ACRES LOCATED ON THE NORTHEASTERN SIDE OF VAIL AVENUE, SOUTH OF DEACON AVENUE, AND SOUTHEAST OF DOTGER AVENUE FROM R-22MF (MULTIFAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The zoning committee voted 7-0 (motion by Ham, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of consistency: this petition is found to be consistent with the Elizabeth Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential up to 22 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 density of the proposed project is 7.41 units per acre, which is substantially less than the adopted plan recommendation for up to 22 units per acre. The proposal will not result in a decrease in the number of residential units. The building design requirements will help provide compatibility with the surrounding neighborhood. The request will not result in an increase in the number of vehicular trips.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, to approve Petition No. 2020-002 by The Drakeford Company and adopt the following Statement of Consistency: this petition is found to be consistent with the Elizabeth Area Plan, based on the information from final staff analysis and the public hearing and because the plan recommends residential up to 22 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 density of the proposed project is 7.41 units per acre, which is substantially less than the adopted plan recommendation for up to 22 units per acre. The proposal will not result in a decrease in the number of residential units. The building design requirements will help provide compatibility with the surrounding neighborhood. The request will not result in an increase in the number of vehicular trips.

**Councilmember Egleston** said just wanted to check with staff. Today we had one last change that was made by the petitioner to address a sidewalk and planting strip concern that the Elizabeth Community Association had, and I wanted to make sure that staff had received that in writing and that it is part of the petition that we are voting on?

**David Pettine, Planning** said yes, we did receive confirmation that the planting strip and sidewalk would be minimum five feet for each. We will get a revised site plan back in from the petitioner that reflects that. Once we do, we will verify and that will be the plan that receives the stamp with today's date. We will look for those five and five changes after tonight's meeting.

Mr. Egleston said thank you. That's all.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 220-221.

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**ITEM NO 9: ORDINANCE NO. 9842-Z, PETITION NO. 2020-004 BY BOULEVARD REAL ESTATE ADVISOR, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.76 ACRES LOCATED ON THE SOUTH SIDE OF FREELAND LANE, EAST OF TRYON STREET, WEST OF SOUTH BOULEVARD FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO TOD-TR (TRANSIT-ORIENTED DEVELOPMENT – TRANSIT TRANSITION).**

The Zoning Committee voted 7-0 (motion by Wiggin, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Scaleybark Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential up to eight dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the subject site is just over a ¼ mile walk of the Scaleybark Transit Station on the LYNX Blue Line. The rezoning site abuts parcels rezoned to TOD-CC and TOD-TR. Use of conventional TOD-TR (transit-oriented development-neighborhood center) zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-004 by Boulevard Real Estate Advisor, LLC and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Scaleybark Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential up to eight dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is just over a ¼ mile walk of the Scaleybark Transit Station on the LYNX Blue Line. The rezoning site abuts parcels rezoned to TOD-CC and TOD-TR. Use of conventional TOD-TR (transit-oriented development-neighborhood center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the Scaleybark Station Area Plan, from residential uses up to eight dwelling units per acre to transit oriented development for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 222-223.

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**ITEM NO. 10: ORDINANCE NO. 9843-Z, PETITION NO. 2020-006 BY JFW REALTY, INC. AND 501 ASSOCIATES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.759 ACRES LOCATED ON THE NORTHERN SIDE OF EAST MOREHEAD STREET, SOUTH OF JOHN BELK FREEWAY, AND EAST OF SOUTH BOULEVARD FROM B-1 PED (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY) AND UMUD (UPTOWN MIXED-USE DISTRICT, PEDESTRIAN OVERLAY) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT – URBAN CENTER, PEDESTRIAN OVERLAY).**

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Midtown Morehead Cherry Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential/office/retail land uses with a pedestrian overlay district. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed rezoning for transit-oriented development, is consistent with the mixed-use land use recommendation. The site is within a ¼ mile of the Carson LYNX Blue Line Station. Use of conventional TOD-UC (transit-oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, to approve Petition No. 2020-066 by JFW Realty, Inc. and Associates, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Midtown Morehead Cherry Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential/office/retail land uses with a pedestrian overlay district. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed rezoning for transit-oriented development, is consistent with the mixed-use land use recommendation. The site is within a ¼ mile of the Carson LYNX Blue Line Station. Use of conventional TOD-UC (transit-oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

**Councilmember Egleston** said just wanted to reiterate the importance to me and to the Dilworth Community and the City of Charlotte. I know that the petitioner here, the owner is continuing to look for a preservation strategy of the circuit 1900 Historic Mayes House. Originally it was thought that there would be an option to move that off-site, now I think there are more options to relocate that house on a different portion of the current site, but I appreciate their efforts and very hopeful that they will find a solution because the loss of that Historic property would be very detrimental to our community.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 224-225.

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**ITEM NO. 11: ORDINANCE NO. 9844-Z, PETITION NO. 2020-009 BY BALLANTYNE COUNTRY CLUB, INC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.54 ACRES ALONG THE WESTERN SIDE OF JOHNSTON ROAD, AND EAST OF NOLEN LANE FROM MX-1 (MIXED-USE) TO MX-1 SPA (MIXED-USE, SITE PLAN AMENDMENT).**

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the South District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family/ multi-family residential use. Therefore, we find this petition to be reasonable and in the public interest based on information from post-hearing the staff analysis and the public hearing and because outdoor recreation in combination with residential development is an allowed use in the existing zoning. Tennis courts provide an additional amenity for the members of the Country club and residents of the neighborhood. The location of the tennis courts does not impact existing homes or other uses in the surrounding area due to the location at the edge of the golf course near the clubhouse.

Motion was made by Councilmember Driggs, and seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2020-009 by Ballantyne Country Club, Inc to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the South District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends single-family/ multi-family residential use. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because outdoor recreation in combination with residential development is an allowed use in the existing zoning. Tennis courts provide an additional amenity for the members of the Country club and residents of the neighborhood. The location of the tennis courts does not impact exiting homes or other uses in the surrounding area due to the location at the edge of the golf course near the clubhouse.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 226-227.

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**ITEM NO. 12: ORDINANCE NO. 9845-Z, PETITION NO. 2020-012 BY BOWMAN SUMNER, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.92 ACRES LOCATED ON THE SOUTH SIDE OF EASTFIELD ROAD, NORTH OF INTERSTATE 485 AND WEST OF BROWNE ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO MX-1 INNOV (MIXED-USE, INNOVATIVE).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential uses up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because at 4.15 dwelling units per acre, this petition is slightly inconsistent with the Prosperity Hucks Area Plan (2015) recommendation of a density up to 4 dwelling units per acre, but consistent with the plan's recommendation for residential uses. The petition proposes up to 48 townhomes and 38 single-family homes, carrying out the area plan's proposal to include a mixture of thoughtfully arranged housing types in the Prosperity Hucks area, such as single-family detached homes and single-family attached homes. The petition proposes two access points onto the site from existing roads, increasing street connectivity and ample site access, both of which are priorities of the area plan. The petition commits to enhancing

the pedestrian experience in the neighborhood by proposing alley-loaded streets, 6-foot wide sidewalks, and 8-foot wide planting strips with landscaping. The petition proposes to preserve two historic structures and mindfully incorporate them into the development. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan, from 4 dwelling units per acre to 4.15 dwelling units per acre.

Motion was made by Councilmember Driggs, and seconded by Councilmember Graham, and carried unanimously to approve Petition No. 2020-009 by Bowman Sumner LLC to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015), based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because at 4.15 dwelling units per acre, this petition is slightly inconsistent with the Prosperity Hucks Area Plan (2015) recommendation of a density up to four dwelling units per acre, but consistent with the plan's recommendation for residential uses. The petition proposes up to 48 townhomes and 38 single-family homes, carrying out the area plan's proposal to include a mixture of thoughtfully arranged housing types in the Prosperity Hucks area, such as single-family detached homes and single-family attached homes. The petition proposes two access points onto the site from existing roads, increasing street connectivity and ample site access, both of which are priorities of the area plan. The petition commits to enhancing the pedestrian experience in the neighborhood by proposing alley-loaded streets, 6-foot wide sidewalks, and 8-foot wide planting strips with landscaping. The petition proposes to preserve two historic structures and mindfully incorporate them into the development. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan, from 4 dwelling units per acre to 4.15 dwelling units per acre.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 228-229.

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**ITEM NO. 13: ORDINANCE NO. 9846-Z, PETITION NO. 2020-016 BY NOLAN ELANZ AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.89 ACRES LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF CHURCH STREET AND BLAND STREET FROM MUDD-0 (MIXED-USE DEVELOPMENT DISTRICT) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT – URBAN CENTER).**

The Zoning Committee voted 7-0 (motion by Kelly, 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 Midtown Morehead Cherry Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends transit-oriented development-mixed. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed rezoning for transit-oriented development, is consistent with the mixed-use land use recommendation. The site is within a ¼ mile of the Bland Street LYNX Blue Line Station. Use of conventional TOD-UC (transit-oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-016 by Nolan Elanz to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Midtown Morehead Cherry Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends transit oriented development-mixed. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed rezoning for transit-oriented development, is consistent with the mixed-use land use recommendation. The site is within a ¼ mile of the Bland Street LYNX Blue Line Station. Use of conventional TOD-UC (transit-oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 230-231.

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**ITEM NO. 14: ORDINANCE NO. 9847-Z, PETITION NO. 2020-018 BY HOPPER COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.917 ACRES LOCATED WEST OF BALTIMORE ROAD, SOUTH OF REMOUNT ROAD, AND EAST OF INTERSTATE 77 FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Watkin, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the New Bern Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends institutional for the majority of the site and park/open space for the remainder. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the project site is along Baltimore Avenue, which is primarily residential in character. The existing R-22MF (multi-family residential) zoning would allow residential development at the proposed density. The proposed development will provide a transition from other multi-family developments and the single-family homes along Baltimore Avenue. The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood. The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses.

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

1. Removed “if required” from the conditional note (Section III.5).
2. Revised plans to add language to Section III.4. of the development standards: “Petitioner will use good faith efforts to coordinate with the Mecklenburg County Park & Recreation Department (MCPR) and Mecklenburg County Real Estate Services to provide a sidewalk connection from the Site to the intersection of Remount Road and Baltimore Avenue (to connect to sidewalk improvements proposed by RZP 2020-017).

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

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-018 by Hopper Communities to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the New Bern Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends institutional for the majority of the site and park/open space for the remainder. 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 project site is along Baltimore Avenue, which is primarily residential in character. The existing R-22MF (multi-family residential) zoning would allow residential development at the proposed density. The proposed development will provide a transition from other multi-family developments and the single-family homes along Baltimore Avenue. The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood. The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 232-233.

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**ITEM NO. 15: ORDINANCE NO. 9848-Z, PETITION NO. 2020-025 BY SUNCAP PROPERTY GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 26.34 ACRES LOCATED ALONG THE EASTERN SIDE OF MILHAVEN LANE, SOUTH OF SUNSET ROAD, AND WEST OF STATESVILLE ROAD FROM CC (COMMERCIAL CENTER) & R-4 (SINGLE-FAMILY RESIDENTIAL) TO I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northeast District Plan (1996), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends retail uses for the majority of the site, and single-family/multi-family residential uses less than or equal to eight DUA for a portion of the site. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because while this petition is inconsistent with the Northeast District Plan, the I-1(CD) zoning proposed for the site is similar to the industrial uses found in the area on the north side of Sunset Road. The I-1(CD) zoning requested in this petition will be less intense than the retail use allowed with the parcel's current CC zoning. The petition proposes an 8-foot planting strip and 37.5-foot buffer on Milhaven Lane, which will provide a suitable buffer between the residential uses on the other side of Milhaven. The petition commits to building a public road and a 5-foot sidewalk on the southern side of the site to increase pedestrian access and road connectivity. The petition commits to a 37.5-foot setback on all sides of the parcel, which is 17.5 feet wider than the recommended 20-foot setback for industrial uses. This petition proposes a light industrial use for the site, which is appropriate adjacent to the retail uses which front Sunset Road and abutting the north side of the site.

Motion was made by Councilmember Graham, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-025 by SunCap Property Group to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northeast District Plan (1996), based on the information from the final staff analysis and the public hearing and because the plan recommends retail uses for the majority of the site, and single-family/multi-family residential uses less than or equal to 8 DUA for a portion of the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because while this petition is inconsistent with the Northeast District Plan, the I-1(CD) zoning proposed for the site is similar to the industrial uses found in the area on the north side of Sunset Road. The I-1(CD) zoning requested in this petition will be less intense than the retail use allowed with the parcel's current CC zoning. The petition proposes an 8-foot planting strip and 37.5-foot buffer on Milhaven Lane, which will provide a suitable buffer between the residential uses on the other side of Milhaven. The petition commits to building a public road and a 5-foot sidewalk on the southern side of the site to increase pedestrian access and road connectivity. The petition commits to a 37.5-foot setback on all sides of the parcel, which is 17.5 feet wider than the recommended 20-foot setback for industrial uses. This petition proposes a light industrial use for the site, which is appropriate adjacent to the retail uses which front Sunset Road and abut the north side of the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 234-235.

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**ITEM NO. 16: ORDINANCE NO. 9849-Z, PETITION NO. 2020-026 BY UNION AT TRYON, LP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.5 ACRES LOCATED BETWEEN SHOPPING CENTER DRIVE AND HAMPTON CHURCH ROAD, EAST OF N. TRYON STREET IN THE UNIVERSITY CITY NEIGHBORHOOD FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Blue Line Extension University City Area Plan with respect to land use, based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends office/retail uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the area plan recommends that moderate density residential uses (up to 22 DUA) may be appropriate as part of a multi- or mixed-use development. While higher than the recommended density, the proposal of residential dwelling units together with accessory uses, as allowed in the MUDD zoning district, and the proposed development's connection to adjacent retail uses falls in line with this recommendation. The plan recommends this area as a transition area between two transit stations connecting pedestrians between the two nodes and other shopping centers in the vicinity while also accommodating vehicular traffic. The proposed twelve (12) foot multi-use path along N. Shopping Center Drive will provide safe, pedestrian connectivity to existing retail. The plan encourages plazas and open spaces. It recommends open spaces be oriented toward building entries and strategically locating courtyards near pedestrian walkways to create desirable gathering destinations and increase safety. The proposal's building placement and site design commit to enhancing the pedestrian environment. The approval of this petition will revise the adopted future land use as specified by the Blue Line Extension University City Area Plan, from current recommended use to new recommended use for the site.

Motion was made by Councilmember Johnson, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-026 by Union at Tryon, LP to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Blue Line Extension University City Area Plan with respect to land use, based on the information from the final staff analysis and the public hearing and because the Plan recommends office/retail uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the area plan recommends that moderate density residential uses (up to 22 DUA) may be appropriate as part of a multi- or mixed-use development. While higher than the recommended density, the proposal of residential dwelling units together with accessory uses, as allowed in the MUDD zoning district, and the proposed development's connection to adjacent retail uses falls in line with this recommendation. The plan recommends this area as a transition area between two transit stations connecting pedestrians between the two nodes and other shopping centers in the vicinity while also accommodating vehicular traffic. The proposed twelve (12) foot multi-use path along N. Shopping Center Drive will provide safe, pedestrian connectivity to existing retail. The plan encourages plazas and open spaces. It recommends open spaces be oriented toward building entries and strategically locating courtyards near pedestrian walkways to create desirable gathering destinations and increase safety. The proposal's building placement and site design commits to enhancing the pedestrian environment. The approval of this petition will revise the adopted future land use as specified by the Blue Line Extension University City Area Plan, from current recommended use to new recommended use

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 236-237.

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**ITEM NO. 17: ORDINANCE NO. 9850-Z, PETITION NO. 2020-030 BY OZF PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.46 ACRES LOCATED SOUTH OF GREENLAND AVENUE, BOUND ON THE EAST SIDE OF MONUMENT STREET, AND REMOUNT ROAD ON THE WEST SIDE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Ham, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Bryant Park Land Use and Streetscape Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends park/open space. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petition, while inconsistent with the park/open space recommendation for the site, maintains the historic buildings on-site and is compatible with surrounding land uses. The proposal commits to retain the historical character of the Dowd House, a local historical landmark, and reuse the building for commercial uses. The site and building design will be reviewed and approved by Charlotte-Mecklenburg Historic Landmarks to ensure compatibility, context, and appropriateness of exterior features for the Dowd House. The proposed petition adaptively reuses an old fire station for commercial uses.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-030 by OZF Properties, LLC to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Bryant Park Land Use and Streetscape Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends park/open space. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition, while inconsistent with the park/open space recommendation for the site, maintains the historic buildings onsite and is compatible with surrounding land uses. The proposal commits to retain the historical character of the Dowd House, a local historical landmark, and reuse the building for commercial uses. Site and building design will be reviewed and approved by Charlotte-Mecklenburg Historic Landmarks to ensure compatibility, context and appropriateness of exterior features for the Dowd House. The proposed petition adaptively reuses an old fire station for commercial uses.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 238-239.

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**ITEM NO. 18: ORDINANCE NO. 9851-Z, PETITION NO. 2020-032 BY BRIDGEWOOD HOUSTON PROPERTY COMPANY, L.P. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.379 ACRES BOUNDED BY ROYAL COURT AND MOREHEAD STREET, SOUTHEAST OF EUCLID AVENUE FROM MUDD-O ( MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Midtown Morehead Cherry Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential/office/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 petition is consistent with the current mix of uses in the area and the adopted plan recommendation. The petition proposes a project that supports the desired mix of housing types. The proposed building height is consistent with the height allowed in the currently approved plan. The petition provides architectural design commitments for the building that break up the massing, enhance the overall streetscape, encourage pedestrian activity, and complement the pedestrian environment.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, to approve Petition No. 2020-032 by Bridgewood Houston Property Company, L.P. to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Midtown Morehead Cherry Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential/office/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 petition is consistent with the current mix of uses in the area and the adopted plan recommendation. The petition proposes a project that supports a desired mix of housing types. The proposed building height is consistent with the height allowed in the currently approved plan. The petition provides architectural design commitments for the building that break up the massing, enhance the overall streetscape, encourage pedestrian activity, and complement pedestrian environment.

**Councilmember Egleston** said I voting in support of this tonight and I know that there has been a lot of work that's been done on this but my expectation and the expectation of the residents of the Royal Court building that the petitioner and the developer will continue to work with to address issues around the loading dock area and making sure

that they minimize the impacts that have to the residents there on Royal Court. Also, again I'll issue the challenge that Councilmember Eiselt joined me last month or two months ago when we had this hearing; in regard to the cumulative impacts of stormwater and parking issues over there have already (inaudible) the property owner but the cumulative effect of this, another rezoning which has been deferred to September. Another one we approved earlier tonight will exacerbate those problems on parking and stormwater so I hope staff will continue to engage with these petitioners and developers and neighbors to address those impacts.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 240-241.

**Councilmember Mitchell arrived at 4:41 p.m.**

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**ITEM NO. 19: ORDINANCE NO. 9852-Z, PETITION NO. 2020-033 BY FIFTH THIRD BANK AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.354 ACRES BOUND BY THE EAST SIDE OF PROVIDENCE ROAD, THE NORTH SIDE OF HUNTLEY PLACE, AND SOUTH OF PERRIN PLACE FROM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD (CD) (MIXED-USE DEVELOPMENT DISTRICT, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the 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 proposed land use is consistent with the current mix of uses in the area. The proposed use is permitted in business districts, office, and MUDD districts. The proposed building height is limited to 50 feet, which is consistent with the height pattern along Providence Road. The proposed development will be screened from the adjacent townhouse community via an existing privacy wall and a proposed 6.5' planting strip along the eastern property line. The petition provides architectural design commitments for the building that break up the massing, enhances the overall streetscape, encourages pedestrian activity, and complements the pedestrian environment.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, to approve Petition No. 2020-033 by Fifth Third Bank to approve 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 proposed land use is consistent with the current mix of uses in the area. The proposed use is permitted in business districts, office, and MUDD districts. The proposed building height is limited to 50 feet, which is consistent with the height pattern along Providence Road. The proposed development will be screened from the adjacent townhouse community via an existing privacy wall and a proposed 6.5' planting strip along the eastern property line. The petition provides architectural design commitments for the building that break up the massing, enhances the overall streetscape, encourages pedestrian activity, and complements pedestrian environment.

**Councilmember Egleston** said just wanted to encourage anybody who didn't have a chance to read the Charlotte Observer article about Queens Crown Automotive, the business that the family has decided to the sale that led to this rezoning petition this weekend. It was a great article that talked about what am an amazing local business that was and all of the friends that they made over the years. I would encourage people if they



need something to smile about which I'm guessing many of us do right now, to take a few minutes to read that.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 242-243.

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**ITEM NO. 20: ORDINANCE NO. 9853-Z, PETITION NO. 2020-040 BY ALENKY SIGNATURE HOMES LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.398 ACRES LOCATED ON THE EASTERN SIDE OF COMMONWEALTH AVENUE, THE NORTHERN SIDE OF GOODWIN AVENUE AND SOUTH OF WOODLAND DRIVE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).**

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: the petition is found to be consistent with the Independence Area Plan with respect to land use and inconsistent with respect to density, based on information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential uses up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed residential land use is consistent with the plan recommendation for residential development and in keeping with the surrounding land uses. The parcel located on the other side of Goodwin Avenue is of similar size and has been subdivided into two lots. The subject parcel is a corner lot with frontage on both Commonwealth Avenue and Goodwin Avenue. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan from residential up to 4 DUA to residential up to eight DUA.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-040 by Alenky Signature Homes, LLC to approve and adopt the following Statement of Consistency: the petition is found to be consistent with the Independence Area Plan with respect to land use and inconsistent with respect to density, based on information from the final staff analysis and the public hearing, and because the plan recommends residential uses up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed residential land use is consistent with the plan recommendation for residential development and in keeping with the surrounding land uses. The parcel located on the other side of Goodwin Avenue is of similar size and has been subdivided into two lots. The subject parcel is a corner lot with frontage on both Commonwealth Avenue and Goodwin Avenue. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan from residential up to four DUA to residential up to eight DUA.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 244-245.

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**ITEM NO. 21: ORDINANCE NO. 9854-Z, PETITION NO. 2020-050 BY CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP 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 PARK ROAD, SOUTH OF MARSH ROAD, AND NORTH OF HILLSIDE AVENUE FROM INST (CD) (INSTITUTIONAL, CONDITIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Spencer, seconded by Gussman) to recommend approval this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent 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 institutional uses but maintains the existing institutional uses and is consistent with existing residential uses on 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 petition proposes to redevelop a portion of YWCA to allow a multifamily residential community. The site contains existing residential units to remain. The existing recreational uses will remain. The petitioner proposes a 10-foot landscape area to the north to enhance screening for adjacent multifamily development. The development retains buffers along the west and south property lines adjacent to single-family homes and an existing assisted living facility.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, to approve Petition No. 2020-050 by Charlotte-Mecklenburg Housing partnership to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Park Woodlawn Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends institutional uses but maintains the existing institutional uses and is consistent with existing residential uses on 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 petition proposes to redevelop a portion of YWCA to allow a multifamily residential community. The site contains existing residential units to remain. The existing recreational uses will remain. The petitioner proposes a 10-foot landscape area to the north to enhance screening for an adjacent multifamily development. The development retains buffers along the west and south property lines adjacent single-family homes and an existing assisted living facility.

**Councilmember Egleston** said just want to again thank the YWCA for the amazing work they are doing on this project and also thank several neighbors who reached out after the hearing. You will recall there were some comments about affordable housing that I think certainly upset me and I believe upset many of us on Council. Many neighbors reached out in the following days to say that, that was not their belief. That was not how they felt and that they were appreciative of the work that is being done here with the housing partnership of the YWCA. So, thanks to all involved.

**Mayor Lyles** said I appreciate that sentiment and I'm really proud of our community when it comes together and recognizes that everyone deserves a place to live and without the dignity of a place like that, perhaps we are the people that are missing out on the opportunity. So, thank you for that.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 246-247.

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**ITEM NO. 22: ORDINANCE NO. 9855-Z, PETITION NO. 2020-064 BY TRUIST BANK AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.34 ACRES BOUNDED BY THE NORTHEAST SIDE OF 5<sup>TH</sup> STREET, SOUTHEAST OF NORTH TRYON STREET, SOUTHWEST OF EAST 6<sup>TH</sup> STREET, AND NORTHWEST OF NORTH COLLEGE STREET FROM UMUD-O (UPTOWN MIXED-USE, OPTIONAL) TO UMUD-O SPA (UPTOWN MIXED-USE, OPTIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 4-3 (motion by Wiggins, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Charlotte Center City 2020 Vision Plan, based on the information from the post-hearing staff analysis and the public hearing and because the petition is consistent with the Charlotte Center City 2020 Vision Plan (2011). While this plan does not make a specific land use recommendation for the site, it encourages future development to contribute to the overall viability and livability of Center City. 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. The previous optional requests and design details from the petition 2001-076 will remain for the subject site. The request will allow skyline signs for an uptown building and that is in proportion to the size of the high-rise structure. The proposed signage will accommodate an additional identifying element for a major structure in uptown.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, to approve Petition No. 2020-064 by Truist Bank Statement of Consistency: this petition is found to be consistent with the Charlotte Center City 2020 Vision Plan, based on the information from the final staff analysis and the public hearing and because the petition is consistent with the Charlotte Center City 2020 Vision Plan (2011). While this plan does not make a specific land use recommendation for the site, it encourages future development contribute to the overall viability and livability of Center City. 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. The previous optional requests and design details from petition 2001-076 will remain for the subject site. The request will allow skyline signs for an uptown building and that is in proportion to the size of the high-rise structure. The proposed signage will accommodate an additional identifying element for a major structure in uptown.

**Councilmember Watlington** said I would ask someone from the Zoning Committee if we may know why that there was a 4-3 vote or why there was opposition to this petition?

**Council Egleston** said I can address that to. I'm not sure that those numbers are still on the Zoning.

**Mayor Lyles** said no I don't believe those are the members. It's Gussman, Spencer, and Watkins. It's in the minority opinion on page two of the zoning committee recommendation report. Do you want to address that Mr. Egleston?

Mr. Egleston said since they are no longer here to represent their own folks on that. I have spoken with Chairman Spencer on that. They just had concerns about signage going up on the building in terms of the esthetics of it. I have spoken with the petitioner today and insured that there is no permanent structural change to the building that's required here. So, this would be completely reversible. I think for me that was not enough of a concern to say that they shouldn't be able to move forward.

Ms. Watlington said okay, thank you.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 248-249.

**Councilmember Eiselt** said I wanted to make a comment and I apologize. I had written down my approvals and I meant to make a comment on petition 2019-160, it doesn't change my vote, but I wanted to just mention, I sure the residence who were paying attention to that vote by Maritage Homes are not on the call anymore.

Mayor Lyles said that is no longer on the agenda. It was taken off of the agenda.

Ms. Eiselt said it was? I'm sorry that's why I didn't comment. Thank you.

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## **ITEM NO. 23: ACTIVE TRANSPORTATION PROJECTS**

**This item was not addressed.**

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The meeting was recessed at 4:49 p.m. and reconvened at for the regularly scheduled meeting at 5:00 p.m.

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**Councilmember Watlington arrived at 5:02 p.m.**

## **HEARINGS**

**ITEM NO. 30: HEARING ON PETITION NO. 2019-179 BY RONALD STALEY, JR. OF VERDE HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1 ACRE LOCATED NEAR THE SE INTERSECTION OF PARKWOOD AVENUE AND HAWTHORNE LANE IN THE PLAZA MIDWOOD COMMUNITY FROM R-5 (SINGLE-FAMILY RESIDENTIAL) & R-22MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is an acre of property on Parkwood Avenue. It's also at the end of Mimosa Ave, just on the other side of Hawthorne Lane. This property is currently zoned both R-5 and R-22MF. The R-22 portion is that orange portion fronting along Parkwood Avenue. The R-5 section is yellow back there on the other part of the property off Mimosa. The petition is requesting to go from that R-5 and R-22 to UR-2 CD. The adopted future land use is from the Belmont Area Revitalization Plan. That's a 2003 adopted plan that recommends single-family residential uses up to 5 dwelling units per acre for this site. The proposal itself is to develop the property with a multi-family building at the front on Parkwood. That multi-family structure would be with 22 units and there's also a triplex structure single-family attached at the end of Mimosa Avenue at the long end of this property that would be for three single-family units. Within that multi-family structure up on Parkwood, we are looking at two of those units being restricted for affordable housing, which would be 80% AMI or below for a period of 15 years. Also, within that sing-family structure, one of those units out of the three would also be affordable at 50% AMI or below for a period of 15 years.

The building height for the multi-structure on Parkwood would be capped at 50 feet and the single-family building which is a triplex at the end of Mimosa would be capped at 35 feet. There's a driveway connection currently proposed from Mimosa Avenue for that single-family unit at the back end. Then the access for the multi-family would be off Parkwood. We do have some buffers and screening with fencing and some vegetative buffers along some of the property lines. We do have improved a streetscape along Parkwood which would be an 8-foot planting strip and 8-foot sidewalk, as well as ADA compliant bus pad along that Parkwood Avenue frontage. There are also some

architectural design standards for building materials limitation on the use of vinyl and then a presentation on front or side to all streets would have architectural fittings. Then screened HVAC units for the multi-family building. Also, we have a 15-foot height for any detached lighting that would be part of this proposal.

Currently, the staff does not recommend approval of this petition in its current form. We could support a revised plan that more closely matches the recommended land use found in the Belmont Area Revitalization Plan. That would be something a little bit more akin to that 5 dwelling units per acre. We also would like those outstanding issues to be addressed for transportation, site, and building design. As we stated it is inconsistent with the area plan and we don't recommend approval in its current form. We will look forward to continuing to work with both the petitioner and the community on this proposal to see if we can get to an area where the staff is supportive of it, but at the moment in its current form, we are not. So, we'll be again looking forward to working with them as we move through this process.

**Paul Pennell, 1318-e6 Central Ave** said I am with Urban Design Partner and I am joined by Ron Staley with Verde Homes and Angela Amboise who is an adjacent community member to this petition. Months ago, we started working with staff trying to find an acceptable proposed residential development for this 1-acre parcel, which is rather unique along Parkwood in the Plaza Midwood community. This 1-acre parcel is approximately 100 feet wide and 425 feet long. It's quite large and for as far as we can tell, has only ever been an empty lot. In general, I believe everyone knows where this parcel is located, one parcel away from Hawthorne Lane and a few parcels down is The Plaza. Current land use and current zoning, as David mentioned R-22MF along with Parkwood, R-5 in the back, adjacent Mimosa Avenue.

So, we initially started working with staff on multiple concept plans. I think we are probably on concept 12 at this point. Initially, we started looking at the possibility of townhomes. Different configurations of those townhomes. We can go through these slides pretty quickly. Again, another configuration of townhomes, surface parking, parallel parking. Then we started looking at potential motor courts, quadruplexes, different ways to arrange residential units on site. A combination of townhomes and duplexes with a motor court. Then finally we started arriving at a site plan that we felt started feeling like it should be in character with the community. Located a multi-family building within the existing multi-family zoning district along Parkwood. Then we proposed a potential single-family detached along a private road off of Parkwood. This represents our initial submittal for this rezoning petition. A rendering that we presented during the community meeting back in February. These were some architectural elevations that we had presented to the community, just showing the residential design characteristics of these homes. Then the multi-family building located along Parkwood which initially was a 4-story building; three stories of residential and then a ground floor podium park vehicular parking beneath the residential. That pivoted to a multi-family building up along Parkwood and then residential duplexes to help satisfy zoning code and ordinance requirements, which is where we arrived today which is now a residential multi-family building with 22 units adjacent Parkwood and the triplex in the rear. The multi-family building would be accessed off of Parkwood Avenue with surface parking in the rear. The multi-family building height has been lowered from the initially 55 feet down to 45 feet. We've removed the parking underneath the building and surface parking to help bring down that height and also added a triplex with access to Mimosa Avenue. It should be pointed out the connection between Parkwood and Mimosa is not provided within the site plan.

This is the existing rezoning site plan that in for review currently. I think we may have an updated elevation of the multi-family building adjacent to Parkwood. So, it's also worth noting Dave that you had mentioned that there is also an affordable housing commitment for the multi-family building. I'd like to make a quick correction there on you on presentation. It is two for sale affordable units at 80% AMI in the multi-family building and also one for sale 50% AMI unit in the multi-family building. The triplex in the rear, it has no affordable units within that structure. So, all of the affordable units, the three affordable units are being committed to on-site are located within the multifamily building adjacent Parkwood Avenue. Again, just to reiterate these units are a for-sale product and with that,

I would like to ask Ronald Staley if he would like to speak at all and maybe say a few words about this and also open it up to Angela Ambroise, who is an adjacent neighbor as well.

**Ron Staley, 7427 Matthews Mint Hill, Suite. 105, Mint Hill, NC** said thank for taking the opportunity for us to present this very unique project here along a major thoroughfare Parkwood Avenue. One of the things that you probably noticed when you look at the overhead of the map, that this is a very large parcel of land kind of right in the heart of it all within in Plaza Midwood and you know where we have many, many challenges on trying to come up with a great plan that we feel that works well as a for-sale product and that could fit within the current look and feel of the community. I think what we have come up with through the many different renditions is something that I think that we could all get on board with. Thank you again for your time and if you have any question feel free to reach out.

**Angela Ambroise, 7427 Matthews Mint Hill, Suite 105, Mint Hill** said so one of the things I wanted to point out and this is very important, and it also answers the charge of, first of all, I am a 14-year resident. A lot of you are very active about affordable housing that is intentional and housing that addresses the needs of folks who have also been displaced behind urban renewal policies that did not address a lot of the growth for this community. First of all, one of the things that I pushed for is for-sale homes and to have three units in this project that's affordable housing is a huge win for everyone. Also looking at this particular parcel, where it's located. We are right here on the bus line. We are not far from the light rail and so, talking to the petitioner and again talking to some of the neighbors, I feel like overall this petition that we are presenting now really hits what the community needs. Nothing without its challenges but I think we do need to understand also that in the Belmont revitalization update in 2016 as a community, one of the things that we had asked for was to increase homeownership in this area. I think that the petitioner has addressed that which was part of our 2016 update in the Belmont area revitalization plan and so I feel like this fits that and works with a lot of the things that we would like to see in this area.

**Jeff Wheeler, 1500 Mimosa Avenue** said I live at 1500 Mimosa Avenue, which is just single digits steps away from this site. I lived here in my house for the past 13 years and I did select to live in the Plaza Midwood Historic District because I valued the stylistic principles and the restrictive preservation guidelines that go along with living in a historic district and that's something that attracted me to my house. I do recognize that this site is not in the Historic District, but it is adjacent to the historic district and it is requesting access off of Mimosa Avenue, which is the Historic district street. So, when I bought my house 13 years ago, I did pay attention to the large vacant lot that was next door. I did notice and recognize that the portion of that lot that was fronting Parkwood was zoned R-22 multifamily, but I was comforted by the fact that the R-5 zoning on the back two-thirds of the lot would prevent any high-density development at that location next to our historic district street in the future. I always knew that the development would come. I did never expect it to be so intense. I have attended both the developer meetings on this project, and I have expressed my concerns around a large amount of impervious surface and what that impact would be to the already problematic runoff drainage issues that we have on our street. I've pointed out that the tree save really makes no effort to preserve existing trees on the property and that there really is a complete disregard for the setback requirements that would be mandatory in any residential zoning designation. None of these concerns really have been addressed in the current plan but one concern really has been made worse with the revised plan. Not to diminish the others but our street's most enthusiastic critique of this plan is the intense density, the lack of parking, and the impact it will have on Mimosa Avenue.

Our street is narrower than a typical city street at only 16 feet wide. Code does not allow streets to be built that narrow anymore and on top of that, being in a historic district, I homes were built in a time where cars really were not the norm and houses generally don't have garages or large driveways. This results in the 19 homes currently front Mimosa Avenue generally making use of on-street parking. This developer's proposal for this one-acre site crams 25 units. That's six more than are currently on our entire street

and it gives them pedestrian and now car access off the roughly six feet of paved road frontage at the stub-end of Mimosa Avenue. Since street parking is prohibited on Parkwood, on Hawthorne, and on the Plaza, that surrounds this site. We really are the only option for overflow parking and our street simply cannot handle second cars and guest for 25 additional households. We have conveyed that loud and clear at both developer meetings and this is a very huge concern for all of the residents of Mimosa. In the first developer meeting, we requested a barrier with no gate to prevent overflow parking from crippling our street, and unfortunately, instead of a fence, we got an access road in the revised site plan that now grants both pedestrian and car access to Mimosa.

Please let me be clear, I am not anti-development. I'm a former president of the Plaza Midwood Neighborhood Association and I really do try and sell our neighborhood whenever I can, but I do have sincere and serious concerns that this plan currently proposed. It's just too intense and when it boils down to it, I could speak for a long time on this, but I agree with the staff recommendations to deny this rezoning petition and I humbly ask that the City Council vote no on petition 2019-179.

**Kathy Schmid, 1522 Mimosa Avenue** said I support everything that Jeff just said, and I oppose this rezoning for several reasons. First and foremost, there's absolutely not enough parking. The developer wants to put 25 units on that piece of land zoned for a single-family dwelling. With the expensive price point of this neighborhood, there would be inevitably couples and roommates in the one-bedroom units. That means 50 possible cars with only 34 parking places and three garages allotted for. That doesn't even count their visitors. All of the overflow parking will come to Mimosa Avenue. Also, with the proposed plan, our street will become less safe. Currently, garbage trucks can barely get through when we park one side of our 16-foot wide street. There are already visitors who come and park on the wrong side of the street or park too far into the street. I worry about the fire trucks and emergency vehicles getting through with the inevitable cars that will fill Mimosa Avenue. People constantly speed down our dead-end street that's clearly marked the dead end; they still spend down it. We have little kids and pets and we are very much a walking neighborhood. Any access from Mimosa will exacerbate this spending problem and Mimosa will become much more dangerous. One huge concern we have on our street is that we have really bad water runoff issues. There is a virtual river that runs down our street every time it rains and it getting ready to run now and the river will come. This development will only make the problem worse and be very costly to these residents, to my neighbors. The natural flow of the water originates at the new development and goes down Mimosa towards the Plaza.

Mimosa is also as Jeff said a Historic District. This development in no way in all of the versions that the developer came with no way matches the architectural Plaza Midwood. The proposed triplex that causes for Mimosa access would be a modern apartment that faces craftsmen's style bungalows. It absolutely does not match. I find with the single-family housing going on this land. I'm not opposed to development either, but I oppose the rezoning and any street or pedestrian access to Mimosa, and I hope you will support us. We stand together; I know everyone's on this street, and we all stand together with this feeling and this thought. Thank you.

**Kristina Dauksys, 2205 The Plaza** said I live at 2205 the Plaza with a deeded driveway on Mimosa Avenue, and my family and I have lived here for 17 years. I hate to keep beating a dead horse, but I think that my Mimosa family of neighbors and I all have the same concerns. The huge concrete parking slab will not only mean much more heat and noise for my neighbors on the east end of the street, but the loss of ground absorption will simply mean our already unmanageable runoff system will be even worse for the entire street. I mean I honestly can't imagine the flooding issues we will have in the future. Namely, at least for me, there can be no Mimosa access. Our Historic little street is simply too narrow and already too overcrowded to be considered as an overflow parking option for anyone, period. This means that not only can there not be a driveway but there must not be pedestrian access either. Cause let's be honest the residence will quickly figure out that they have a short walk to free parking. Sadly, I honestly feel that these developers do not care at all about preserving the integrity of our small Historic street and that is not fair. That is not fair, so I ask you to please vote no on this current petition.

**Martin Kinnamon, 1506 Mimosa Avenue** was signed up to speak but technical difficulties was unable to be heard; therefore Ms. Dauksys read his statement. The proposed development accomplishes the paradox of having way too much parking while at the same time having way too few parking spaces. Just look at the site plan, it has 31 space parking lot right in the middle of single family homes that have been there for many decades and are adjacent to historic district. This is absurdly out of context. Also, this parking lot is a large heat generating and impervious surface, but because it sits on top of the ridge will create massive stormwater issues for all of the houses around it. Almost all of the homes on Mimosa Avenue have drainage pumps in their basements and we have spent huge amounts of money to deal with water run-off issues. Like I said, there is also way too few parking spaces on the site. There are 34 spaces for the 22-unit multifamily building, this may not be enough for the residents of the development, but it clearly is not enough parking for any visitors they may have because there is no overflow parking available and no other place to park anywhere in the vicinity other than Mimosa Avenue. Our street is where people will choose to park. Mimosa Avenue is narrow, 16-foot wide street with on-street parking that is already highly used by all residents. It is already difficult to drive down our street. We urge you to reject any site plan that allows any access to Mimosa Avenue, including walking unless the number of houses is reduced to the five homes as recommended in the Belmont Area Revitalization Plan.

Mayor Lyles advised Ms. Dauksys that the time was up and asked her to e-mail the remarks to the City Clerk's Office and it would be included for the Council's deliberation.

In rebuttal, Mr. Pennell said we have been working closely with the Plaza/Midwood Land Use Committee for some time now and in working with that committee we actually arrived at the triplex connection to Mimosa, so that's where that connection had actually come about. We have been working closely with the community; we had a second community meeting about a week ago and that's where this concern arose. In working with a new revised site plan we are entirely committed to revising the site plan, removing the vehicular and any pedestrian connections to Mimosa and separating those with a fence. We would take the triplex, rotate it and push it forward so the view shed down Mimosa, you would not see the triplex anymore as you are traveling down Mimosa to protect that concern of the Historic District. We could certainly do that.

Also, with concerns of the parking and impervious surfaces and also the trees on-site, there are some trees within the proposed surface parking that we are currently showing that we have reconfigured that surface parking and we believe are going to be able to maintain and protect one if not two trees that are directly behind the proposed multifamily building. Those trees are I believe are 25-inch trees. I'm confident that at least one of those can be saved by reconfiguring the proposed parking in the rear. With those two again, just to reiterate we were committed to removing any form of access to Mimosa Avenue.

**Councilmember Egleston** said I am appreciative of Mr. Pennell's and Mr. Staley's commitment to eliminate that pedestrian and vehicle access. I know we had spoken about that earlier and I think that was definitely a common denominator for all of the feedback we have gotten from neighbors on Mimosa. That was pretty much a nonstarter for them, and I understand the reasoning behind why. So, I'm glad that's taken out. I almost kind of wish that we had deferred this hearing because frankly based on what you just said, the changes seem significant in a way I think would have impacted the remarks that the neighbors made. Probably the remarks that staff had as to why they are not supporting it or maybe they would have supported it, I don't know. I do think it makes it difficult for us when a plan is going to change so much from what we are being shown on the screen tonight to what we would potentially be voting on in two months. To not be able to have a conversation about something that is closer to what you would ultimately like us to vote on.

So, I hope that you would continue to work with the neighbors between the opposition there and the opposition with staff, it looks like we still have some work to do, but I do appreciate the willingness to eliminate that connection that does seem to be the number one of concern, though it is one of several of the folks there on Mimosa. So, I guess we



will need to get the updated plan and have an updated staff opinion on it and then have conversations with the folks on Mimosa based on that plan but being that we are looking at a plan that doesn't seem to be the current one, it makes it difficult I think to ask many questions beyond that.

**Councilmember Eiselt** said I have concerns about the density with regards to what one of the residents talked about with stormwater and they mentioned that some of the existing houses have to have pumps in their basement and you know this is an issue that we've got to have stormwater weigh in on these hearings. In this particular case Stormwater Services is an outstanding issue. (inaudible) If you're going to put this kind of development in there with 22 multifamily residential units or whatever the revision is going to be, there's going to be more of an issue, and we have got to stop pretending like this can't cause damage to surrounding buildings. This was the issue and the Royal Court. I hope that in that particular one because there are other developments coming along, the City takes the opportunity to work with new developments to mitigate stormwater. In this particular case if in fact this gets built, I hope the City commits to drainage that's going to also help the other houses around the development because they're going to be impacted more and we've got to stop saying that they're not. So, that's my comment but right now I have an issue with this hearing with this proposal because of the density and because of the impact it's going to have on the surrounding area.

**Councilmember Driggs** said looking at this, obviously we need to see what finally emerges after further talks. I'm a little pressed to understand why we would go to five times the recommended density which appears to be what the density around it is. I don't see a situation where the plan is rendered irrelevant by the passage of time and if we are talking about a transaction where we get three affordable units in exchange for allowing that much density at that site, that's one of those situations as Ms. Johnson will appreciate, where I think we have to be careful not to be dazzled. So, I guess my problem is I just don't get it. The plan says five, the staff says five and the looking ask to do is 25. I'm interested to see how it evolves but I have a hard time doing that now.

Mr. Egleston said one other quick thing for consistency's sake I would not be myself if I did not thank the petitioner. for their willingness to include affordable housing without coming to us with their hand out. So, I do want to always make sure that we are giving credit where credit is due on that front.

**Mayor Lyles** said as this was being presented, I'm really not certain that I know what is actually being suggested. If I were looking at this from the community it seems to me it's not really quite baked to have people respond to. So, I really think that the petition is premature because if you want to have people responsive to it, it's got to be something that's a commitment to what you trying to do. Minor changes I think are understandable but, in this case, I just want to indicate, it's really hard to follow what's really being requested.

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

**Christine Sheil, [christine.r.sheil@gmail.com](mailto:christine.r.sheil@gmail.com)**

**Eric Cockrell, 1615 Mimosa Avenue**

**Kymyata Kelty, [kymyata.kelty@cms.k12.nc.us](mailto:kymyata.kelty@cms.k12.nc.us)**

**Martin Kinnamon, [martinkinnamon@gmail.com](mailto:martinkinnamon@gmail.com)**

**Shannon Lynch, [smlynch1122@gmail.com](mailto:smlynch1122@gmail.com)**

**Wes Turner, Plaza Midwood Neighborhood Association, P.O. Box 9394**

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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**ITEM NO. 31: HEARING ON PETITION NO. 2019-111 BY HIVE FITNESS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.1 ACRES LOCATED ON THE SOUTH SIDE OF SOUTHSIDE DRIVE, WEST OF OLD PINEVILLE ROAD, AND EAST OF YANCEY ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-TR (TRANSIT TRANSITIONS).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is about 2.29 acres. It's a conglomeration of several different parcels actually off of Old Pineville and Southside drive. The request is to take the zoning for the properties from I-2 general industrial to TOD-TR which is transit transition. The area plan for the petition is the Scaleybark Station Area Plan. It does recommend office, industrial, warehouse distribution for the site. However, a lot of the existing uses have moved beyond that and have gone to more of the EDE and personal service establishments with breweries, gyms, bars, and other things along Southside. This petition again is a conventional petition. It is looking to go from that I-2 to TOD-TR.

The staff does recommend approval. It is inconsistent with those recommendations for the office, industrial, and warehouse. However, it's within a half-mile of Scaleybark Station. It's directly across from some other TOD-TR zone property and that TOD-TR would be an applicable district for this area as it continues to transition and support the transit investment there along the Blue Line. Again, the staff does recommend approval. It is conventional so no plan to speak of and we will be happy to take any questions after Mr. Brown and Mr. Smith's presentations.

**Collin Brown, 1420 East 7th Street, Suite 100** said I think a good summary by staff. I just want to point out to you this petition began its life last fall as a rezoning petition for one parcel out there on Southside drive. At that time staff was apprehensive about applying this TOD to this singular parcel. So, since that time essentially the Hive folks have gone out and talked with many of their neighbors who agreed that this is the proper evolution of this site. A number has joined and so now we are bringing you this number parcel for the TOD zoning which we think is appropriate. Happy to answer questions.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2019-168 BY SUNCREST REAL ESTATE AND LAND FOR A CHANGE IN ZONING FOR APPROXIMATELY 22.87 ACRES LOCATED ON THE NORTH SIDE OF OAKDALE ROAD BETWEEN MIRANDA ROAD AND I-485 FROM R-3 LWPA (SINGLE-FAMILY, RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO MX-2 (CD) LWPA (MIXED-USE, CONDITIONAL, LAKE WYLIE PROTECTED AREA).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just under 23 acres. It's out on Oakdale road, just from Miranda Road and Simpson Road. The existing zoning of this property is R-3. We do have the Lake Wylie protected area overlay involved in this petition. The Proposed zoning is Mx-2 (CD), so we have mixed-use conditional. That Lake Wylie protected area will still apply as an overlay as well. The area plan for this is for the Northwest District Plan from 1990. It does call for single-family residential up to four DUA. There is also some parking open space recommendation for this property. That is a likely carry over from when the golf course used to exist on this property.

The proposal itself is for 138 duplexes, I think to get some clarification on what I think the product type will be out there from the petitioner. We are looking at a six-unit acre per request. So, just over the four DUA but not a very large increase over what's recommended in the area plan. The maximum building height will be 30 feet, which is consistent with residential heights. We do have a dedication of 100-foot stream buffer to

Mecklenburg County that would be on the site that could be used for a proposed greenway. Access from Oakdale will have some left-turn lanes as some transportation improvements. We'll also have a collector street through the site which will provide an eight-foot planning strip and six-foot sidewalk that will help to continue a future road network that we've got planned for that area through those collector streets. Street stubs for future extension to adjacent parcels as well. Also, a 12-foot multi-use path along Oakdale road and then architectural standards related to building material, porches, and stoops.

The staff does recommend the approval of this petition. We do have a few minor outstanding issues to work through related to transportation. While it is inconsistent with that Northwest District Plan that recommends four DUA, the six dwelling units per acre is consistent with our GDP policies. Which would support a density of up to eight dwelling units per acre? So, while it is inconsistent with that area plan it is consistent with that GDP policy and staff again does recommend approval upon resolution of some of those outstanding issues and we will be happy to take any questions following the presentations.

**Casey Werner, 2701 East Camelback Road** said Mr. Carmichael is making the presentation. I will make one point of clarification that, these are not duplexes. These are townhomes.

Due to technical difficulties Mr. Carmichael could not be heard, therefore Mr. Werner continued with the presentation.

Mr. Warner said the staff presentation was excellent and kind of gave good oversight. We have been working with staff for months on this one to kind of get it to where we want. We committed to the architectural requirement to get us that six DUA. These again are the vicinity maps to show the area which was previously presented. Your I-485 is there to the West and then as you go east that's Miranda Road/Oakdale Road intersection. Again, this is another area. You can see part of the old golf course within the site and the remainder of the old golf course goes to the north that has now been deleted. The current zoning is R-3 and we are requesting MS-2. The staff did a very good job of saying that we are trying to rezone to MX-2 to accommodate 138 single-family attached dwelling units. This site plan is rendered; you can see your access off of Oakdale road. We will have a collector road running through the site after (inaudible) describe by C-DOT (Charlotte Department of Transportation). Ultimately the townhomes will be accessed off an alley in the rear of the units. So, they will all be the fronting on the public road or an open green space.

These are just a bit of history for the prior rezoning this was the duplex layout that was readily spoken about. The collector street which you can see on the eastern boundary was the original location of the collector street. Kind of in conformance with C-DOT as we did more due diligence on the site there was a stream that ran up and down the eastern boundary line. So, we have since relocated the collector street to adhere to the 100-foot undisturbed buffer. The next slide is a reiteration of that. The collector street being relocated. Again, the duplexes as we can continue to review this site and work with several groups, it was determined that the duplexes were not going to be adequate for this site and that we would have to move into our townhome development. Which is where we landed today. It is 138 townhome units. We worked with several of the neighbors on the eastern edge boundary. In the neighborhood meeting one of the concerns was being so close to their site. The stream and 100-foot buffer also came into play as you can see, we relocated that road over 100-200 feet depending on the location of that buffer.

**Councilmember Egleston** said this is probably more of a question for staff. Just about the five-point intersection there. What does C-DOT currently have in the works for that intersection? I believe in the past it was a traffic circle or stoplight. Can someone remind me of that?

Mr. Pettine said I would refer that question to CDOT. If Ms. Hull is on the call from C-DOT to talk a little bit about any future plans the five-point intersection you referring to.

**Lakisha Hull, Development Services Division Manager, Transportation** said so we do have a couple of plans that are in play there. So, we did look at the roundabout circle as one of the options. I can give you more details in the follow up a report if that's okay Councilmember Egleston.

Mr. Egleston said sure. I just wondered what the timeline of anything that was proposed for that intersection was as it relates to the timeline for the development of this project. That intersection is, I would say one of the ten most dangerous intersections in Charlotte in terms of people trying to figure out when the right time to jump out and make a left turn across traffic and who's has right of way, or who should go before the next person. It's a pretty terrifying intersection already. So, before we put any additional traffic on it, I hope our plans are fairly imminent to improve the safety of people going through that intersection.

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

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**ITEM NO. 33: HEARING ON PETITION NO. 2019-184 BY TAFT MILLS GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.2 ACRES LOCATED TO THE EAST OF W. T. HARRIS BOULEVARD, SOUTH OF WOODLAND CIRCLE AND NORTH OF I-485 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-17 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over four acres as we had mentioned right off of the I-85 /W.T. Harris interchange. The zoning for this piece is R-3, the proposed zoning is R-17MF conditional. It is from the Northlake Area Plan (2008). We are looking at a residential request for a recommendation for up to eight DUA. This proposal is for 71 age-restricted multi-family residential dwelling units. This would be in one singular building with a height of four stories or 50 feet. We are getting some road improvements along with W.T Harris and in the form of an eight-foot planning strip and also a 12-foot multi-use path. We do have a Class C 28-foot buffers against the single-family uses there off of Woodland Circle. We do have open space amenities for residence. We do have that stormwater management area, buffer area also in green closer to that I-485 interchanges. Also, some architectural details and standards for building materials and articulation.

The staff does recommend the approval of this petition. There are no outstanding issues with it at this time. It is inconsistent with that Northlake Area Plan for 8 dwelling units per acre. However, we do feel that the petition itself, the density is justified and the sense of getting this age-restricted product, which we are certainly in some need of. Also, the location around that interchange is something where we feel that density increase would be appropriate. We also have some commercial development along the other side of W. T. Harris Boulevard that is zoned B-2, so we got some differences and some land uses that could continue to help support. This use could continue to help support some of that commercial developments that will be going on. It is conducive to that growing area for commercial and higher density development right there at the interchange. So, again this staff does feel while it's inconsistent, it is an appropriate location for this proposed use. We do recommend approval and we will be happy to take any question following the petitioner's presentation.

**Keith MacVean, 100 North Tryon Street** said we are assisting the Taft Mills Group with this rezoning request located on West W. T. Harris Boulevard. With me, tonight representing the petitioners is (inaudible) and Jeff McCluskey who is the engineer for the site. We appreciate the staff's support and assistance in the petition. The Taft Mills Group was formed in 2014. It's a vision of the Taft's Family Ventures. (inaudible) The Taft Mills group has developed on nine affordable communities in North Carolina and developed over a thousand affordable units in North Carolina as well. The TAFT Development Group

has developed over 7,000 commercial market rate communities in North Carolina. They are long-term owners of those communities. This indicates some of the amenities around the area. The local grocery stores and other commercial amenities are near the site. (inaudible) services for the residence of the community. As mentioned about 4.2 acres zoned R-3, we are seeing R-17-MF (CD) to allow the development of the site with up to 71 age restricted units. They will have full-time management including maintenance. It's a combination of one and two-bedroom units. As Dave mentioned, we do have a 20-foot buffer around the perimeter of the site that will be an undisturbed buffer. It is kind of a wooded site, so we are leaving those in place. (inaudible) single-family homes. We have increased the side yard along with the northern (inaudible) 40 feet to help with the separation (inaudible) to the East of the site. Access is right in/right out. There will be a right turning lane and we have (inaudible) as Dave mentioned (inaudible). This is a cross-section to indicate the relationship between the building and the adjoining single family home and the site of the existing trees varies between 50 and 85 feet. This shows you how those trees will allow buffering and (inaudible).

**Councilmember Eiselt** said the age-restricted is 55 years old as long as one person in the unit is 55. Is that right, so it could be younger than 55, is that right?

**CJ Tyree, PO Box 566, Greenville, Taft Mills Group** said that's correct, the other person has to be a least 45 years old but it's a scenario where we have a couple, where one person is 56 and the other is 54. They can still live in the apartment.

Ms. Eiselt said in any case they have to be at least 45?

Mr. Tyree said correct.

Ms. Eiselt said so you can have a situation where you have a parent who's 55 who's got a 20-year-old living with there with them, is that right?

Mr. Tyree said correct. The only caveat is if it's a specifically certified caregiver that can be an exception but that's the only exception.

Motion was made by Councilmember Driggs, and seconded by Councilmember Watlington, and carried unanimously to close the public hearing.
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**ITEM NO. 34: HEARING ON PETITION NO. 2020-005 BY RONALD STALEY, JR. OF VERDE HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.92 ACRES LOCATED AT THE SW INTERSECTION OF ALLEN STREET AND PARKWOOD AVENUE IN THE BELMONT COMMUNITY FROM R-5 (RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said just under an acre, it's on Parkwood Avenue and Allen Street in the Belmont Community. The current zoning is the R-5 and the requested self is to go from an R-5 to an NS which be neighborhood services. The adopted future land use is from the Belmont Area Revitalization Plan. It does recommend family unit dwellings up to 22 DUA for a majority of the site and then single-family up to five DUA for the remainder of the site. The yellow area is the lower density, orange is the one with the 22 DUA recommendation.

This proposal itself is for multiple buildings on Parkwood Avenue and Allen street. We look at three stories or up to 40 feet. Which would be located up along the Parkwood frontage. That would contain a mixture of ground-floor retail as well as some multifamily units and attached single-family units. We would be looking at up to 3,000 square feet of ground-floor retail in that area. That would restrict some of those art eccentric uses and really focus on neighborhood type retail. We are also looking a 12 multifamily and five

single-family attached units along Parkwood Avenue frontage, plus an additional five along Allen street. Some of the transportation improvements included in this would be vehicular cross access to a recently approved rezoning 2019-156. That will not be the main road but will at least be some driveway connections through those two sites linking them together. We are looking at an eight-foot sidewalk and eight-foot planning strip along Allen street and Parkwood Avenue, as well as a minimum of 17 off-street parking spaces. Architectural building material preferences as well as a courtyard amenities space along the project's eastern boundary and some lighting restriction. One thing to point out also particularly along Allen street, staff worked with the petitioner to maintain those setbacks of the existing single-family homes and other homes on Allen street. So, we would maintain a consistent streetscape with those other existing homes that would help to tie things in a little bit better with the existing neighborhoods and community right there.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation to continue to work through. It is inconsistent with the Belmont Area Revitalization Plan, but we do feel this petition does provide a good mix of both retail uses along with some multifamily and single-family attached uses. It does a good job of tying in well with the existing neighborhood fabric with the setbacks along Allen street and again, the staff does recommend approval and we will be happy to take and questions following the petitioner presentation.

**Paul Pennell, 1318-e6 Central Avenue** said I am with Urban Design Partners, representing Ron Staley with Verde Homes on this petition located on the intersection of Allen Street and Parkwood Avenue. We are excited to bring a variety of housing types and uses to the community here, including 3,000 square feet of non-residential ground-floor uses right at the corner of Parkwood Avenue and Allen street. The five single-family attached units along Parkwood Avenue, five single-family attached units along Allen Street and 12 condominium units above the non-residential uses at the corner. It's also worth noting that these units are all for sale in addition to 12 residential units located above the 3,000 square feet of non-residential. Three of those units will be deed restricted for a period of 15 years at 80% AMI (Average Medium Income). So, we are able to bring some affordable units to this project as well. I know there's a presentation out there that has some elevation. We're happy to share that if it comes up but with that I can open up to any questions.

**Councilmember Eiselt** said the note here is that the proposal achieves the plan's goal of creating a more pedestrian-friendly community and approves vehicular flow and I assume you're meaning the Belmont Area Plan. Can you tell me or maybe staff one of the two, how this plan achieves a more pedestrian-friendly community?

Mr. Pennell said yes, we are committing to providing eight-foot sidewalks with direct residential connections to those eight-foot sidewalks along Allen street and Parkwood Avenue. Also, sidewalks in the internal portion of the petition. Also, it's probably worth noting the rezoning petition that is directly adjacent to this site, the number escapes me. Dave, I believe you may be able to assist me with that. But we do have and are showing some optional vehicular connection to that rezoning. Which will help with vehicular connectivity between these blocks between Allen Street and Pegram Street as well?

Ms. Eiselt said for staff, Parkwood Avenue has always been a challenge and I know the City has put a lot of infrastructures further up Parkwood Avenue to improving the pedestrian experience and the cycling experience and I don't know, maybe Mr. Egleston can speak to it. I don't know what the situation is on Parkwood Avenue, but is this really moving it forward in terms of what we need for pedestrian infrastructure there? Is that what that's referring to?

**Councilmember Egleston** said I just going to remind everybody that we also have a road diet project in the hopper, and someone can give a better specific timeline. Sometime in the next, I think 18-24 months, maybe sooner. So, that would go from where The Plaza and Parkwood Avenue meet down to Davidson I believe, maybe just beyond.

Ms. Eiselt said okay. So, that's right in the middle which is great. So, at the moment are the sidewalks inadequate? I'm just kind of trying to see the offset with having increased density.

Mr. Egleston said yes, the sidewalks are very inadequate on Parkwood Avenue which is why the road diet is as necessary as it is. We have actually had a cyclist killed just right up the hill on Parkwood Avenue from this site in the last couple of years. So, these sidewalks will help here but the road diet will help evermore. I think it might be sooner than I said assuming that would be online or deployed there by the time this will be built out.

Ms. Eiselt said is the road diet going to include a bike path there.

Mr. Egleston said yes, similar to what's on The Plaza currently.

Ms. Eiselt said okay, thank you very much.

**Mayor Lyles** said I would just add to that. I think that the road diet is going to also include crosswalks across that median. So, that's what I recall about it. I really do believe that many walkable cities that, it doesn't matter what the block size is; at each block and intersection there are crosswalks and pedestrians have the right of way. We know that Parkwood Avenue uses to be like the Indy 500 of our City. Where people came flying through there. It was built and designed to move traffic like that but now we have an entirely different circumstance and I believe that not only the road diet but creating the crosswalks would be essential for that.

**Councilmember Johnson** said this question is for staff. So, I see that this petition is inconsistent with the Belmont Area Plan. I wanted to know the biggest difference in why this petition is being recommended as appose to the previous one, 2019-179? What the major differences are? There seems to be around the same amount of density or the same amount of units. So, can help me with that?

Mr. Pettine said sure I think a lot of the difference between the two is really the context of the two projects. The challenge of the previous petition that we looked at is really the location of the property kind of sandwiched between some existing single-family. It has street frontage and some others that have street frontage on Mimosa Avenue that face kind of opposite direction. So, we are really looking at a project that starts to get right into people's backyards and so we are just trying to work through some challenges that are posed just as a result of the location of the property. The one that we are considering at the moment. 2020-005 you know we have worked pretty hard with the petitioner and they have worked with the community as well.

I think one of the big improvements that we are seeing with this is that context along Allen Street with the setback being maintained with those existing structures that really helps to keep that neighborhood fabric and framework really contained and maintained along Allen Street so when you get in it looks like it has that consistent rhythm to it. I think some of the mixed of use there on the corner with that neighborhood service to provide a little bit of a retail use that more neighborhood-serving, that kind of conducive and I think consistent with some of the long term uses we have seen in that Belmont Community with neighborhood stores. Some of the changeover in that area has been to re-establish some of those neighborhood places that folks can go and get some of the things that they may need that are in close proximity.

So, I think the context of this petition is a little bit different. 2019-179 like I said does pose just some challenges based on the location and geography of the site but this one gave us some opportunities to really program it into a context that works with the existing fabric of the neighborhood a little bit better and so we will continue to work on both and refine them with the Belmont community but I think this one a little bit further along and a little bit more tied into that existing context and maintains that general character of the community a little bit better. It's a little bit easier to work with being that it has those two street frontages and we are not working within people's backyards so to speak.

Ms. Johnson said thank you.

Mr. Egleston said not much just to your point that stretch of road still is the Indy 500 most days, so I'm glad for all of the things going on here that will help improve the pedestrian and cyclist experience. Frankly, most days it feels dangerous just to drive on that stretch of the road much less walk or bike. So, good stuff happening on those fronts and again, all ways appreciative of the developers bringing forward any opportunity they can find to assist us with putting affordability in neighborhoods that are quickly losing it. So, thank you.

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

**Kent Estep, robert.kent.estep@gmail.com**

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2020-007 BY ERWIN CAPITAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.211 ACRES LOCATED ALONG THE NORTHERN SIDE OF ALBEMARLE ROAD BETWEEN ROCKY RIVER CHURCH ROAD AND BLAIR ROAD FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-1 (CD) SPA (NEIGHBORHOOD BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over 13 acres on Albemarle and Rocky River Church Road. The petition itself is calling for a B-1 conditional plan to be amended to a B-1 conditional site plan amendment. That site plan amendment would be to permit all B-1 uses, including residential on the site with additional current of only 1 EDEE (eating/drinking/ entertainment establishment) with an accessory drive-through window. While prohibition convenient stores with fuel pumps, gas stations on the site. We also commit to some architectural standards for all non-residential uses. Single-family attached dwellings. Multifamily buildings along with some preferred building materials. We are looking at transportation improvements to include an eight-foot planning strip and a 12-foot multiuse path along both Albemarle Road and Rocky River Church Road. Also, the construction of ADA compliant bus waiting for pads on the project as well.

The staff does recommend the approval of this petition. We do have some outstanding issues that we will continue to work through for transportation and site and building design. It is consistent with the Albemarle Road I-485 interchange study. That does recommend multifamily retail uses so we are continuing to look at those. The biggest change that we are looking at out of this site plan amendment is really that additional EDEE with drive-through and again that's the biggest component of this site plan amendment that it is consistent still with that Albemarle Road I-485 interchange and we do recommend approval upon resolution of those issues and we will take any questions following the Petitioner's presentation.

**John Carmichael, 101 North Tryon Street,** said as Dave said the site contains about 3.2 acres located at the northeast corner of the intersection of Albemarle Road a Rocky River Church Road. This 13-acre site is a portion of a 40-acre site that was rezoned to the B-1 city zoning district in 1998 for our multiuse development on the site. It is comprised of a residential component and a commercial component. The residential component to the North was built. It's a multifamily component. Up to 80,000 square feet of gross floor area could be developmental in a commercial component. The rezoning allows one drive-through window and one convenience store with gasoline sale. Those two facilities have been built but what Mark Erwin is seeking is a site plan amendment to a 13-acre portion



of the commercial component that would allow actually two more drive-through restaurants or drive-through windows but would not allow another convenience store. The square footage on the commercial component would not be increased. It would still be limited to a total of 80,000 square feet on the entire commercial component. But it would allow retail office, residential, and hotel uses, and Mark Erwin would like to have two drive-through windows, not just one and that is a recent change. Mark why don't you explain to Council why you would like to have two.

**Mark Erwin, 1521 Providence Road** said this property is part of a 120-acre farm that we bought back in the '90s and we built a single-family, the multifamily, and now some of the commercial and this is the remainder of the commercial. When we were meeting with Planning staff, we told them we would like to have two additional drive-throughs and they recommended that we only go with one. We agreed to that and if that's what we have to do, that's what we will do, but I want you all to be aware that every other fast food and drive-through type of restaurant is now coming to this area. Arby's is part of the site directly across Albemarle Road from us. Burger King, McDonald's, Chick-Fil-A, are all trying to come here. Taco Bell is negotiating with me for a site and we already have Bojangles and Waffle House. What's happened is, this becoming a restaurant node and especially with today and the COVID issue that going to be with us, I'm afraid for a long time, drive throughs make a lot more sense since you can't really do sit-downs and we don't know how long that's going to last, but if we don't have it on our property to do the drive-throughs there going around us.

**Councilmember Newton** said this is not technically in my District, but it is the ETJ just outside of my District and I am very familiar with the area. My wife and I live about one exit up from this location. This is on the far side so, to provide some frame of reference for all of the Council. This is on the far side of I 485. So, it's the other side of Albemarle Road. It's an area that is growing. We have recently approved a new development just North of Crest Land, which is beside this. That's a Lark Haven development that's going to be bringing in hundreds of new rooftops. Crest Land itself has yet to be completed and the area is considered a food desert. So, this is something that I am actually very happy to see in the idea of a place in particularly given current circumstances. The new normal that I believe we are entering into now where much like Ambassador Erwin was saying. We are likely to see the use of drive-throughs go up and maybe some of the uses for the regular sit-down restaurants go down. I think that an additional EDEE makes sense. I do have the question for staff on this. I am looking at my packet here, one EDEE is approved with a second additionally EDEE would that be something that violates the area plan?

Mr. Pettine said no, it wouldn't violate the area plan. I think as staff looked at this, we had some general concerns about over number of fast-food places right there along Albemarle Road. I think the intent of the area plan was to provide some retail uses that were a little bit more mixed. So, we have a bit of concern just on how many of those in uses we might get in this project as we continue to work with the petitioner and Mr. Carmichael and Mr. Erwin on this project if the second drive-through is being considered or if there's some discussion of wanting to potentially pursue that we certainly will sit down and take a look at it again with them and look at it in a lens that also has some that concern about needing more drive-through establishments currently right now. When we looked at that originally that was well before we got into the situation that we are dealing with now from the pandemic standpoint. Overall it wouldn't violate the area plan as it does recommend those retail types of uses and multifamily. So, it would be generally consistent. I think that the staff's main concern was that we would get an overabundance of those concentrated in one location. But again, we will look to work with the petitioner their project team on another potential proposal for an additional drive through other than the one being proposed this evening.

Mr. Newton said I appreciate that Dave. I know you and I have had this conversation and this particular area what would be ideal as a grocery store. Having said that we know there would be some challenges to that end. The folks that live in this area have to commute more than a mile and a half to two miles plus for groceries or for food. There is a Bojangles right there, but I do think that this could help alleviate some of those challenges for the local community.

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

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**ITEM NO. 36: HEARING NO. 2020-014 BY CAROLINA BUILDERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.9 ACRES LOCATED ALONG THE EASTERN SIDE OF ERWIN ROAD AND NORTH OF TRYON STREET FROM R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just under 4 acres on Erwin Road in the Steele Creek Community. The current zoning is R-8MF (CD). We are looking at the proposed zoning of UR-2 (CD). The future land use for this is from the Steele Creek Area Plan which was adopted in 2012. That does recommend residential uses up to 8 dwelling units per acre along with this site and as well as the surrounding area along Erwin Road and South Tryon Street. The proposal itself this evening is to develop this site with up to 30 townhome units on approximately 3.9 acres so, we are looking at a density of 7.69 DUA. So, that's just under that land use recommendation in Steele Creek Area Plan for 8 DUA. We are also looking at this proposal with the construction of a new East-West public street that will provide a connection to Erwin Road. There was also a recent rezoning just adjacent to this site that that proposed public street would potentially tie it through another public road that would be constructed from another project. So, we get some really good cross access between those two projects and between Erwin Road and South Tryon.

Some other elements of this proposal are architectural standards. We would limit building to five units or less and require to have one car garage and a usable porch or stoop on the front or side of the building. We also have decorative metal fence and landscaping along the Erwin Road frontage as shown on the plan and some screening for backflow preventers and any meter's banks, as well as a limitation on free-standing lighting to 15 feet in height.

The staff does recommend approval of this petition. We do have a few outstanding issues related to transportation and some technical revisions to work through. As we stated it is consistent with the adopted land use plan of residential up to eight DUA and the Steele Creek Area Plan. As we said we do recommend approval and we would be happy to take any questions following the petitioner's presentation.

**Ellen Thomas, 13615 Erwin Road** said my parents, my uncle and I live on the property adjacent to this petition 2020-014. There are several problems with the petition as it's currently filed. (inaudible) the application currently on the department website clearly lists the request for an R-8MF (CD) rezoning. You the Council, just heard that we are discussing for a rezoning for a UR-2(CD) rezoning but that is not what is stated on the application. I must ask why are we even discussing a UR-2(CD) zoning when there's no application? By definition and the City Ordinances under Chapter 9, UR-2 rezonings are the following as being for a quote the fringe of the uptown area. You can clearly see that this location is not on the fringe of the uptown area. In fact, this land is adjacent to farmland I farm today. I bail hay next to this, I have livestock next to this. Urban zoning is not appropriate.

The plan sited also case the community meeting summary from the meeting on May 13<sup>th</sup>. However, the Planning Department discovered that the petitioner did not properly notify all of our nearby residences, me included. The meeting that occurred so another meeting that was held on June 22<sup>nd</sup>. Where are the notes at this meeting? The minutes are not posted for the Council's review. During that meeting the developer Mr. Yada placed his phone on the ground and refused to speak or answer questions from neighbors even when (inaudible) Mr. Carter who will hear from today. Mr. Carted also muted participant

on multiple occasions, not allowing them to speak and not allowing for several neighbors and minutes from the virtual meetings.

Rezoning is a classic example of spot rezoning. That is of a relatively small area with dense development. The developer has not allowed for any visitor parking and there is no street parking. There are no proposed amenities. There are no improvements to roads and there are no improvements to schools. This will continue to overcrowd all feeder schools which are already over 100% capacity. What reason the developer is using a UR-2 designation is to reduce or eliminate buffers adjacent to the property in order to increase density. There will be no buffer. (inaudible) on the other side of this property. The townhomes will be built a few ways from that AT&T's (inaudible) using an (inaudible) power outage of (inaudible) and can not only be heard but felt for 100 of feet away. The developer has no plans for soundproofing the townhomes. There is no buffer proposed for the side adjacent to my family's property, which is zoned R-3. Is this fair? Other rezoning's in the area including all community sound on page five of the staff analysis have buffers and most have berms. Spot zoning also does not allow from them (inaudible) traffic improvements in Steele Creek. Specifically, the widening project of highway 160. Which has a start date delayed until 2024? The community is on a feeder road on to highway 160. Buffers would not be required in R-8MF zoning in the application or what is currently there. If the developer were to take one unit from each building, there would space available to create buffers, parking, and benefit the residents and neighbors.

Additionally, the R-12 (inaudible) project the back of the community has fallen through. The developer did not complete the purchase. There will be no access road that this proposed road will go to. It will be a road to nowhere. In completion, I ask you to vote against this petition as written. Have the developer apply for the zoning we are speaking of today and have the staff perform additional analysis.

**Councilmember Watlington** said Ms. Thomas has done an excellent job of outlining the status of the work down at 160 and at this particular node. As she mentioned even the previous track improvements that would have come in between 19-030 because they are not moving forward with it, we won't even see those traffic improvements and should someone else come in and want to build there to what would now be by right, we have on the way of negotiating with them to improve that traffic. So, I won't repeat everything that she had said. I just want to say that I wholeheartedly agree with what she said in many of District 3 Steel Creek residents share the same opinion. So, I would just urge my colleagues particularly those that are at-large that represent Steele Creek residence to affirm their wishes and not support this in its current form. I look forward to seeing if there is a particular improvement that can be made to this petition.

**Councilmember Ajmera** said a question for Ms. Thomas and Councilmember Watlington. Where are some of the improvements and changes that you are requesting that the petitioner make in order to get your support?

Ms. Watlington said for me right now because of where the widening of 160 stands and the fact that Erwin Road basically connects to main connectors basically, Tryon and 160. without substantial improvement on 160 which is not continuous with this rezoning. I really don't see a way outside of maybe partnering with a few of the developers that are trying to do work on 160. That is one thing that several other petitioners are starting to look at is working together to see what they can do to widen 160 because that really is short of creating another connection that would allow people to ride down Erwin Road and not have to turn on 160, which right now is not feasible because of the other development. I really don't see a traffic improvement that would support additional density without significant improvement on 160 simply because Erwin Road feeds directly to 160. So, even if you were to widen Erwin Road you going to still have folks sitting on 160 or waiting to get on 160 from Erwin Road particularly because the turn-lane that was going to be included in 2019-030 last year is no longer going to happen.

Ms. Thomas said I concur with Ms. Watlington's statement. I'd also like to see a reduction of density so again we are reducing that traffic flow that goes to 160. It often time takes 15-20 minutes with only three cars in front of you to enter highway 160 and is a high traffic

incident area. I'd also like to see barriers berms (inaudible). The proposal does not have such barriers proposed in it and it also doesn't have amenities proposed. For instance, there is no HOA requirement that would reduce or limit to the number of rental properties in the area, and the developer potentially suggested that most likely would become a high rental area.

Ms. Ajmera said for our couple of questions for C-DOT (Charlotte Department of Transportation) staff and NC-DOT (North Carolina Department of Transportation) staff. What is the current plan to widen 160?

**Lakisha Hull, Development Services Division Manager, Transportation** said the state right now has it planned to start construction in 2024 based on funding availability. So, the state would take the lead on that project.

Ms. Ajmera said is there anything petitioners could do to, or Council could do to expedite widening of 160?

Ms. Hull said what C-DOT typically does is as we get more projects moving forward through the land development process, we would have different petitioners contribute to widening or doing lane additions to the area. So, we are working with several other projects right now to potentially see how we can fill in those gaps between now and 2024.

Ms. Ajmera said so is that something you all could work with the petitioner on it to see how the petitioner could contribute to expediting the widening of 160?

Ms. Hull said so this petitioner they're committing to building a public street as part of their improvements. We haven't talked to them about the ask of contributing to the widening of 160 in addition to what they are doing for this site, but we could speak the petitioner about that.

Ms. Ajmera said yes, along with the other developers that developments in the pipeline or will be in the future if you could facilitate that conversation that would be great to address the concerns that have been raised by Councilmember for District 3 and residence nearby. Also, another question is on barriers and that could be a question for our attorney. Can our decision be dependent on the barriers that Ms. Thomas had alluded to earlier, especially around HOA requirements?

**Terrie Hagler-Gray, City Attorney** said no your land-use decisions are separate and apart from private deed restrictions and neighborhoods.

Ms. Ajmera said that's what I thought. I just wanted to confirm it thank you. So, I guess the barrier cannot be a part of our decision as our attorney has stated. I was looking through this petition and I see that staff is supporting this. Is that correct?

Mr. Pettine said that is correct.

**Mayor Lyles** said Mr. Carter, who is the petitioner would like to be able to speak to a question that was asked by the Council, but I'm not sure what the question was. I think it was around the HOA and the rentals. Mr. Carter; did you want to speak around the question on rentals? You may speak to the specific question around whether or not you see this as a for sale market or a rental market.

**Paul Carter, Eastlake Engineering** said we are a for sale community. This community is designed as a new way to bring in new homeownership for workforce housing type projects. We fully think of our marketing, we suit up to single parents. This is a good district. We did do some improvements to the roadway; it is totally for sale.

Mayor Lyles said all though I have to say to our attorney that we have heard a lot of investors, that book called House Wreckers, out there where people have come in and brought major investments that actually take a look at the synopsis of the article and shows how you start out one way and can land in another. I think it's something to look

at. I'm sorry Mr. Carter; you can only address the questions that are addressed to you. That is just how our process works.

Mr. Carter said I understand that; we are just trying to provide homeownership opportunities for middle to low-income folks.

**Councilmember Driggs** said Ms. Ajmera; the state road widening process goes as you know through CRTPO so, our ability to exert influence on that is kind of a roundabout and I think given the state of funding for state roads right now we should not be optimistic about that widening taking place in the near term. I don't know if C-DOT wants to contradict me there, but I think that's a pretty dark outlook right now. I had a question for staff. Ms. Thomas made reference to the fact that there was something wrong with the filing or that the thing that we are not talking about had not been filed. Could you clarify what is on file and what the petition is?

Mr. Pettine said the petition is the R-8MF (CD). It was originally applied for an R-8MF. There has been a revised application. I apologize that that has not been uploaded on the website. It is uploaded into our excel online portal which is also accessible to the public. We are working to get that revised application online early as we speak. They did have a follow-up community meeting. We had learned that the initial mailing was sent to some wrong property owners. So, we asked them to reconduct another community meeting and that is why we deferred this petition last month to this month. We did get a revised community meeting report. Again, that is something we are waiting to get online currently as well. So, we will have all of those up. They should be up tomorrow morning at the latest but we did receive that revised application to go to a UR-2 district and so it is an R-8MDF (CD) request to a UR-2(CD) request.

Mr. Driggs said right. The UR-2 (inaudible) use frequently to allow certain types of construction rather than a means of increasing density. That appears to be the case here if we are talking about an R-8 before and the density on the proposal is 7.7. So, in essence, this is being done in order to allow for the construction of a certain type of housing for which there is demand in the market and I note that the proposed zoning actually implies 190 trips per day versus the entitlement of 250. So, the rezoning actually constitutes an improvement somewhat in traffic compared to what could happen. Is that right?

Mr. Pettine said so I can speak to the use of UR-2, in this case, was due to the narrowness of the property. Some of the R-8 development standards that we have in place are a little bit more conducive to some areas that are a little bit more suburban than the UR-2 district is. A zoning district that does allow some smaller setbacks and some of the reductions you would see verses the R-8. So, given the type and size of the property, the UR-district was something that was proposed as a way to not increase the density over really what we are looking at from an R-8 standpoint but work with some development standards that allow some of this infield to occur in a way that could get some of that area and the smallness of that lot to be better maximized. So, we didn't see any real increase in it. UR is a district that we do see in other areas and outside of just that general urban ring. It is a practice that we are kind of trying to move away from to some degree. But in this case, we felt it was appropriate because that site is somewhat constrained, and the UR district just allowed some better standard to not increase the density and then still get the same product but in a way that would help with that constrained lot. So, as far as the trips per day I would have to look back at the staff analysis at what the change was and it look like the entitlement was 250 trips per day and the proposed zoning is 190. So, a reduction of 60 trips per day as a result of the rezoning.

Mr. Driggs said right. I just want to point out to me that UR is unfortunate because down here in South Charlotte we had the UR's happening for similar reasons and the word urban really triggers a reaction and I think fairly. So, it looks like we are borrowing a rezoning classification that was intended to be used somewhere else and using in these locations in order to facilitate something that was not actually contemplated. So, I just hope that at least in our UDO process we going to clean that up and not have a situation where we calling places urban that really aren't.

**Councilmember Eiselt** said Mr. Driggs's point is something I was going to mention as well. It reminds me of the one that we looked at out at the White-Water Center. Especially when you have one road. Would this have one road in and out or is there a connection to another main?

Mr. Pettine said there's currently one road in and out to Erwin. It would tie into a potential future connection to the rear of the property. I know there was some discussion about that property was rezoned and now the project may not move forward. There was some mention that it could change as a by-right project. I think we all just need to clarify that the by-right project is the rezoning that was approved back last year. Even though the same person may not move forward with it, the zoning plan still governs that property and it would only be changed by somebody else rezoning it.

Ms. Eiselt said but there isn't a plan at the moment to connect that, so we have a situation which we have seen before that you've got one lane and one way out to fairly dense development in an area where the traffic is bad anyway. That's concerning for emergency vehicles. To the District Representative's point, this Steele Creek area had been one that has bothered me for a while. I don't expect that NC-DOT is going to really turn around when it comes to their funding situation right now. It's dire and so they're going to have really start looking at which projects they are not going to be able to get to for many years. So, even if they did get to it in four years, I think it would be years before it was done, and I just think that we've got to really take that into consideration when we consider adding more density to an area that is already suffering and struggling. So, to me this one I'm just not sure that this fits in that area right now. I also do have a concern that just out of courtesy if nothing else the developer would put some kind of buffer in. Not as a transition to farmland but to delineate that and just as a good neighbor if nothing else. But overall, I am struggling with the density with this project mostly because of traffic.

Mayor Lyles said I see the tree-save area and the stormwater ponds on either side, but this is a for market project. It's going to be affordable and I understand affordability and I understand that it is a market that's needed but sometimes when we do this, I don't know what the requirement is. Whether it's vinyl or what the building supplies will be but if you going to have the number of units, there are certainly going to be coupled with children. To me this is basically a density area with a lot of housing, and I wouldn't want kids not to have a place to be and that worries me about the highway. Also, the idea that there just no amenities that are indicated on the site plan. No amenities for the families that would live there and I'm assuming there would be people because we projected school increasing. So, it seems like a lot.

Ms. Ajmera said my question around road trips was addressed by Councilmember Driggs. This development would generate fewer trips than what would be under current zoning. So, I think in a way it addresses traffic issues by reducing the number of trips that this development will generate.

Ms. Watlington said I just want to address a couple of those things. Often times I hear this idea of the rezoning will produce less trips than the entitlement, but I think that neglects to consider that right now versus existing, it is significantly increasing the trips. If somebody was wanting to build versus the entitlement, we wouldn't be having the rezoning. We understand that there are financial and market considerations that prevent people from building versus the entitlement. So, I think it's a little bit short-sighted to go verses an entitlement when we know nobody building an attractive project verses the entitlement. So, I think that we have to be careful about saying that because what we really comparing is the existing verses the development because the entitlement right now is not an option. So, I don't think that we could use that as a justification for increasing density in our rezoning.

The next piece that I wanted to ask and I'm glad Dave; that you clarified rezoning piece. I do want to go back to that. If I understand what you saying is that in the event that someone comes back and wants to build there, they have to build their verses the zoning plan. So, I have two questions at follow up. The first one is doing that include traffic improvement.

Mr. Pettine said yes.

Ms. Watlington said the second question is based on that traffic study that was done that justified that improvement, I don't believe that any potential increase in traffic based on rezoning was included in it correct?

Mr. Pettine said I'm not sure I understand your question.

Ms. Watlington said what I mean is when they made the assumptions for the traffic study that they did to justify adding a dedicated turn-lane on to 160, they didn't do it with an understanding that there would be a rezoning here?

Mr. Pettine said no, they did it with the underlying background traffic and any other existing potential traffic that would have. I don't know if they considered any potential rezoning in the area just would consider what was either constructed or in the pipeline as background traffic.

Ms. Watlington said so I'm concerned that there a proposed street to nowhere here that traffic would have even go left to 160 or right to South Tryon. We know some bit of that traffic is going to go left to 160 right now because there's nothing really in the pipeline for 2019-30. That tells me that there's not going to be a traffic improvement there but even when it comes it's already going to be above capacity versus the original assumptions. So, again I would urge my colleagues, Steel Creek asked for one thing. They do not ask for much. They sent us all here. Everybody that was on the ballot that Steele Creek residents voted for. They want one thing. Stop the bleeding and protect the traffic on 160. I would ask that we honor that one request.

Motion was made by Councilmember Watlington, and seconded by Councilmember Eiselt, and carried unanimously to close the public hearing.
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**ITEM NO. 37: HEARING ON PETITION NO. 2020-017 BY ASPEN HEIGHTS PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.75 ACRES LOCATED EAST OF BALTIMORE AVENUE, SOUTH OF REMOUNT ROAD, AND NORTH OF BENJAMIN STREET FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is on Remount Road and Baltimore and Norfolk Avenue. The request is for a rezoning from R-22MF to MUDD (CD). The proposal is part of the adoptive future land use for the New Bern Transit Station Area Plan which recommends institutional uses that are mainly based on the existing institutional use that is on that property in that general area and that has been there for some time. This petition is looking to redevelop the site for up to 274 multifamily residential units with a parking garage. The building height would be limited to 68 feet. A minimum of 1,000 square feet would be reserved for community space for local non-profit organizations to be uses as seen fit to coordination with the Bethlehem Center. It does have some transportation improvements associated with and including one point of access to Baltimore Avenue. One point of access onto Norfolk Avenue along with dedicated service drive with vehicular maneuvering for a dumpster and compacter, recycling area would be within that building. It extends a bike lane from the site's frontage to the intersection of Remount Road and South Tryon. Also, construction pedestrian refuge island across Remount Road. ADA compliant bus waiting for pad would be constructed on Remount Road as well as 8-foot sidewalk and 8-foot planting strip and an 8-foot amenities zone along Remount Road. An 8-foot sidewalk and 8-foot planning strip would also be on Baltimore Avenue and Norfolk Avenue as well and accommodate on street-parking on Norfolk Avenue as well as some architectural standards.

The staff does recommend the approval of this petition. We do have some outstanding issues related to the environment and transportation site and urban design and one technical revision. It is inconsistent with that institutional recommendation. Again, that's from one the long-term existing land uses that has been on that property and in that area. The staff does feel that the petition is appropriate given the proximity to TOD uses and Light Rail along that corridor from Remount Road over down to South Boulevard. So, we do feel that the increases are appropriate in this area. We do recommend approval upon resolution of some outstanding issues and we will be happy to answer any question following Mr. Brown's presentation.

**Collin Brown, 1420 East 7th Street, Suite 100** said on behalf of the petitioner and Aspen Heights. Hopefully, you will recall earlier tonight you approved the rezoning for a property that is also owned by the Bethlehem Center. So, we had two rezoning's by different developers that are coming through together. One was by the Hopper Community folks who are doing a townhome development next door in this area here. But the area where the star is the part of the Bethlehem Center as you can see here which Aspen Heights intends to redevelop into a multifamily community. Dave did a very good job of that. One of the questions, the concern this is a rapidly changing area. That is one reason the Bethlehem Center is looking to move its mission to where their constituents are. One of the things that Ms. Watlington had asked early on in this process was could there be community provision built-in. So, the petitioner is actually worked with the Bethlehem Center to set aside a portion of the ground-floor area so that they can maintain a community space. So, we think that is a real victory for the area. This is showing you side by side. This was the Harper petition just to the North and West that you approved earlier tonight. So, a little bit of diversity of housing there; some for-sale units. This is the concept of the Aspen Heights plan. I think Dave did a good job on the technical. So, I will be happy to answer any questions you may have.

**Councilmember Watlington** said I just wanted to say thank you so much for adding the community space. This one, I look forward to it.

Motion was made by Councilmember Driggs, and seconded by Councilmember Watlington, and carried unanimously to close the public hearing.
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**ITEM NO. 38: HEARING ON PETITION NO. 2020-019 BY DEPENDABLE DEVELOPMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.17 ACRES LOCATED ALONG PLAZA ROAD EXTENSION, EAST OF FAIRES ROAD AND WEST OF ITS INTERSECTION WITH I-485 FROM R-3 (RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said is approximately 18.17 acres. It's on Plaza Road Extension. This request is from R-3 residential to R-8MF CD. The area plan is from the Rocky River Road Area Plan in 2006. It recommends residential uses up to four DUA from much of the site. There's also some park and open space recommendations for the eastern part of the site within that flood plan of Reedy Creek. The proposal itself if for up to 78 single-family attached townhomes in an overall density of 4.29 DUA. There's a 40-foot maximum building height which is consistent with residential building heights in our zoning ordinance.

Transportation improvements are 8-foot planting strip in a 112-foot multiuse path along with the frontage of Plaza Road Extension. We do have an internal network of sidewalk and pathways including an 8-foot unpaved trail loop to connect two halves of the proposed development split by a stream and the SWIM buffer. It also a pedestrian connection on the eastern portion of the site to the 12-foot multi-use path. Enhanced architectural details for units and screens that front Plaza Road Extension to create a little bit better streetscape along that road. Also, the dedication of nine acres of open space on the site



and 37.5-foot Class C buffer as well as a dedication of a 40-foot easement to Mecklenburg County Parks and Recreation.

So, the staff does recommend approval of this petition upon resolution of the request for technical revisions. It is inconsistent with a Rocky River Road Area Plan for up to four DUA but again it's just over. It's a 4.29. so, we are looking at just a slight increase over that residential density recommendation. We do recommend the approval of this petition upon the resolution of those issues. We will be happy to take questions following the petitioner's presentation.

**Shaun Gasparini**, [shaungasparini@gasparinilaw.com](mailto:shaungasparini@gasparinilaw.com) said True home. Our engineer of record on this project is Rob Reddick of McAdams Engineering. The subject site is located just inside of 485 on the Southside of Plaza Road Extension; roughly 18 acres in size. The site is bifurcated by a draw. As you can see it is illustrated here, we've got several issues we got to contend with on the site including the floodway itself, the flood plain and of course the undisturbed stream buffers.

In terms of the adjacent zoning, you are looking at R-3 on the Northside of Plaza Road Extension and the Reedy Creek Neighborhood is currently zoned R-4 at four dwellings unite per acre. Staff noted that we are located inside the Rocky River Area Plan which calls four dwelling units per acre. I think it was noted we are just over that at 4.29 dwelling units per acre. The proposal that before you this evening is for the R-8 multifamily conditional district. It would allow for 78 single-family homes at a density of 4.29 dwelling units per acre. We are proposing to preserve roughly 50% of the site as either tree-save or open space. Just a few highlights with respect to the site plan itself. We worked with C-DOT; there is a left lane proposed on this one, 12-foot multiuse path along Plaza Road. The staff mentioned the internal pedestrian trail that will link the two sites across that draw. We are going to go ahead and dedicate the 40-foot public greenway access easement. Adjacent to the existing single on the left side of your screen, we note that we have agreed to enhance 37.5-foot buffer as well as a fence to help mitigate any impacts with respect to those folks.

This slide captures one of our sample renderings of the townhomes themselves and with that I would conclude by just noting that it is our intent and our expectation for each and every one of these townhomes out there will qualify for the House Charlotte Program. With that, I would be happy to answer any questions you might have.

**Councilmember Newton** said my questions are for staff. This proposal in front of us is inconsistent with the area plan and I understand that we are just talking about a slight uptick in the dwelling units per acre, but relatively and substantially we are talking about the uptick in the actual zoning. I think that this is a byproduct, so I've seen this elsewhere. More recently I've seen a buy right development at the corner of Robinson Church and Plott Road where a developer purchased a larger piece of land to get the density it wanted. Just on the frontage of that land which was for the standpoint of where the buildings were placed was a much heightening area of density. We are kind of seeing some of that here where the frontage of this site, so, it's a large piece of or parcel of land but the frontage has a large number of units that I'm assuming equates to R-8. I guess the question I have, understanding right now the dwelling unit per acre is slightly over the R-4 that would be in the area plan. What assurances do we have that say down the road a piece of this property wouldn't be portioned off or parceled off for additional R-8, then really bumping up that dwelling unit per acre well above the existing 4.29 that we anticipate today?

Mr. Pettine said so, there is a couple of things I think that answers that question. One is the R-8MF (CD) that we are considering this evening. Should that be approved they would be capped at that 78 single-family attached units so nothing else could be built even if they subdivided piece off and wanted to develop further. They would have to come in and ask for an additional rezoning because they wouldn't be able to increase over that 78 units that would be part of the conditional plan should that be approved by the Council. So, there that assurance and then I think just the general typography and environmental challenges on the site with some of the creeks and some of the other draws that are on there really limit the developable area of that site. So even if it would get subdivided out

a little bit further and somebody want to come in and do some additional development. It would be fairly challenging giving some of the environmental constraints of that site. But, really that conditional zoning capping that at 78 single-family attached would really be the limiting factor, and nothing else could be built further beyond those 78 units without additional rezoning in consideration by the Council.

Mr. Newton said so, given the topographical environmental layout of this parcel and those features, part of the area plan was to ensure that there was greenway on the southeastern portion of this parcel reserved for the Reedy Creek flood plain. Is that something that is preserved here? So as I'm going through my materials it would appear as though there isn't a guarantee of the preservation of that area as per the area plan.

Mr. Pettine said so there is that 40-foot greenway easement dedication that's on the site. Yes, you can see that on the plan there. You've got it kind of hatched out in the green dotted line. We could go back and check the conditional notes about how that read. The petitioner that's on with us, Mr. Gasparini may be able to quickly answer what the mechanism to dedicate that is back to Mecklenburg County but that's the way it is interpreted as that it would be granted back to Mecklenburg County for part of that greenway system. I can also refer to Mr. Gasparini if he wants to clarify that for us.

Mr. Newton said I thought Mr. Gasparini would comment on that. It sounds like it might be an understanding on behalf. I assume that what was anticipated for what was contemplated by the area plan was more extensive or larger than a 40-foot easement dedication.

Mr. Pettine said the 40-foot easement dedication certainly would accommodate the type of greenway facility that would typically be built for the County's Greenway System so it would really be that they would convey the easement and the County could use that and I would ask Mr. Gasparini if he is still on the line to clarify what they would construct within that easement and if they would actually construct the greenway and dedicate that to the County or if they are just dedicating land and having the County to the construction of any potential greenway. So, I think we need some clarification from him on that question.

Mr. Gasparini said it's our intent at this time to maybe dedicate the easement and then the County would build out its framework as it sees fit.

Mr. Newton said I believe what he was saying is that it would be a dedication to the County and the County can build out its framework as it sees fit. Does that sound alright?

Mr. Pettine said that's the way that I understood Councilmember Newton as well.

Mayor Lyles said could it be put in the notes that way?

Mr. Newton said one last question regarding the frontage of the site. So, Plaza Road Extension, particularly in this area, is in dire need of sidewalks. Not too far from here a bicyclist was struck and killed just this past year. So, I wanted to ask about that multiuse path in the front, I'm assuming that's going to include sidewalk improvement. I just want to get confirmation on that.

Mr. Pettine said the multiuse path would be paved and it is 12 feet. So, it would accommodate both pedestrians, bikes, and other modes of transportation on that just for pedestrians, and like I said bike, scooter. Yes, that 12-foot would be paved and would be in place of a regular 6-foot sidewalk, we would actually have a 12-foot multiuse path similar to what we see in front of the Aldi on Monroe in your district as well. That 12-foot multiuse path would be just like that.

Motion was made by Councilmember Newton, and seconded by Councilmember Watlington, and carried unanimously to close the public hearing.
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**ITEM NO. 39: HEARING ON PETITION NO. 2020-021 BY K SADE VENTURES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.56 ACRES LOCATED ALONG THE NORTHERN SIDE OF UNIVERSITY CITY BOULEVARD, JUST WEST OF THE MECKLENBURG/CABARRUS COUNTY LINE FROM B-1 (CD) (NEIGHBORHOOD BUSINESS) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 4.56 acres on University City Boulevard. The current zoning is B-1 conditional; the proposed zoning this evening is for B-2 conditional. The adopted future land use is from the Northeast District Plan from 1996. It does recommend retail uses for this site. The proposal this evening in front of us for the site to be used under all B-2 uses permitted by right, but it does cap the maximum gross floor area for this site to 20,000 square feet. We can see some buffers and tree save and potential stormwater areas outlined in green. The red arrows indicated to access the University City Boulevard and then across access point there where the red arrow is just on that left-hand side of the property. The petition is consistent as we stated with the Northeast District Plan.

The staff does recommend approval. We do have some transportation improvements resulting from a previous petition that will improve overall pedestrian traffic and planned retail uses at the site. It makes a good location for retail along University City Boulevard. It is aligned with the proposed land use for the site as well as the plan's recommendation that commercial development, be limited to areas already zoned or identified as retail uses. So again, this is consistent with the Northeast District Plan and staff does recommend approval. I will be happy to take any questions following the staff presentation.

**Ty Shaffer, 101 North Tryon Street**, said on behalf of the petitioner. Jim Serrello is also attending the meeting. He is one of the engineers that is working on the project and can answer any questions that you might have about the site. Thanks to Dave for his presentation. We also want to thank the staff for its recommendation for approval. Really little that we have to add to the staff remarks.

Currently, the site is zoned B-1 conditional with the use limited to a funeral home and the request is to go to B-2 conditional to accommodate up to 20,000 square feet of uses permitted in the district consistent with the land use recommendation in the district plan. Just to expand on one point that Dave made about transportation improvements. So, the petitioner on this one is also the petitioner and the developer on the 90-plus acre site immediately behind this property. That project involves a mixture of single-family and multi-family residential uses and there are transportation improvements along NC-49 in connection with that project that will also benefit this parcel as well. Happy to answer any question that you may have.

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

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**ITEM NO. 40: HEARING ON PETITION NO. 2020-022 BY BOULEVARD REAL ESTATE ADVISORS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.24 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF ANDERSON STREET AND SPENCER STREET IN THE NODA COMMUNITY FROM I-2 (HEAVY INDUSTRIAL) TO TOD-TR (TRANSIT-ORIENTED DEVELOPMENT, TRANSITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said it's just under a quarter acre off of Anderson Street and Spencer Street. It's currently zoned I-2 heavy industrial. The current zoning requests this evening is for TOD-TR, which is transit transition? The adopted land use from the Central

District Plan recommends industrial uses for the site. The proposed request as we had stated was TOD-TR. You can see back on that zoning map we have TOD-TR right there just on the other side of this property and on the other side of those tracks, Where Atmore Street, Norwell Place, Northmore Street, just off of East Sugar Creek Road, That's all TOD-TR. This would also be that TOD-TR which is the one that's appropriate within a mile of the transit station as well as being more conducive to existing residential that may be adjacent so that's why the TR request is before us this evening. The staff does feel that even though it is inconsistent with that recommendation of industrial land uses at the site it is within that proximity of the TOD district. TOD-TR is an appropriate transition from more intense TOD districts to adjacent existing neighborhoods like we see just to the South of this piece of property. It is like we said appropriate as the site is greater than a one-half mile but less than one mile of walking distance to the transit stop. So, again we do recommend approval. It is a conventional petition, so, there are no conditional plans to speak of and staff will be happy to take questions following the petitioner and opposition.

**Ty Shaffer, 101 North Tryon Street**, said Chris Branch and Michael Bender are also attending tonight; they are with the petitioner Boulevard Real Estate Advisors. Happy to answer any questions as well. Thanks to Dave for his presentation and we are also pleased that the staff recommends approval. This is a conventional rezoning, so, I really don't have much to add to what you heard in the staff presentation. We believe that the TOD-TR is an appropriate district for the site. It's consistent with the adjacent uses and also the site's proximity to the Sugar Creek Station on the Blue Line. We are happy to answer any question you have to the extent we can. In fact, we will reserve the balance of our time to respond to any comments of other speakers on the petition.

**Kenneth Olson, 900 Essex Street** said I live near this site on Essex Street, I've lived here for a while and with regards to the petition for rezoning I mostly just want to bring the Council's attention to some concerns around the land in this area. Water does flow heavily down Essex and Anderson Streets away from The Plaza and yet I see in the staff analysis that there no issues noted for the erosion. Just want to draw attention to that as well as some concerns from the neighborhood. Some of the neighbors near where I live around how the land would be used. You can see on the map that parcel of land in combination with the unopened right-of-way to the south of it contains a significant number of trees that mostly has arisen by neglect over the years but today we have quite a few trees that are a least a half a century old and provide a great deal of tree canopy. Something that a recent study by Tree Charlotte shows has decreased by up to 10% since 2012. The staffing analysis also has no comment from the Arborist and made no note of any outstanding issue for urban forestry. So, I want to make sure that the Council is aware that the people who actually live in that area do have concerns around trees. So, if the process goes forward there would need to be buffers and tree save areas and I know that typically with a project of this type the unopened right-of-way would become part of the development so that is a special consideration with this. You can see there is a large line of trees in that area to the South that lines up with Spencer Street, basically where that yellow line is on the map. With that, I will yield the rest of my time.

In rebuttal, Mr. Shaffer said on the first two points of water issues and erosion issues this site obviously would have to meet the Post-Construction Ordinance. With respect to trees you know again the site's going to have to meet the requirements of the Tree Ordinance as well. I have to defer to staff when comes to any question about the right-of-way which is in existence and that requirement to use that to continue Spencer Street. We understand would be a Subdivision Ordinance requirement in connection with any redevelopment of this property regardless of the exact nature of this request. So, we appreciate Mr. Olson's comments. Happy to follow up with him, answer any of their questions, and share any information we have and can share with him at this time.

**Councilmember Egleston** said this can be done off line because I assume staff might not be prepared to answer this right off the top of their heads as it relates to Mr. Olson's question and I know we have a lot more petitions in front of us tonight. But if the staff is able to provide Mr. Olson and his neighbors with some of the information about how TOD zoning addresses some of the concerns. While we don't have specific plans because it is

a conventional petition, I do think that some of the TOD language that this Council approved recently will address some of those concerns in a way that a rezoning without a plan in front of you is difficult to find those answers. So, if we can try to make sure we got his e-mail address and that we can get him that information so he has a more complete picture of what TOD would likely look like as it's developed out in the least of terms of massing and tree requirements and stormwater requirements that we have in that and in our general development policies, I think that might be useful.

**Councilmember Ajmera** said Mr. Olson had brought a concern around tree canopy and how we have seen a significant reduction in our tree canopy. WFAE had done an article on that and I think as a Council we need to address that, and that is not just to this rezoning but that is overall as a city we are seeing so much reduction in our tree canopy. We need to address that with our current goal of 50 by 2050. If this continues to deteriorate, we are not going to meet our goals. So, that would be a separate discussion, but I would ask that we do address in our Business Meeting.

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

**Wendy Sikorski**, [wendysikorski@gmail.com](mailto:wendysikorski@gmail.com)

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

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**ITEM NO. 41: HEARING ON PETITION NO. 2020-034 BY JEFFERSON APARTMENT GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.07 ACRES LOCATED .2 MILES NE OF I-277, SW OF NORTH TRYON STREET, NEAR OPTIMIST HALL AND NORFOLK SOUTHERN'S RAILYARD FROM I-2 (HEAVY INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over five acres. It's at the end of Wadsworth Place off of North Tryon Street, close to East 15<sup>th</sup> Street as well. You can see Parkwood Station is also in close proximity just to the North of the Site on the other side of the railroad tracks. Current zoning is I-2 heavy industrial and the proposed zoning is for MUDD (CD). The proposal is part of the North Tryon Area Plan from 2010. Which does recommend office, industrial, warehouse distribution uses for the site. The proposal itself this evening is for a multifamily residential development of up to 350 dwelling units together with any accessory uses permitted in MUDD. Principal structures would be two. Accessory structures would not be limited to any number. Access to the site from North College Street by way of Liddell Street and Wadsworth Place. Those would be two points of connection that would provide access back to Tryon Street. We also have a stub provided that could provide a future connection over through some existing properties over the 16<sup>th</sup> Street. There are also some commitments to improve College Street along the length of the subject's property. A 12-foot multi-use path if permissions are granted from neighboring property owners would connect over to East 16<sup>th</sup> Street. Alternatives to this could be a potential multi-use path which includes sidewalk along with Wadsworth if enough right-of-way were to exist. We also commit to improving one side of College Street with an 8-foot sidewalk and an 8-foot planting strip. Architectural guidelines as well as full cut off lighting excluding any decorative lighting for the site. That would not exceed a height of 22 feet.

As we had mentioned staff does not recommend approval of this petition in its current form. The staff could support a petition that more clearly enhances pedestrian safety and infrastructure or a proposal that is compatible with recommended future land use for the site. If we can go back to the site plan, I just elaborate quickly on where we are with that actually if we could go back to the very first slide with the site and context, please. So, the

staff just generally had some concerns with the use being proposed and its proximity to Parkwood Station. It's obviously in a great location in terms of how close it is to that. Our concern is with folks being able to get there safely. Right now, it is a bit of circuitous route up Wadsworth Place over to Tryon Street, then back down 16<sup>th</sup> Street. There's really no direct route to Parkwood Station without making that long track around. If we could have some more clarity on getting that connection over to East 16<sup>th</sup> Street or some other means to get folks to Parkwood Station to support this type of density and change in land use I think we would be a little bit more comfortable. We are continuing to work with the petitioner on that. They certainly are aware of what our concerns are. We also have to keep in mind that this is kind of a first in the door petition for redevelopment in this area so we are confident that the pedestrian network will build out over time. But we just would like to see a little bit more clarity on how that would function for this particular project and how it would set us up in the immediate both short term and long term to get folks safely over to Parkwood Station to use that light rail. So, that's where our position comes from. We look forward to continuing to work with the petitioner and their team on that item and we will be happy to take any question following their presentation.

**Keith MacVean, 100 N. Tryon Street** said I am with Moore and Van Allen, assisting Jefferson Apartment Group on this petition. We will work with Dave and his staff as well as C-DOT to address their concerns in regard to pedestrian connectivity enhancements. It will be amending the plan to commit to either making the connection to 16<sup>th</sup> Street with a 12-foot multiuse path. The petitioner currently working with those two adjacent property owners to see if that's possible. There is also a City easement that was acquired from those two property owners for storm drainage. We hope that could be 12-foot multiuse path could piggyback on that easement as well. Also, Dave mentioned we are also building North College Street on the site's frontage and subbing back to the adjacent property, which at this point is the home of the men's shelter on Tryon Street? We're hopeful that as the development or predevelopment occurs in the area the fact that we are building North College Street will get us access to 16<sup>th</sup> Street as part of the rezoning. We are adding, as I mentioned a commitment of a 12-foot multiuse path to 16<sup>th</sup> Street or a sidewalk path to North Tryon Street via Wadsworth Place. In terms of Jefferson Apartment Group there a full source residence and development property based in Virginia. They do have representatives here in Charlotte as well. On the call with me, tonight is Greg VanWie and Jeff Sullivan with Jefferson Apartment Group as well as Dennis Walls and (inaudible) and they are available to answer any questions.

As Dave mentioned this site is part of the North Tryon Area Plan and that plan, even when it was done, recognized that this location is a unique location where the existing zoning I-2 and some of the surrounding zoning may not (inaudible) the area. They have recognized that if certain pedestrian paths way could be made in the area, they would be able to take advantage of the Parkwood Station and Optimist Hall, all the redevelopment and possible redevelopment. (inaudible) with us. (inaudible) This site could be appropriate for higher density residential uses or (inaudible) uses.

The Jefferson Apartment Group happens to be the first group to really take advantage of that. The City has spent a lot of time and effort to improve the rail crossing at 16<sup>th</sup> Street for extra amenities and we are doing our part to try to make our site connect to the 16<sup>th</sup> Street by the 12-foot multiuse path [inaudible] and then access to 16<sup>th</sup> Street. We think that allowing this site to go forward would the proposed 250 residential units really sets a better tone for this portion of the property in the area near North Tryon Street and the North Tryon Street Corridor in close proximity to Optimist Hall in the Optimist Neighborhood. As I mentioned, the building will be under construction (inaudible) to the North. The overall condition of this site, they really lend itself, we think the best use of this site is really for higher density community. A catalyst to springboard to bring new investment into this area along North Tryon Street. The industrial uses here have really left some time ago. Transitioning most of Optimist Park has afforded more transit support of the residential type of uses. We believe this will be a [inaudible] direction again. There will be an affirmative connection (inaudible) 16<sup>th</sup> Street, 12-foot multiuse path (inaudible). The developer continues to work with the adjacent property owner [inaudible] with additional improvements.

**Greg VanWie, 1420 Spring Hill Road, Suite 420, McLean, VA** said Keith I appreciate the summary and the overview. I appreciate the Council's time this evening and I am prepared to answer any questions.

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

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**ITEM NO. 42: HEARING ON PETITION NO. 2020-039 BY HINSHAW PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.44 ACRES LOCATED NORTH OF FIREFIGHTER PLACE, EAST OF 7TH STREET, AND WEST OF WEDDINGTON AVENUE FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 0.44 acres located north of Firefighter Place east of 7th Street, West of Weddington Avenue. The current zoning for this property is R-22MF. The proposed zoning is UR-2(CD). We are looking at the Elizabeth Area Plan as we evaluate this petition that does recommend residential land uses up to 22 units per acre for this site. The petition itself should have some detailed notes in there. The site itself accompany this petition does limit the number alley-fed single-family attached townhomes to 10, which would give us a density of 22.61 units per acres. So, again that's just over that recommendation in the Elizabeth Area Plan at 22 but not by very much. We do have a limitation of building height to 48 feet. Ingress and egress would be off Firefighter Place. Eight-foot sidewalk and eight-foot planning strip would be installed along East 7<sup>th</sup> Street and along Firefighter Place. A 6-foot shared sidewalk would tie into the proposed sidewalk along Firefighter Place. We have architectural standards which would prohibit vinyl siding? We do have some details for garage doors on units five and six. Those actually face out Firefighter Place with that internal street. So, we do have some treatments for those garages. We do have other provisions for a 10-foot vegetative buffer area, and 8-foot high retaining wall along that northern property line and as we stated they just have those 10 units, which puts us about 22.6 units to the acre.

We are recommending approval. There a few outstanding items we need to resolve related to the site and building design and transportation. We do recommend approval and will be happy to take some questions following the presentation by Mr. Brown.

**Collin Brown, 1420 East 7th Street,** said on behalf of the petitioner (inaudible) and Matt Langston who is the Engineer on the site. Good overview from Dave, we will just add one or two things. The current zoning on the site is R-22MF, so, it's appropriate for apartment zoning that could be developed here by right. Hinshaw would like to develop townhomes instead. So, we need a little bit more flexibility. So, that's the reason for our rezoning. I feel like as Dave mentioned we are consistent. We're 22 and a half dwelling units per acre, which I feel is very appropriate for the area. We've had some ongoing conversations with the neighborhood. Here's a colored looked at the area. And then we have some examples. This is not a part of our rezoning package but in conversation with the neighborhood, they wanted a more feel and so this should be reflective of the architectural commitments that we've made. We are still having conversations with folks from the Elizabeth Community Association as late as this afternoon. I'll go ahead and get on the record that we are going to add a commitment to rezoning document where we would cap our use of cementous siding, that's a hearty plank to 25%. We told the ECA that and our revised plan would contain that commitment. Happy to answer any questions you have, and Steven or Matt feel free if have any other comments.

**Councilmember Egleston** said Mr. Brown touched on the plan was going to make which is that I know that they are still working with the ECA land use committee and there were a couple of points that ECA said that they still had worked out, but they feel confident

would get worked out. I appreciate the petitioners continued dialogue with the community to get those things resolved.

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

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**ITEM NO. 43: HEARING ON PETITION NO. 2020-046 by TAKE 5 CAROLINAS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.09 ACRES LOCATED SOUTHWEST OF WHITEHALL PARK DRIVE, ON THE NORTH SIDE OF TRYON STREET, EAST OF SANDY PORTER ROAD FROM I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO I-1 (CD) SPA (LIGHT INDUSTRIAL, CONDITIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over an acre on South Tryon Street across from Ayrley Town Boulevard. The site is currently zoned I-1(CD); the request is for the I-1(CD) site plan amendment. The future adoptive land-use plan from Steele Creek Area Plan of 2012 recommends office retail uses for the site. It is located within the Whitehall Mixed-use Activity Center. The proposal this evening is for again a site plan amendment which would maintain all the same permitted uses that were previously adopted in that I-1 district with the exception of now adding an automobile service station from the originally approved list of previously prohibited uses. We are asking for some additional clarification because the proposal really is for a Take 5 Oil Change. So, it's a little bit different from our automobile service station. So, we just want to get some clarity from the petitioner, and some follow up plans on that, but it does carry over the requirement for a 50-foot set back along South Tryon Street as well as design approval being required from the Whitehall Design Review Committee before they construct. Also, an 8-foot planting strip and six-foot sidewalk would be committed to along South Tryon Street and sight lighting requirements with cut fixtures and decorative building lighting that is capped and downwardly directed.

The staff does recommend the approval of this petition. There are a few outstanding issues to work through related to site building design. Again, a lot of that is also just some clarification on differentiating that automotive service use from a typical gas station. The petition is consistent with the Steele Creek Area Plan recommendation for office retail uses and the proposed changes are consistent with the area plan. That only changes just that permitted use to allow an oil change facility in this location. We will be happy to take any questions following the presentation by the petitioner.

**Keith MacVean, 100 North Tryon Street** said with Moore Van Allen assisting Take 5 Carolinas. I like to mention William Mills is on the phone call with us. He represents Take 5 Carolinas. We will work with Dave and his staff to address the remaining issues. That shouldn't be a problem before the zoning committee meeting. As Dave mentioned this is a site plan amendment for this just roughly over 1 acre of the site already zoned I-1(CD). It does allow the use of the site with a wide automotive maintenance facility. The reason we are removing the auto service station requirement is that from a zoning and an ordinance perspective it treats all automotive services whether its light maintenance or a true gas station or service station that sells gasoline as an automotive service uses. We can clarify that there won't be gasoline sales here. Again Take 5 is a light maintenance facility oriented towards oil changes primarily.

As Dave mentioned a minor site plan amendment, it does keep the excluding uses from the previous petition except for the allowance of automotive services. The maximum square foot of 2,500 square feet. Access is from North Tryon via the existing driveway that would be modified with right in/right out. Again, just a little bit of background on Take 5 and what they do. It's a very efficient operation primarily it focuses on oil changes over 500 locations throughout the Carolinas. Part of driven brands; not really any repairs, no lifts and really no noise, just focused on car maintenance and oil change.



**William Mills, 125 Cottage Place** said yes, the only thing I would really add. I am with Taking 5 Carolinas. Really that we don't have any underground storage tanks but it's an environmental conscience product and everything is stored inside the building and all use oil is hauled off. So, there are no underground storage tanks. Customers stay in their cars. We perform the service while they are there. We don't have any cars stored on-site overnight. So, the only other thing again would be a fairly low traffic volume coming through there.

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

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**ITEM NO. 44: HEARING ON PETITION NO. 2020-047 BY PECAN RIDGE OF CHARLOTTE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.72 ACRES LOCATED ON THE EASTERN SIDE OF W. T. HARRIS BOULEVARD, NORTH OF FOREST DRIVE, AND SOUTH OF MOUNT HOLLY-HUNTERSVILLE ROAD FROM CC (COMMERCIAL CENTER) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 1.72 acres on W.T. Harris Boulevard and Forest Drive. This petition is currently zoned CC, and we are looking at a CC Site Plan amendment. That site plan amendment would include up to 3,000-square feet for an EDEE with a drive-through window facility. Access would be internal so, no access to Forest Drive or W. T. Harris Boulevard. We look at one permit on one principle building that does still maintains the prohibition from 1998 rezoning on automotive service stations with or without a convenient store. So, again no gas station. Maintains the existing undisturbed buffers and prohibits the service side of building to be oriented towards W.T. Harris Boulevard. We have some setback requirements along both Harris Boulevard and Forest Drive. As well as 8-foot planting strip and 12-foot wide multi-use path along with West W.T. Harris Boulevard, and then an 8-foot planting strip and 6-foot wide sidewalk along Forest Drive. Also, a sidewalk network internal that would then link to those sidewalks that would include on both W.T. Harris Boulevard and Forest Drive. There is an architectural building materials requirement in commitments made in the conditional plan.

As we had mentioned earlier, the staff does not recommend approval of this petition in this current form. It is consistent with the Northlake Area Plan for retail uses. However, if we go back and look at the site plan just to give you some context. This was part of a 1998 rezoning that prohibited both drive-through facility and automotive service station or gas station on this corner. That petition back in 1998 when it was approved, those prohibitions were put in place because the context of this being right at the front end of Forest Drive going back into that existing single-family neighborhood at that time. That does not determine that those were appropriate uses in that location, given the context of that being the entryway into that single-family neighborhood. So, as staff evaluated the additional site plan amendment that came in, we looked at the context to see had there been significant changes particularly to that existing residential neighborhood that would warrant those prohibitions from that rezoning even though it was from 1998. Would they really be applicable to be changed at this point? We really didn't see the type of transition in that Forest Drive neighborhood that would continue to warrant a fast-food drive-through facility at the corner right at the front entrance to that community. So, there where the staff really just had some concerns about the context and location of that type of use. Certainly, we are within that area, the interchange. We did talk a little bit earlier this evening about the need for drive-through facilities as we've seen, but long term we just felt that being at that front entryway into the neighborhood wasn't the appropriate location back when that original rezoning was approved, and we still feel that that context is the same. We carried that same commitment to that 1998 rezoning and just don't feel that the EDEE with a drive-through is appropriate in that location at this time. So, we will be happy to take any

questions following the petitioner's presentation, but that just gives you a little bit of context of why we are not recommending the petition in its current form.

**Jeff Brown, 100 North Tryon Street** said my colleague, (inaudible) and I have been pleased to assist a local Charlotte Developer [inaudible] Associates on this rezoning. We are mindful of the attached agenda and we take far less than the allotted 10 minutes that you referenced Mayor to try to describe some items that you think are important. The bottom line is as Dave said, this rezoning will allow a quality restaurant with a drive-through facility on a parcel that has remained vacant not for over 20 years. We do believe the changes are worth consideration and we talk a little bit about those. There have been substantial changes to the road improvement areas. A slew of road improvements and they have been ongoing. We are going to be making some commitments that we are providing to the staff more recently to improve the walkability by the installation by the developer of a new multi-use path and sidewalk. We also going to be making important commitments regarding protections for the adjacent property. Both the entrance off of Forest Drive as Dave mentioned as well as the parcel at the rear because we are able to with buffers and otherwise to preserve the number of those existing mature trees and do some additional planting. So, we have worked hard to eliminate a number of the site plan comments from C-DOT and staff. Those have not been documented in the staff analysis, but we've had a number of accommodations the developers making really just of late.

I did want to talk about we believe there are two reasons for the hesitation that maybe the staff has proposed with regard to the drive-through reviews. One is the entrance into Forest Drive as well as the adjacent parcel. We will talk a little bit further about our efforts there. We also believe 20 years ago this was just a different location.; this was a different area. You can tell from the slides that we have here, on the left-hand side this in the county at the time. We believe that the lack of a mature road system was part of the reason that the requirements that no drive-through was included. You will see that there was no Northlake Mall. There were no [inaudible] accompanying improvements in 1998. No I-485 and no widening of W.T. Harris Boulevard and turn lanes that have taken place through those years as well as in the recent time. That together, with the fact that we will be providing for pedestrian improvements with the 12-foot multiuse path as well as new streetscape improvements. Also providing some of the buffer treatments we are talking about that have matured over time since 20 years ago. We believe that those all support the requested additional use. Again, the image on the left shows the site with the red star and you'll see that there are trees along the entrance to Forest Drive as well at the rear of the site. We are going to be providing for a 32-foot wide buffer along Forest Drive as well as a 57-foot wide buffer along the rear of the site. We will be making additions to the site plan after this hearing to talk about efforts to provide preservation of the mature trees in this area. As well as the landscaping so we do think that we are providing for the types of protections and we will continue working with them on those particular items.

As I mentioned there will be a 12-foot multiuse path along with W.T. Harris Boulevard consistent with the community plan objective paid for by the developer. There will be new sidewalks; both of those improvements that will encourage people to be able to walk, which is one of the things the staff mentioned in their staff analysis as well? So, new improvements will be coming to encourage some pedestrian activity.

I did want to mention while the site has been vacant now for 20 years, there has been some recent interest through the Popeyes Restaurant group. We wanted to give you to of the quotes from the Nation's Restaurant News that really are talking about a pretty dramatic enhance national branding campaign that Popeyes is undergoing. This includes piloting a new image campaign following the incredible success of the new chicken sandwich. Many of you may have heard about that. That was almost a viral moment it's been very successful and also the Nation's Restaurant News has talked about a really praised Popeyes success particularly its resilience during the COVID pandemic in part because of some of the drive-through service facilities that they are talking about. So, that's an important ingredient as well.

I do want to mention that the zoning plan does contemplate building improvements that will bear in mind the new enhanced branding image that the Popeyes is bringing to the

table. New signages associated with that and then I have to mention as well, there will be a number of new jobs that will be created. Some full-time equivalence, some part-time. But on this day and that's a positive thing to be aware.

I won't go back and sort of review the items in the interest of time tonight that we have already talked about, but I did want to mention that we will continue to work with the Planning staff. We believe that some of the more recent items that we are coming to the table with in terms of some of the preservation of trees, we would like to believe we get at some of the concerns that Dave mentioned tonight. Those just haven't been brought to bear yet on the site plan.

Finally, I want to mention we did a virtual community meeting that encouraged both comments, both before the meeting as well as doing the meeting and after. We did not hear from any of the residents who have received notice. I do want to point out we were involved in a recent petition in the same area and that petition also had a lot of exact same individuals who were noticed, particularly in the Forest Drive Community. We did receive some comments from residents about the petition, so, we are confident a number of people received the notice and the detailed information regarding the petition.

We look forward to working with Dave and the staff. We have resolved a number of the issues I believe with some of the enhancements we've talked about tonight. I think we can strike a positive balance for some of the concerns they raised and also provide for new use on the site that has not been developed for over 20 years and to take advantage of the road improvements that have occurred since the rezoning took place 20 years ago.

Motion was made by Councilmember Graham, and seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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**ITEM NO. 45: HEARING ON PETITION NO. 2020-048 BY FLOURNOY DEVELOPMENT GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 24.605 ACRES LOCATED ALONG THE EASTERN SIDE OF JOHN ADAMS ROAD, NORTH OF MALLARD CREEK CHURCH ROAD, AND EAST OF I-85 FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL), O-1 (CD) (OFFICE DISTRICT, CONDITIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said it is just over 24.5 acres along the eastern side of John Adam road and North of Mallard Creek Church Road in that area of I-85. The existing zoning is B-1(CD) (neighborhood business, conditional), O-1(CD) (office district, conditional). The proposed zoning is for MUDD-O (mixed-use development, optional). It is part of the Northeast Area Plan, which calls for research, office retail uses as well as just straight retail uses for the site along West Mallard Creek Church Road. The proposal is for mixed of uses, which will allow up to 366 multi-family residential dwelling units, 56 single-family attached townhomes s, and up to 10,000 square feet of office and non-office commercial uses along that frontage of West Mallard Creek. It does limit individual office or commercial space to 2,500-square feet or less. The optional provision is to allow parking and circulation between the buildings and streets in Areas A and B. We also provided public street to connect to Mallard Highlands Drive, which would help improve some connectivity in the area. We have an 8-foot planting strip and a 12-foot sidewalk along the frontage of West Mallard Creek Church Road. As well as an 8-foot planting strip and an 8-foot sidewalk along John Adams Road. We do commit to a 15,000-square foot open space amenity area, as well as internal sidewalk connections between buildings and streets, as well as preferred building materials and then detached lighting shall not exceed 22-feet in height.

As staff indicated we do recommend approval of this potential. We do have some resolution of technical revisions related to sight design. It is inconsistent with the

Northeast Area Plan recommendation for a mixture of research/office/retail land uses on one portion of the property and then retail uses on the front portion on the property.

Just to give some context this petition originally came in as an all multifamily. We sat down and worked with the petitioner and their development team and as well as staff from University City Partners to really try to program a site that would provide a little bit better mix of uses in particular. Some office space and some of that commercial space that the plan was looking for. The outcome is the proposal that you see in front of us this evening. I would just like to give you a context of the work that was done to kind of bring this site to where it is today rather than just being an all apartment project. We are looking at a mix of residential uses and some office and retail uses. Even though it is inconsistent with the plan we felt that mix provided us with enough comfort to recommend approval upon the resolution of some of those technical revisions. We will be happy to take a question following Ms. Grant's presentation.

**Bridget Grant, 100 North Tryon Street** said I am with Moore and Van Allen. We are assisting Flournoy with a composed rezoning on this site. I am here with Luke Addison of Flournoy and Nick Brushawn with DRG. We are also being assisted in the transportation aspect by Brandy (inaudible). Flournoy delivers a range of development types and they're proud of their efforts working with municipalities, stakeholders, and residence that develop (inaudible) sensitive communities.

You will see from these (inaudible) images they are not cookie-cutter communities and we are going to maintain that philosophy as we move through the development of this site. Dave already touched on some of the site details, so, I'm going to go ahead and just jump in. We are proposing a rezoning that would accommodate residential development with opportunities for retail and office on the ground floor. They are the areas that are slightly darker orange closes to West Mallard Creek Church Road. We developed this site with a mix of uses based on the feedback he mentioned and guidance from the UCP Economic Development, Planning, and C-DOT. The goal was to design a site that would provide essential green rather than pushing all the open space to the peripheral of the site. We are providing those connections to John Adams and the existing site developed to the East and creating some opportunities for small business and incubator type businesses (inaudible) to the site. It's also important to note that the current conditional plan is approved for a gas station and drive-through and other commercial uses. What we are proposing is significantly less intense than the current proposed plan.

This is just some of the nuts and bolts that Dave has already described on the rezoning. Prior to the zoning committee, we intend to submit a new plan that will show this provided connection that is required to Mallard Glenn Drive and show that we are going to design to accommodate a U-Turn movement at our main entrance.

In summary, I want to emphasize that we had a great opportunity to work with UCP and the staff to get us to this point. There's a lot of certainty on the type of development that going to go here and have limitations on the uses. We are including design standards and commitments that are not included in the current rezoning. As well as some infrastructure improvements, connectivity, and the 12-foot multiuse path. With that, I am happy to answer any questions.

Motion was made by Councilmember Driggs, and seconded by Councilmember Eiselt, and carried unanimously to close the public hearing.
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**ITEM NO. 46: HEARING ON PETITION NO. 2020-051 BY M/I HOMES OF CHARLOTTE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.90 ACRES LOCATED NORTH OF I-485, ON THE SOUTH SIDE OF RIDGE ROAD, AND EAST OF COOPER'S RIDGE LANE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTI-FAMILY, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 21.9 acres on Ridge Road, and just adjacent to Cooper's Ridge Lane residential community. The existing zoning is R-3 (single-family residential) and the proposed Zoning is R-8MF (CD) (multi-family, conditional). The future land use from the Prosperity Hucks Area Plan from 2015 recommends residential uses up to four dwelling units per acre. The request this evening is to allow up to 98 single-family attached dwellings. Those would be accessed from Ridge Road. We do have connectivity by including a street connection to the existing subdivision. There's a stub that's there for future connection so this project will tie into that. They will also include two road stubs to the right for future connectivity. There's also an 11-foot wide westbound left-turn lane that would be installed on Ridge Road. An eight-foot wide planting strip and a 12-foot wide multi-use path along Ridge Road frontage. A maximum building height is limited to 48-feet as well as some architectural standards. We do have a 37.5-foot buffer along the site's western boundary and portions of the site's eastern boundary. Another aspect of this project that we should point out is the development of a collector road that would begin to tie into a larger network that's been looked at by C-DOT and others for long-term connectivity between Ridge Road and Jimmy Oehler Road. Actually, going over or under 485. I would have to have C-DOT clarify that. We are looking at part of that road being constructed as a result of this project. So, that's another outcome of this petition potentially being approved.

The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. It's just slightly over the four dwelling units per acre that is recommended in the Prosperity Hucks Area Plan. We are looking at a petition that has a density of 4.47. Again, that recommendation is a four, so we are just over. So, between that and some of the other additional improvements and further enhancing some of the connectivity in this area, staff felt comfortable recommending approval of this petition. Again, we just need to work through some of those outstanding issues related to transportation and we will be happy to answer any questions following the presentation by the petitioner.

**John Carmichael, 101 North Tryon Street**, said here on behalf of M/I Homes. With me tonight are Chad Lloyd and Morgan Rushnell of M/I Homes and Danny Moore of McAdams who is the site engineer.

The site's about just over 22 acres on the south side of Ridge Road between I-485 and Ridge Road it is between Cooper's Ridge and Highland Park Drive. Current rezoning is R-3. As Dave mentioned the Prosperity Hucks Area Plan recommends up to four DUA and M/I Homes is requesting that the site be rezoned to R-8MF (CD) to allow a townhome community with an overall density of 4.47 units an acre which is slightly over the plan recommendation. This is a surrender version of the site plan, you can see there is a good bit of open space, tree save, the site is well buffered. This site plans rotated so the West is actually plan north, but the western portion of the site is well buffered as is the eastern portion of the site Then you got a lot of open space along the southern boundary of the site. There is a 12-foot multiuse being installed along Ridge Road as well as the left turn form Ridge Road into the site. There are architectural standards.

The school situation is there is a reduction in student generation under this plan as opposed to the existing zoning if the site is were developed with single-family detached homes. We appreciate your consideration. We appreciate planning to work on this and we have two transportation issues that we will work this week to resolve. Our team is happy to answer any questions that you may have.

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

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**ITEM NO. 47: HEARING ON PETITION NO. 2020-053 BY LAUREL OAK FARM, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.32 ACRES LOCATED ON THE SOUTH SIDE OF YOUNGBLOOD ROAD, WEST OF BUCKTHORNE RIDGE LANE, AND EAST OF MCKEE ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) AND MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) AND MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is .398 acres on Youngblood Road just next to Buckthorne Ridge Lane. This proposal this evening is from R-3 (single-family residential) and MUDD-O (mixed-use development, optional) to a MUDD-O (mixed-use development, optional) and MUDD-O SPA (mixed-use development, optional, site plan amendment). We are looking at adoptive future land use from Steele Creek that recommends retail for that portion of the site that's already been rezoned. Then we still have that carry over residential of four DUA recommendations prior to this rezoning that exists on this undeveloped portion. Which is what we are considering this evening for some additional development on this site.

The proposal itself is for allowing up to 6,000 square feet for an indoor pet center and limited outdoor pet center uses and limited outdoor pet center uses including fence outdoor walking and exercise areas. We do have some optional provisions which would allow fenced area outside of the indoor pet center to be used for walking and exercising of pets that does not meet the 300-foot separation from a lot in a residential zoning district or residential use to allow parking between the proposed building and Youngblood Road as generally depicted on the site plan. We are looking at the consideration of an 8-foot sound wall along with the buffer on Youngblood Road to limit noise. We also limit building height to 40' and the proposed building would be residential in character. We do have a Class C buffers along residential property lines and then site lighting would meet the conditions of a 15-foot maximum height and full cut-off fixtures for both site lighting and lighting on any buildings. So, again it is a site plan that would expand the existing use. We got an existing kennel pet center use on the property. They are continuing to grow, and they are looking to expand. Mainly that expansion is in that area next to this community pool. We would allow the petitioner to convey a little bit more about what's going to be along in some of those areas.

The staff does recommend the approval of this petition. We do have some outstanding issues related to transportation that will continue to work through. It is inconsistent with that recommendation for single-family residential up to four DUA. It is consistent with that land use recommendation for a retail portion of the site that contains existing development. This would allow for that development to expand a bit and continue to offer enhanced services to the folks in the Steele Creek Community. So again, the staff does recommend approval and we will be happy to take questions following the petitioner presentation.

**Keith MacVean, 100 N. Tryon Street** said I am representing Laurel Oak Farm. With me tonight is the Janie Hodges and owner and operator with the facility with her husband. As well as Daniel Steele, the facility manager. I just wanted to say Laurel Oak Farm, is an indoor pet center, family owned and operated. The owners actually live on the site, Janie and her husband William live on the site. The facility is designed to provide customers pets the true climate of a safe and healthy environment. Lots of light, lots of ventilation to keep everybody healthy and happy in terms of the pets that stay at the facility. This site was originally 1.3 acres zoned R-3, requesting MUDD optional to allow the expansion. Originally zoned in 2004 which allowed the establishment of the indoor pet center. Since

it was opened it (inaudible) rezoning. It has been well received by the residents. Really the residential communities have developed around the indoor pet center. When they first were there, there was really a lot of vacant land, not as many homes. The owners and operators have worked hard to be good neighbors. They built all of the added buffers as you can (inaudible) closing the petition tonight. They have been good neighbors to their adjacent property owners.

It's really the success of the facility that has led to that rezoning petition to allow the expansion. Like Dave mentioned allowing expansion of an additional building that will be architecturally compatible with the other buildings on the site. There will be additional buffers and noise walls surrounding the outdoor area. When the dogs are out, they are supervised, there is someone out there with them at all times. The access does not change and again it is architectural compatible. Janie and William and Mr. Hodges have met with the Steele Creek Residence Association on several occasions. We do have a letter from them in support of the petition. The Steele Creek residences don't object to the petition and see this is as an appropriate use for the site and that will benefit the residence of Steel Creek and the overall area.

**Janie Hodges, Property Owner, and Operator** said I'm the owner Laurel Oak Farm Dog Kennels . I just wanted to thank you guys for your time tonight.

Motion was made by Councilmember Driggs, and seconded by Councilmember Eiselt, and carried unanimously to close the public hearing.
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**ITEM NO. 48: HEARING ON PETITION: 2020-054 BY TRIPOINTE HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.27 ACRES LOCATED ON THE EAST SIDE OF INTERSTATE 77, WEST OF TRYON STREET AND SOUTH OF CLANTON ROAD FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 13.27 acres, just on the other side of I-77, west of Tryon Street and South of Clanton Road, at the end of Peterson Drive. The existing zoning is R-8 (single-family residential). The proposed zoning is UR-2(CD) (urban residential, conditional). The adoptive future land use from the Scaleybark Area Plan recommends 8 dwelling units per acre. The proposal this evening is for 94 single-family attached units at a density of 7.08 dwelling units per acre. The maximum building height of 48 feet. We got Class C buffer along property lines for those properties zoned R-5 and R-8. We've got a 10-foot wide buffer along the west property line and common open space areas throughout the site, an area that would be reserved for future dumpster and recycling closer which would be screened for ordinance requirements. We also have transportation improvements that would include proposes access via Orchard Circle, West Peterson Drive, and Sarah Drive. We have an internal network of public streets, private alleyways, as well as a sidewalk system. We would improve Orchard Circle to a local residential medium public road standard. Also, a proposed left turn lane and a proposed right turn lane on Orchard Circle and a 6-foot planting strip and an 8-foot sidewalk along Orchard Circle and along Sarah Drive. Commits to the architectural elements and preferred building materials and also installation of rooftop terraces.

The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and site and building design. It is consistent with the Scaleybark Transit Station Area Plan for residential uses up to 8 dwelling units per acre. This comes in at just over 7 at 7.08. So again, we are consistent with that area plan and we will be happy to take any question following the presentation by Mr. Brown and their team.

**Collin Brown, 1420 East 7th Street, Suite 100** said I'm here on behalf of the Tripointe petitioner, I also have on the line Andrew Grant and Luke Woodburn in case you have

questions for them. I think Dave kind of hit the material issues in this case. I would say that this is one of the last ones we were able to have an in-person meeting. So, we did its informal outreach meeting back in February and had a good turnout of neighbors. This is one of those unique sites that is still an infill undeveloped site. So, it's a great opportunity for some new housing in this area. Most of the houses in this area have been there for a long, long time. There's always some concertation about new developments, but I think generally they are pleased with this development type and will continue to work with the development team on how we made some of these new street connections into the neighborhood. Happy to answer any questions and like I said, Andrew who is our engineer and Luke will Tripointe are here if you have any specific questions for us.

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

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**ITEM NO. 49: HEARING ON PETITION NO. 2020-058 BY NOVANT HEALTH, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 38.0 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF JOHNSTON ROAD AND PROVIDENCE ROAD WEST FROM INST (CD) (INSTITUTIONAL CONDITIONAL) TO INST (CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT).**

**Mayor Pro-Team Eiselt** declared the hearing open.

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to recuse Mayor Lyles from participating in this hearing due to a conflict of interest.

**David Pettine, Planning** said this is approximately 38 acres on Johnston Road and Providence Road West. This may look familiar, we recently rezoned this property to INST (CD) for Novant. This is an institutional, conditional, site plan amendment. It is consistent with the South District Plan for institutional land uses for this site. As we mentioned this is a site plan amendment so just a name change from this proposal for what was previously approved is to increase the allowed square footage from 223,000 square feet to 262,000 square feet, which gives us a difference of 39,000 square feet. That's an increase of what we had looked at previously. We did add two transportation improvements at the intersection of Johnston Road and Providence Road West and the site's right in/right out access driveway. The improvements include additional southbound left turn lane on Johnston Road and an eastbound receiving lane that drops as a turn lane at the site's right in/right-out on Providence Road West. We also amended the stormwater note at the staff's request to provide additional clarity and no other changes were made to the plan.

The staff does recommend approval of this petition upon resolution of some outstanding issues related to transportation. We have been working with the petitioner on that over the last week or so. I feel we have all of those pretty well squared away and we should see those issues addressed upon site plan resubmittal next week as we stated it is consistent with the South District Plan and we do recommend approval. We will be happy to take any questions following the petitioner's presentation.

**Susanne Todd, 1065 East Morehead Street** said I'm here on behalf of Novant Health along with Matt Stein, also, with Novant. We are here requesting a site plan amendment to a rezoning that was approved earlier this year. The original square footage was based on a prototype community hospital that Novant has for example in Matthews and Mint Hill. During the course of the rezoning Novant staff provided feedback and sited areas that based on community demand they really wish they had more space for. Those areas included woman services, oncology infusion, imaging, logistic, storage supply chain in those four areas in imaging as well. So, based on that the plans were not fully developed yet for the construction of the facility, and Novant thought it was prudent to come back



and go ahead and ask for this additional square footage now. These are concept renderings. Really nothing else has changed. We are simply asking for an additional 40,000 square feet increase in the square footage for hospital use and a decrease by 1,000 square feet for medical office use. We do have a couple of outstanding issues, but we have been working with staff on that and we should have that resolved next week. Again, the rezoning site plan has not changed, it's really just the additional square footage.

**Councilmember Driggs** said I just wanted to thank Novant for this additional investment in South Charlotte, which will add to an amenity that going to be appreciated down here. Otherwise, I'd like to move to close.

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

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**ITEM NO. 51: HEARING ON PETITION NO. 2020-061 BY WHITE POINT PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.5 ACRES LOCATED ALONG BREVARD STREET AT ITS INTERSECTION WITH BELMONT AVENUE NEAR THE OPTIMIST HALL DEVELOPMENT FROM TOD-M (O) & I-2 (TRANSIT-ORIENTED DEVELOPMENT, OPTIONAL AND HEAVY INDUSTRIAL) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT, URBAN CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 5.2 acres on North Brevard Street at its intersection with Belmont Avenue near the Optimist Hall. It is currently zoned both TOD-M(O) (transit-oriented developed – mixed, optional) & I-2 (heavy industrial). The proposed zoning is for TOD-UC (transit urban center). The adoptive future land use from the Parkwood Transit Station Area Plan recommends office/retail/industrial use for a portion as well as transit-oriented development mixed for the remainder of the site. This is a conventional petition.

The staff does recommend approval. It is inconsistent with a portion of Parkwood Transit Station Area Plan's for office/retail/industrial uses but is consistent with the Plan's recommendation for transit-oriented - mixed for a portion of this site. It's currently legacy TOD district (TOD-M(O)), this rezoning will allow the whole site to be updated to a full TOD zoning which will allow for a unified development. TOD-UC is a district that can be applied to parcels within ½ mile of a transit station. This site is within a ½ mile walk of the Blue Line's 9th Street Transit Station. So, we feel that will continue the development of TOD in this area and again, this is a conventional plan so no site plan or conditional notes to discuss. We do recommend approval and we will be happy to take any questions following Mr. Carmichael's presentation.

**John Carmichael, 101 North Tryon Street**, said here on behalf of the petitioner. This is a conventional request, as Dave mentioned the request is to rezone the site to TOD UC. The site is immediate to the West of Optimist Hall. As you can see the large white roof there to the right of the site. The petitioner is (inaudible) of Optimist Hall and really just wants to be able to develop an adjacent property and conformity with adopted TOD UC Provisions of the TOD ordinance. I'm happy to answer any questions that I am able to. I appreciate your consideration and the work of the Planning staff.

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

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**ITEM NO. 52: HEARING ON PETITION NO. 2020-062 BY I3I VENTURES, LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.3 ACRES LOCATED EAST OF OLD STATESVILLE ROAD, SOUTH OF GIBBON ROAD, NORTHWEST OF GARVIN DRIVE FROM I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL), R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (MULTI-FAMILY RESIDENTIAL), B-2 (GENERAL BUSINESS).**

Mayor Lyles declared the hearing open.

David Pettine, Planning said as you mentioned this is just over 17 acres, it's on both Old Statesville Road and Gibbon Road. This is a conventional request going from I-2 (CD) and R-3. As you can see the brown portion of the site along Old Statesville Road, and Gibbon Road is I-2, the yellow is the R-3. This petition would propose to go to R-8MF and B-2 (general business), and would follow essentially the same parcel lines that are I-2 and I-3 so, that I-2 would go B-2 and the R-3 would go R-8. The adoptive future land use for this is from the Northeast District Plan. It does call for industrial uses for that parcel with frontage on Gibbon Road and Statesville Road which is indicated in that brown color there and then the green portion of the site is where we have the residential recommendation for up to eight dwelling units per acre. The original plan from the Northeast District Plan or the original recommendation for that industrial was for retail. So, we would actually be looking to go to a land-use category or a zoning district that would support the original intent of the plan that industrial was a result of a rezoning that had occurred in that general area. That was from 2007-016.

So, it is consistent with the Northeast District Plan for that residential up to eight DUA with that R-8MF district being requested. It is inconsistent with the plan recommendation for heavy industrial. But again, the original intent for that Northeast District Plan was for that portion to be retail. So, the B-2 that we are looking at this evening would support the overall original intent of that plan. The staff does recommend approval as a conventional petition as we have mentioned. So, no conditional notes or site plan to discuss. But we will be happy to take questions following Mr. Brown's presentation as well as the presentation by Mr. Campbell.

Collin Brown, 1420 East 7th Street, said I am here on behalf of portioner I3. Dave did a good overview as always. As Dave indicated the main portion of this site is zoned industrial. The land used plan called for heavy industrial use in the area. This is as Dave mentioned a conventional zoning plan, so I don't have conditional to show you. I will say our client is a residential developer and is interested in kind of lightning the intensity in the area. So, after a lot of conversations with staff to try and figure out the right fit for the site, we proposed the zoning districts that Dave has mentioned. I know that this is if you look just west of the site it is a heavily industrial area. There's been some concertation in the past that if we are losing too much industrial areas. You should know that we have reached out to a lot of industrial folks in the area that we have contacts with. Generally, they were supportive of this. Saying they agreed the site may not need to be heavy industrial, it could be something lighter. We've had some conversations with some other community leaders in the area and generally, there had been some positivity about the lessening of the intensity in the area. I have not had a conversation with the speaker. We have corresponded and we are going to follow up later this week and talk more detail about any concerns that he may have.

Josh Campbell, 4317 Easy Street said I've been a lifelong Charlottean, I grew up like down in South Charlotte and what not. I moved up here in Crater Park which is just around the corner from where they are doing this redevelopment. I have a relationship with a woman that is a neighbor, and if you look at the parcel right here and you look at that star and kind of where that right-hand border of this redevelopment is, her land starts there. So, me and her had a quick conversation the other day and me her both are concerned with the traffic that this may bring to Gibbon Road. It is a major cut-through from Old Statesville Road at Sugar Creek Road. As you know Old Statesville goes down to I-77 and then Sugar Creek Road goes down to I-85.

I think that there's another development that going in down the street. I know they are doing 90 houses just down Gibbon Road from this location and we are concerned that Gibbon Road which is actually a state road, and from listening to all the different things that people have said thus far as state funding being hard to find at this point and time, I think that there definitely needs to be at least some kind of like traffic study that's going on with that road to make sure that it's really going to be safe. It's not wide enough first of all. There have been two fatalities in the past five years. One was just actually after I moved into my house like not even 250 yards from my house. I myself have actually been in almost a near-death accident on Gibbon Road itself. I was stopped, somebody came blasting me at about 50 miles an hour. So, I've actually already gotten a call from the state DOT and they said that they were looking into reducing the speed limit from 45 to 35. So, I think that may be a good option, a good start but just the maintenance itself. If any of you Councilmember want to come down and check out the road and just drive down it, there are potholes everywhere. I have called multiple times and they just keep getting beat down especially with all of the construction that is going on too. So, I think that without kind of a site plan and kind of a solid understanding of what's going to be proposed here and how many units it's going to bring to the area, and what effect that's going to bring to that intersection at Old Statesville Road and Gibbon Road. I think that we should definitely put this on pause until we at least have some understanding about that. Especially the traffic study as well. So, those are our main concerns. We do not oppose redevelopment if it's done in the right way and it brings updated infrastructure to Gibbon Road like curb and gutter or widening. There's no real way to get out of a head-on collision. If you go the right-hand side, you got an embankment where the railroad easement is and if you go to the left-hand side you got a drainage ditch going the whole way. There are people that walk up and down the road all the time too. So, I think that there needs to be a little more thought put into this without just going ahead and approving because if a developers coming to do a rezoning, I assume that they do know what kind of plan that they want to do on this site or else they wouldn't have spent the money to hire Mr. Brown. I think that might hold some weight as well. So those are pretty much my concerns.

In rebuttal, Mr. Brown said yeah, I appreciate those comments. I do think that Statesville Road is a State Road and Gibbon Road is a City road. We are in conversations with the C-DOT about this also and are kind of working through a mechanism so we can commit to providing traffic study on this and some improvements. Certainly, I will not disagree with the condition of Gibbon Road so of course, any development along Gibbon Road would come with curb and gutter, streetscape improvements and I have connected with Mr. Campbell and following this meeting we are set to talk with him on Wednesday. We can share with him as much as we can about our plan and go from there.

Motion was made by Councilmember Graham, and seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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**ITEM NO. 53: HEARING ON PETITION NO. 2020-063 BY KAPPA FOUNDATION OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.48 ACRES LOCATED AT THE WEST SIDE OF BEATTIES FORD ROAD, SOUTH OF PAULINE LANE, AND NORTH OF SUNSET ROAD FROM R-9 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL), R-4 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 2.34 acres bounded by the North side of 5<sup>th</sup> street on Beatties Ford Road. Looks like we had some wrong info there, but it is on Beatties Ford Road right there at Pauline Lane. The existing zoning is R-9MF (CD) and R-4, the R-9 is the orange portion, the R-4 is yellow. We are looking at a proposed rezoning this evening for institutional conventional. The adoptive future land use for the Northwest Area Plan calls for multifamily and single-family uses for the subject parcels and the rezoning.

That's really aligned with what the existing zoning out there has been. We are looking at this petition primarily because the Kappa Foundation wants to continue to expand on their property and continue to develop and serve the community with some uses on that site. As we sat down and looked at some of the conditional plans in that R-9MF (CD) there was some limitation that would not allow that to occur. As we looked at the petition and sat down and worked with folks from the KAPPA Foundation and determined the institutional conventional would really accommodate the most effective and efficient long-term kind of set up for that property to both be able to grow and expand over time and continue to serve the community so that gives a good bit of flexibility to continue to provide service on that property. So, that's where the institutional conventional recommendation came from. It is inconsistent with the Northwest Area Plan but that institutional zoning that would be on the property should this petition be approved would really continue to just support what's been that use of the site for over the past 30 years.

We do recommend the approval of this petition. Again, it is convenient so no conditional plan or notes. The staff would be happy to answer any questions.

**Lance Johnson, Kappa Foundation, P. O. Box 16471** said we are glad to serve the community on that site. We got lots of expansion on views and thoughts as our programs continue to grow and so we were very appreciative of having some flexibility to expand our facilities and be able to accommodate a lot of the mentoring programs that we have going on there on Beatties Ford Road.

Motion was made by Councilmember Driggs, and seconded by Councilmember Watlington, and carried unanimously to close the public hearing.
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**ITEM NO. 54: HEARING ON PETITION NO. 2020-065 BY HERMAN E. RATCHFORD FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.84 ACRES LOCATED ON THE SOUTH SIDE OF ALBEMARLE ROAD, WEST OF REGAL OAKS DRIVE, AND EAST OF FARM POND LANE FROM O-1 (OFFICE) TO R-17 MF (MULTI-FAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 15.84 acres on Albemarle Road, west of Regal Oaks Drive. The existing zoning is O-1 (office) which is a conventional district. We are looking at a proposed rezoning to R-17MF, also, a conventional district. The adopted future land use for this property looks at multifamily office retail for the site.

The staff does recommend the approval of this petition. It is consistent with the Eastland Area Plan recommendation for single-family/multi-family/office/retail for this site. The General Development Policies guidelines support up to 17 DUA for the site. Just to give you a little background, if you go back to that first slide of site and context, you could see there is a building. Looks like it's the second building down off Albemarle Road on the left of the property. There was a building that was damaged in a fire, they are looking to redevelop the site and replace that building as a result the office-1 district only allows up to 12 dwellings per acre. When they go forward to do permitting and redevelop that building it would actually result in some additional units. That would put them over that 12 DUA that the office-1 district supports. So that's why we see this rezoning for R-17MF. The staff was comfortable with the existing zoning surrounding the properties. We have a lot of R-17MF in other apartment projects in that area that would be consistent with all of this so we didn't really see any conditions that we would want to impose. So we were comfortable with that R-17 that would give them some flexibility, not just to redevelop the area of the property that was damaged by fire but long term as the buildings would go pass their expected life cycle if they wanted to redevelop the site the R-17 would give them some flexibility to stay within that general density of the 12 DUA that they have got now and the 17 DUA that would be allowed should this rezoning be approved. So, the

staff is comfortable with that conventional request and we do recommend approval of that. We will be happy to take any questions following any presentation by the petitioner.

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

**William Ratchford, [william.ratchford@southwoodrealty.com](mailto:william.ratchford@southwoodrealty.com)**

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

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**ITEM NO. 55: HEARING ON PETITION NO. 2020-070 BY ELMINGTON CAPITAL GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.8 ACRES LOCATED ON THE SOUTH SIDE OF BULLARD STREET, THE NORTH SIDE OF JOY STREET, AND WEST OF ASHLEY ROAD FROM UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-2 (CD) SPA (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 5.8 acres on Ashley Road and Joy Street as well as Bullard Street. The existing zoning is UR-2(CD). We are looking at a proposed rezoning this evening UR-2(CD) SPA. The adoptive future land use is from the Central District Plan. It does recommend multifamily residential development for this site. That's a result of potation 2016-134 that established that exiting UR-2(CD) that we are looking at an amendment to through this rezoning. The rezoning itself is to increase the total number of units previously approved which was 108. This proposal is for 150 multifamily dwellings. We would change the type of housing product from a mix of age-restricted and non-age restricted to all income-restricted units. The units would be restricted to households that earn 30-80% area median income (AMI) for a period of fifteen years. We do have part of this request would be to abandon a portion of Joy Street. We are looking at providing an 8-foot planting strip and an 8-foot sidewalk along public street frontages. We do maintain the requirement from the previous rezoning for architectural standards which include building materials, building massing and height, elevation design, and roof form and articulation. Also, some lighting requirements for any kind of cut off fixtures and lights not being more than 21 feet in height. Also, commit to constructing a new public street connecting Bullard Street and Joy Street. That would be somewhat North-south Street between Bullard Street and Joy Street. you can see the two arrows internal to the site. That would provide that connection between those two.

The staff does recommend the approval of this petition. As mentioned, there are a few outstanding issues that we need to work through for transportation and site-building design and some minor technical revisions. The petition is consistent with the Central District Plan and again, we do recommend approval. I will be happy to take any questions following the presentation by the petitioners.

**Collin Brown, 1420 East 7th Street, Suite 100** said joining me tonight is Joe Horowitz with Elmington Capital Group, also partnering on this deal is Horizon Development Properties. Just kind of a step back and show you the location. We are the site in yellow. You can look at the orange areas which are employment and retail nodes. So, this area is very well located. Also, the red line shows you that is a bus connection. So, this is a prime location for some good residential housing. There's an aerial of the site that Dave showed you and as he mentioned the site is already zoned UR-2 (CD). Here is that plan. This was age-restricted affordable units approved five years ago. Unfortunately for a number of reasons this plan was just financeable, so, it did not develop. So, our goal here is to bring this development together to [inaudible] a development that can be built and so we have brought forth the rezoning proposal. This is a look at our site here, as Dave mentioned 150 units, 100% affordable, and workforce units. Here is a colored rendering

that shows you how it lays out on the site. I actually think it lays out better than the prior plan. As Dave mentioned we are working with the DOTs on some potential abandonments to get rid of some old rights-of-way. We have had virtual community meetings. No opposition that I'm aware of and Joe Horowitz's team has worked with staff to come with some design standards that we think will provide value for the area. Joe is with me if you have questions and we are happy to respond.

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

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**ITEM NO. 56: HEARING ON PETITION NO. 2020-092 BY K SADE VENTURES, INC FOR A CHANGE IN ZONING FOR APPROXIMATELY 93.86 ACRES LOCATED ON THE NORTH SIDE OF UNIVERSITY CITY BOULEVARD AT THE MECKLENBURG COUNTY/CABARRUS COUNTY LINE FROM MX-1 (MIXED RESIDENTIAL) TO MX-2 (MIXED RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 93.86 acres on University City Boulevard. This property is currently zoned MX-1, this petition has proposed zoning to MX-2. The Northeast District Plan recommends for residential uses up to six DUA. The proposal really and I will jump right into why we have this petition, it may look familiar. This was formerly rezoning 2018-160. After it was approved and move into the permitting phase realized that the MX-1 district would not permit more than 50% of the dwelling units throughout the project to be multifamily. So, it was something that was missed during the review of the conditional notes and conditional plan. So, the petitioner reached back out to us and proposed changing the zoning from MX-1 to MX-2. So, essentially all that we are doing with this rezoning is changing the MX-1 to MX-2. No unit count has changed. No road infrastructure has changed. None of the layouts has changed. It is really just taking that MX-1 and making it an MX-2 so that more than 50% of the dwelling units total on the site can be multifamily. It is a mix of multifamily and single-family uses. So, again this is really just to make sure that this could get through permitting properly. It was an oversight between both staff and the development team. We all kind of missed that caveat to MX-1. So, that's why we are looking at MX-2 this evening. We just have one item to deal with for site building design that we need to modify but outside of that staff does recommend approval. We will be happy to take any questions following the presentation by Mr. Shaffer and their team.

**Ty Shaffer, 101 North Tryon Street**, said thanks to Dave for his presentation which gave great overview of why we are here. I appreciate staff's help and their support for the petition. The only change is to request the change in the district to accommodate the same unit count that was approved in October of last year. Everything thing else stays the same including the transportation improvements that are going to be made along NC-49. Happy to answer any questions that you may have.

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

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**ITEM NO. 57: HEARING ON PETITION NO. 2020-110 BY CITY OF CHARLOTTE: GENERAL SERVICES FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.5 ACRES LOCATED ON THE NORTH SIDE OF SWEDEN ROAD, WEST OF SOUTH BOULEVARD, AND EAST OF ENGLAND STREET FROM TOD-CC (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER) TO I-2 (INDUSTRIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 2.5 acres on Sweden Road. We are looking to take a piece of this TOD-CC which was part of the alignment rezoning and take a portion of that property that has the C-DOT facility on it and rezone that to I-2 industrial. The reason for that is to accommodate a new facility that needs to be constructed and be constructed fairly quickly and it just didn't align with the TOD standards that are in place from a building design standpoint so rather than redo the whole site we were just looking at this small portion where the building would be located to go to an industrial district.

The staff is comfortable with the request. We do recommend approval and we will be happy to take any questions should we have any from Council.

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

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### ADJOURNMENT

Motion was made by Councilmember Watlington, and seconded by Councilmember Newton, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 9:17 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 9 Minutes  
Minutes Completed: August 24, 2020