

### ZONING BRIEFING

The City Council of the City of Charlotte, North Carolina convened for a Zoning Briefing on Monday, June 17, 2019 at 12:10 p.m. in the 8<sup>th</sup> Floor Conference Room of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Larken Egleston, Julie Eiselt, LaWana Mayfield, and Braxton Winston II.

**ABSENT:** Councilmembers Dimple Ajmera, Ed Driggs, Justin Harlow, and James Mitchell.

**ABSENT UNTIL NOTED:** Councilmembers Matt Newton and Greg Phipps.

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**David Pettine, Planning** reviewed the dinner agenda with Councilmembers. He reviewed the petitions requesting deferral or withdrawal and noted there was an updated staff analysis for Item No. 43.

**Councilmember Phipps arrived at 12:20 p.m.**

**Councilmember Newton arrived at 12:35 p.m.**

Councilmembers made comments or raised questions on various rezoning petitions that were on the agenda for decision or public hearing.

The meeting was recessed at 1:18 p.m.

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### DINNER MEETING

The City Council of the City of Charlotte, North Carolina reconvened for a Dinner Meeting on Monday, June 17, 2019 at 4:36 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, LaWana Mayfield, Matt Newton, Greg Phipps and Braxton Winston, II.

**ABSENT:** Councilmember Dimple Ajmera.

**ABSENT UNTIL NOTED:** Councilmembers Justin Harlow and James Mitchell.

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<p>Motion was made by Councilmember Egleston, seconded by Councilmember Phipps, and carried unanimously to go into closed session pursuant to G.S. 143-318.11(a)(4) to discuss a matter relating to the location of industries or businesses in the City of Charlotte including potential economic development incentives that may be offered in negotiations.</p>
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The meeting was recessed at 4:37 p.m. for a closed session in CH-14.

**Councilmembers Harlow and Mitchell arrived at 4:39 p.m.**

The meeting returned to open session at 5:16 p.m. in CH-14.

**Mayor Lyles** said with regards to the July 1, 2019 Strategy Session, do you think we need that meeting or is it something that we could put on our agenda for the Fourth of July week that we would actually be able to manage to do without? I don't know how

many people plan on taking that week off. I will be in town for the Fourth of July parade, but will not be able to meet any, and I think there are three people so far.

**Marcus Jones, City Manager** said the only thing we could move the information that would come out of the Housing –

**Councilmember Harlow** said there is an action item on Wednesday's Committee meeting that will be a report out.

Mayor Lyles said you could do a report out by writing it.

Mr. Jones said we will just cancel that meeting.

Mayor Lyles said I am going to my committee meeting.

The meeting was recessed at 5:19 p.m.

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### **ZONING MEETING**

The City Council of the City of Charlotte, North Carolina reconvened for their regularly scheduled Zoning Meeting on Monday, June 17, 2019 at 5:34 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps and Braxton Winston, II.

**ABSENT:** Mayor Vi Lyles and Councilmember Dimple Ajmera.

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### **INVOCATION AND PLEDGE**

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

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

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

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### **INTRODUCTION OF THE ZONING COMMITTEE**

**Sam Spencer, Chairperson-Elect of Zoning Committee** introduced members of the Zoning Committee and said they will meet Tuesday, July 2nd at 5:30 p.m. to make recommendations on the petitions heard at the public hearing tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to connect the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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## DEFERRALS AND WITHDRAWALS

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to withdraw Item No. 4, Petition No. 2018-145 by Brendan Mylton and Item No. 25, Petition No. 2019-014 by Mission Properties and to defer a decision on Item No. 5, Petition No. 2018-110 by Mattamy Homes to July 15, 2019; a decision on Item No. 6, Petition No. 2018-127 by Blue Azela-Providence, LLC to July 15, 2019; a decision on Item No. 7, Petition No. 2018-147 by Laurel Street Residential to September 16, 2019; a decision on Item No. 8, Petition No. 2018-167 by Verde Homes, LLC to July 15, 2019; a decision on Item No. 9, Petition No. 2019-005 by Ardent Acquisitions, LLC to July 15, 2019; a decision on Item No. 10, Petition No. 2019-006 by Amerco Real Estate Company to July 15, 2019; a decision on Item No. 11, Petition No. 2019-008 by CoHab, LLC to July 15, 2019; a decision on Item No. 12, Petition No. 2018-163 by Suncap Property Group, LLC to July 15, 2019; a hearing on Item No. 22, Petition No. 2019-032 by US Developments, Inc. September 16, 2019; a hearing on Item No. 26, Petition No. 2019-028 by HHHunt to July 15, 2019; a hearing on Item No. 28, Petition No. 2019-029 by Crescent Communities to July 15, 2019; a hearing on Item No. 29, Petition No. 2019-030 by Continental 475 Fund, LLC to July 15, 2019; and, a hearing on Item No. 42, Petition No. 2019-027 by Liberty Property Trust deferred to July 15, 2019.

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## DECISIONS

**ITEM NO.13: ORDINANCE NO. 9575-Z, PETITION NO. 2018-165 BY NRP PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 16.6 ACRES LOCATED ON THE WEST SIDE OF FOREST POINT BOULEVARD, OFF OF NATIONS FORD ROAD, EAST OF I-77 FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO R-17MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by McClung, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Southwest District Plan based on the information from the post hearing staff analysis and the public hearing and because the plan recommends office/retail uses as amended by the previous rezoning. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is located along Forest Point Boulevard between Nations Ford Road and Arrowood Road. The location is within walking distance of retail uses and employment opportunities; additionally, the site is located on a CATS bus route. The proposed residential development is consistent with density standards in the General Development Policies and commits to architectural standards and additional landscaping along Forest Point Boulevard that provide compatibility with existing development in the area. The proposed development will provide additional housing options within the area. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, from office/retail use to residential use less than or equal to 12 dwelling units per acre for the site.

Motion was made by Councilmember Harlow and seconded by Councilmember Mitchell, to approve Petition No. 2018-165 by NRP Properties, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Southwest District Plan based on the information from the final staff analysis and the public hearing and because the plan recommends office/retail uses as amended by the previous rezoning. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is located along Forest Point Boulevard between Nations Ford Road and Arrowood Road. The location is within walking distance of retail uses and employment opportunities; additionally, the site is located on a CATS bus route. The proposed residential development is consistent with density standards in the General Development Policies and commits to architectural standards and additional landscaping along Forest Point Boulevard that provide compatibility with existing development in the area. The proposed development will provide additional housing options within the area. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, from office/retail use to residential use less than or equal to 12 dwelling units per acre for the site.

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

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

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book No. 62, at Page(s) 247-248.

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**ITEM NO. 14: ORDINANCE NO. 9576-Z, PETITION NO. 2019-001 BY THE 6125 COMPANY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.79 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF NATIONS FORD ROAD AND TYVOLA ROAD FROM MUDD-(O) (MIXED USE DEVELOPMENT, OPTIONAL) WITH FIVE-YEAR VESTED RIGHTS TO MUDD(O) SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 6-0 (motion by McClung, 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 Southwest District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends office and retail land uses as amended by rezoning petition 2016-081. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject property is part of a larger multi-use development located at the Interchange of I-77 and Tyvola Road and developed with a range of commercial uses, including three hotels, an office, and a financial institution. A prior rezoning prohibited automobile oriented uses such as convenience stores with gasoline sales and restaurants with drive-through service windows. The proposed hotel and associated uses are consistent with the adopted retail and office land uses for this site, and will complement the surrounding hotel, office and residential uses. In addition, the site design supports pedestrian activity along Nations Ford Road and Tyvola Glen Circle, by placing the building at the back of sidewalk with parking to the side and rear for good pedestrian access to the neighborhood and other commercial establishments on the larger site. The proposal also provides for a number of improvements at the intersection of Tyvola Road and Nations Ford Road that will enhance pedestrian safety.

Motion was made by Councilmember Harlow, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-001 by The 6125 Company, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Southwest District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office and retail land uses as amended by rezoning petition 2016-081. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject property is part of a larger multi-use development located at the Interchange of I-77 and Tyvola Road and developed with a range of commercial uses, including three hotels, an office, and a financial institution. A prior rezoning prohibited automobile oriented uses such as convenience stores with gasoline sales and restaurants with drive-through service windows. The proposed hotel and associated uses are consistent with the adopted retail and office land uses for this site, and will complement the surrounding hotel, office and residential uses. In addition, the site design supports pedestrian activity along Nations Ford Road and Tyvola Glen Circle, by placing the building at the back of sidewalk with parking to the side and rear for good pedestrian access to the neighborhood and other commercial establishments on the larger site. The proposal also provides for a number of improvements at the intersection of Tyvola Road and Nations Ford Road that will enhance pedestrian safety.

The ordinance is recorded in full in Ordinance Book No. 62, at Page(s) 249-250.

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**ITEM NO. 15: ORDINANCE NO. 9577-Z, PETITION NO. 2019-002 BY LAUREL STREET RESIDENTIAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.45 ACRES LOCATED AT THE CORNER OF EAST 7<sup>TH</sup> STREET AND NORTH ALEXANDER STREET FROM UR-2) URBAN RESIDENTIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).**

The Zoning Committee voted 6-0 (motion by Samuel, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Charlotte Center City 2020 Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan encourages future development to preserve and enhance the existing Center City neighborhoods. While the vision plan does not make a specific land use recommendation for the site, this proposal is consistent with the intent of the plan. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within ½-mile walk of the 7th Street Station on the LYNX Blue Line. The proposal permits a site previously used for two historic homes and church to allow residential transit supportive land uses. Use of conventional TOD-CC (transit oriented development – community center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, to approve Petition No. 2019-002 by Laurel Street Residential, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Charlotte Center City 2020 Plan, based on the information from the final staff analysis and the public hearing and because the plan encourages future development to preserve and enhance the existing Center City neighborhoods. While the vision plan does not make a specific land use recommendation for the site, this proposal is consistent with the intent of the plan. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within ½-mile walk of the 7th Street Station on the LYNX Blue Line. The proposal permits a site previously used for two historic homes and church to allow residential transit supportive land uses. Use of conventional TOD-CC (transit oriented development – community center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

**Councilmember Egleston** said I just wanted to acknowledge we heard from a lot of neighbors and the primary concern with this petition was around parking, and we know that is something that is already a very serious issue in First Ward and uptown, and we've got people parking in First Ward and walking to work and residents who live there can't find a place to park often times. We had a robust discussion at our Lunch Briefing today about that and charged staff with coming back to us with some solutions around what we can do in First Ward to make sure that the people who live there are able to park there and that we address some of the problems that are already there. In this case, the petitioner is actually going to be putting parking into this project that would not necessarily be required by TOD-CC zoning, so they are putting in parking they don't have to, to help mitigate that to some degree, but again this helps meet the Council's objectives around affordable housing and it is a great example of the faith community coming together with our affordable housing buildings in this City to address that need. I'm glad this is moving forward but don't want the people in First Ward to think that we have ignored the calls for solutions around parking. We are going to be working on that diligently going forward.

**Councilmember Mitchell** said I wanted to thank Little Rock CDC for their commitment for affordable housing at this particular site. I want to thank Laurel Street Residential. If you think about her resume Laurel Street just completed a great affordable housing for St. Paul Baptist Church and I think this is a great synergy between the CDC who is committed and having the right developer that is going to build something of quality for that neighborhood.

**Councilmember Phipps** said I was curious as to whether or not any decision has been made about the disposition of the two historic "shotgun" houses on the property.

Mr. Egleston said they are still searching for a solution for where those might be relocated.

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

The ordinance is recorded in full in Ordinance Book No. 62, at Page(s) 251-252.

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**ITEM NO. 16: ORDINANCE NO. 9578-Z, PETITION NO. 2019-003 BY LAUREL STREET RESIDENTIAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.03 ACRES LOCATED ON THE WEST SIDE OF NORTH TRYON STREET BETWEEN UNIVERSITY CITY BOULEVARD AND BROOKSIDE LANE FROM I-1 (LIGHT INDUSTRIAL) AND I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).**

The Zoning Committee voted 6-0 (motion by McClung, seconded by Samuel) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the University City Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends the site for a mix of office and retail development. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is located on the transit corridor. The site is less than a ½ mile from the University City Boulevard transit station and less than a mile from the McCullough transit station, which will provide appropriate transportation service for residential development. As written, TOD-CC is applicable at any site within a ½ mile of a transit station. The approval of this petition will revise the adopted future land use as specified by the University City Area Plan, from office and retail uses to transit supportive uses for the site.

Motion was made by Councilmember Phipps, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-003 by Laurel Street Residential, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the University City Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends the site for a mix of office and retail development. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is located on the transit corridor. The site is less than a ½ mile from the University City Boulevard transit station and less than a mile from the McCullough transit station, which will provide appropriate transportation service for residential development. As written, TOD-CC is applicable at any site within a ½ mile of a transit station. The approval of this petition will revise the adopted future land use as specified by the University City Area Plan, from office and retail uses to transit supportive uses for the site.

The ordinance is recorded in full in Ordinance Book No. 62, at Page(s) 253-254.

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**ITEM NO. 17: ORDINANCE NO. 9579, PETITION NO. 2019-013 BY ANDREW KLENK AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.22 ACRES LOCATED ON THE SOUTHEAST SIDE OF NORTH DAVIDSON STREET BETWEEN EAST 33<sup>RD</sup> STREET AND EAST 34<sup>TH</sup> STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT – MIXED USE, OPTIONAL).**

The Zoning Committee voted 6-0 (motion by Gussman, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with Blue Line Extension Transit Station Area Plan based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends transit oriented uses. (Therefore, we find) this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the site is located approximately ½ mile from the 36th Street transit station and is included in a larger area envisioned to be developed with transit supportive uses. The proposed rezoning allows the adaptive reuse of an existing building, with building additions located to the rear of the structure. The proposed streetscape maximizes the limited space and improves the pedestrian environment with a wider sidewalk on North Davidson Street.

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to approve Petition No. 2019-013 by Andrew Klenk and adopt the following Statement of Consistency: This petition is found to be consistent with Blue Line Extension Transit Station Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends transit oriented uses. (Therefore, we find) this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is located approximately ½ mile from the 36th Street transit station and is included in a larger area envisioned to be developed with transit supportive uses. The proposed rezoning allows the adaptive reuse of an existing building, with building additions located to the rear of the structure. The proposed streetscape maximizes the limited space and improves the pedestrian environment with a wider sidewalk on North Davidson Street.

The ordinance is recorded in full in Ordinance Book No. 62, at Page(s) 255-256.

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**ITEM NO. 18: ORDINANCE NO. 9580-Z, PETITION NO. 2019-015 BY GREG GODLEY/SUGAR CREEK VENTURES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.5 ACRES LOCATED ON THE WEST SIDE OF EAST SUGAR CREEK ROAD, SOUTH OF NORTH TRYON STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).**

The Zoning Committee voted 6-0 (motion by Gussman, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Blue Line Extension Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends Transit Supportive Land Uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within a ½-mile walk of the Sugar Creek transit station. The proposed transit oriented development zoning is more consistent with the vision for the area than the current industrial zoning. The area plan recommends a 50-foot height limit for the site. The site is not adjacent to any single family uses or commercial buildings of historic significance that would be impacted by greater height. 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 Harlow, to approve Petition No. 2019-015 by Greg Godley/Sugar Creek Ventures and adopt the following Statement of Consistency: This petition is found to be consistent with the Blue Line Extension Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends Transit Supportive Land Uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within a ½-mile walk of the Sugar Creek transit station. The proposed transit oriented development zoning is more consistent with the vision for the area than the current industrial zoning. The area plan recommends a 50-foot height limit for the site. The site is not adjacent to any single family uses or commercial buildings of historic significance that would be impacted by greater height. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and

**Councilmember Egleston** said this is a poster child petition to rezone for TOD, Transit Oriented Development, but I do want to again acknowledge that we heard from folks who, as we are, still getting used to what this new TOD process is going to look like, and I want



to assure folks that we are still working. I'm still working with Taiwo Jaiyeoba and the Planning Department to try to identify a way that through these conventional TOD rezonings that we are going to start to see more and more of that we can still initiate a conversation between the community and the developer on any of those particular parcels. I don't want people to think that concern was lost in this petition, but in this case, it certainly makes sense for TOD zoning. I'm happy that we are moving it forward but just know that we are still making sure that those conversations take place as we move forward.

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

The ordinance is recorded in full in Ordinance Book No. 62, at Page(s) 257-258.

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**ITEM NO. 19: ORDINANCE NO. 9581-Z, PETITION NO. 2019-024 BY INVESTICORE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.74 ACRES LOCATED ON THE WEST SIDE OF SOUTH BOULEVARD, NORTH OF CLANTON ROAD FROM I-1(LIGHT INDUSTRIAL) AND I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).**

The Zoning Committee vote 6-0 (motion by McClung, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Scaleybark Transit Station Area Plan and New Bern Transit Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plans recommend transit supportive development for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because a portion of the subject site is within ½-mile walk of the Scaleybark Station on the LYNX Blue Line. A portion of the subject site is within ½-mile walk of the New Bern Station on the LYNX Blue Line. The proposal permits a site previously used for office, industrial, and warehouse to convert to transit supportive land uses. Use of conventional TOD-CC (transit oriented development – community center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Harlow, seconded by Councilmember Newton, and carried unanimously to approve Petition No. by Investicore, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Scaleybark Transit Station Area Plan and New Bern Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plans recommend transit supportive development for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because a portion of the subject site is within ½-mile walk of the Scaleybark Station on the LYNX Blue Line. A portion of the subject site is within ½-mile walk of the New Bern Station on the LYNX Blue Line. The proposal permits a site previously used for office, industrial, and warehouse to convert to transit supportive land uses. Use of conventional TOD-CC (transit oriented development – community center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book No. 62, at Page(s) 259-260.

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**ITEM NO. 20: ORDINANCE NO. 9582-Z, PETITION NO. 2019-025 BY WHITE POINT PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.20 ACRES LOCATED ON THE SOUTH SIDE OF THE INTERSECTION OF WEST KINGSTON AVENUE AND CAMDEN ROAD FROM B-1 (NEIGHBORHOOD BUSINESS) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT – URBAN CENTER).**

The Zoning Committee voted 6-0 (motion by Watkins, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area Plan and the South End Vision Plan, based on the information from the post hearing staff analysis and the public hearing and because the plans recommend transit supportive development. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within 0.25-mile walk of the East/West Boulevard Station on the LYNX Blue Line. The proposal permits a site previously used for commercial uses to convert to transit supportive land uses. 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 Harlow, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-025 by White Point Partners, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area Plan and the South End Vision Plan, based on the information from the final staff analysis and the public hearing and because the plans recommend transit supportive development. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within 0.25-mile walk of the East/West Boulevard Station on the LYNX Blue Line. The proposal permits a site previously used for commercial uses to convert to transit supportive land uses. 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 No. 62, at Page(s) 261-262.

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**ITEM NO. 21: ORDINANCE NO. 9583-Z, PETITION NO. 2019-026 BY BEACON DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.0 ACRES LOCATED ON THE SOUTH SIDE OF CLANTON ROAD, BOTH SIDES OF DEWITT LANE AND TRYCLAN DRIVE, EAST OF SOUTH TRYON STREET FROM 1-1 (LIGHT INDUSTRIAL) AND I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER) AND TOD-TR (TRANSIT ORIENTED DEVELOPMENT – TRANSITION).**

The Zoning Committee voted 6-0 (motion by Samuel, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Scaleybark Transit Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends transit supportive development for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within

½-mile walk of the Scaleybark Station on the LYNX Blue Line. The proposal permits a site previously used for office, industrial, and warehouse to convert to transit supportive land uses. Use of conventional TOD-CC (transit oriented development – community center) and TOD-TR (transit oriented development – transition) 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 Harlow, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-026 by Beacon Development and adopt the following Statement of Consistency: This petition is found to be consistent with the Scaleybark Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends transit supportive development for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within ½-mile walk of the Scaleybark Station on the LYNX Blue Line. The proposal permits a site previously used for office, industrial, and warehouse to convert to transit supportive land uses. Use of conventional TOD-CC (transit oriented development – community center) and TOD-TR (transit oriented development – transition) 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 No. 62, at Page(s) 263-264.

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**ITEM NO. 23: ORDINANCE NO. 9584-Z, PETITION NO. 2019-048 B7 B&B RE VENTURES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.6 ACRES LOCATED AT THE INTERSECTION OF OLD PINEVILLE ROAD AND THE NORTH SIDE OF SCHOLTZ ROAD, SOUTH OF SPRINGBROOK ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).**

The Zoning Committee voted 6-0 (motion by McClung, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with overall vision of the Woodlawn Transit Station Area Plan based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends transit oriented development. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposal is generally consistent with the long-term vision for the transit station area plan to provide a high intensity mix of transit supportive uses within walking distance of the transit station. The subject site is less than a ¼ mile walk of the Woodlawn Station on the LYNX Blue Line. The proposal allows a site previously used for industrial purposes to be redeveloped with a transit supportive project.

Motion was made by Councilmember Harlow, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-048 by B&B Re Ventures, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with overall vision of the Woodlawn Transit Station Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends transit oriented development. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposal is generally consistent with the long-term vision for the transit station area plan to provide a high intensity mix of transit supportive uses within walking distance of the transit station. The subject site is less than a ¼ mile walk of the Woodlawn Station on the LYNX Blue Line. The proposal allows a site previously used for industrial purposes to be redeveloped with a transit supportive project.

The ordinance is recorded in full in Ordinance Book No. 62, at Page(s) 265-266.

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### HEARINGS

#### **ITEM NO. 24: HEARING ON A RESOLUTION TO CLOSE RIGHT OF WAY KNOWN AS RIDGECREST STREET**

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

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

Motion was made by Councilmember Egleston, seconded by Councilmember Bokhari, and carried unanimously to adopt a resolution to close right of way known as Ridgecrest Street off Tuckaseegee Road.

The resolution is recorded in full in Resolution Book No. 49, at Page(s) 596-599.

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#### **ITEM NO. 27: HEARING ON PETITION NO. 2019-023 BY SINACORI BUILDERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.12 ACRES LOCATED ON THE SOUTHEAST SIDE OF CARMEL ROAD, NORTH OF CARMEL VISTA LANE AND SOUTH OF QUAIL VIEW ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, Planning** said this is on Carmel Road and R-3 is the predominant zoning in the area; there is some R-15MF on the back side adjacent to this property as well as some R-15 planned development. Both have townhome type uses in them and so staff looked at this in the context of developing the property that is in the subject petition and we took those properties and those uses into consideration as we looked at the District Plan as well as the General Development Policies. The District Plan only recommends three units per acre; the General Development Policies recommends up to four. This petition is at 5.07 dwelling units per acre so it is a little bit greater than the GDP allows, however, given the context of similar development as well as some of the conditions for the existing single family homes where there are single family proposed as part of this petition, they kept the setbacks in line with existing single family to adhere to that general street scape as well as the other townhomes having some of that same general building footprint and street frontage along Carmel Road and some of the existing homes there.

In the context of the single family and the townhomes surrounding it staff does recommend approval of this petition. Again, it is inconsistent with the GDP and the area plan but given the context of the petition and surrounding development staff is comfortable with an approval recommendation.

**Sara Shirley, 8008 Corporate Center Drive** said I am a representative of American Engineering, the Engineering Firm responsible for the petition. I think staff gave a comprehensive overview of the property. We have a couple slides that we've put together that are on conversations that we've had with the neighborhood since the community meeting. Since the community meeting, we've held almost 80-hours in meetings, phone calls and e-mail correspondence and design revisions with the neighborhood representative. The revisions you see today are a result of those conversations, and we've even deferred a month in order to accommodate some of those requests from the neighbors.

You can see by virtue of the adjacent context, we have provided buffers as staff has said around the single-family homes where our townhomes are adjacent to single family. Then against the adjacent townhome development we are not required to provide a buffer but we tried our best to preserve as much existing vegetation and trees there as possible. All of the planted elements along Carmel Road are not a requirement, but they are part of an enhanced landscape feature that we have put into place as part of some of the neighborhood requests and in addition to help blending this neighborhood into the adjacent neighborhood without isolating it or completely cutting it off or causing safety issues over on Carmel Road.

Half of our site if used for single family detached, because there are some existing deed restrictions in place so because of those deed restrictions we are restricted to single family detached and we can use it for storm water management. It is also helpful that the storm water management in place as exists is at the lowest point of the site so it works out just fine. The rest of the site, the three and a half, plus or minus, acres are used for the townhome development so really in terms of kinds of development it is more of an infill neighborhood than it is a brand-new neighborhood. We are also acting as sort of a transitional component between the existing townhomes at a different zone and the single-family development.

Some of the items that I want to walk you through fairly quickly is one of the biggest items of concern we heard from adjacent neighbors is views into the property from Carmel Road and into the property from Carmel South, which is the townhome development just to the southeast of our property. Areas that are indicated in yellow we are preserving as much as possible for tree save areas because we are required to provide a certain amount and then what we've done as part of the neighbor's conversations is we originally had a certain planting scheme along Carmel Road; we've increased some of the trees and plantings along that road to provide taller plantings at time of install and overall taller mature heights at overall growth.

In order to also help address some of the requests that we heard from the neighbors and in response to staff comments, we originally showed two additional townhome units that were closer to Carmel Road on buildings one and two; we have dropped those in order to more closely maintain a setback that is required as part of the deed restrictions for single family homes so we have a 75-foot required setback there and in order to help better match that feel along the road we've increased the setbacks for the townhomes to the 55-feet as shown. Again, that just leaves a nice area for planting and just allows us to help further quell some of the requests and concerns from the neighbors.

You can see this is a close up of the Carmel Road buffer. Again, all the plantings that you see along the road except for the street trees along Carmel Road and the internal street trees along the internal roads is part of an enhanced landscape buffer and is above and in addition to staff requirements. We wanted to provide the elevation that you see at the bottom to show the proposed heights for all of the plantings along Carmel Road so you can see we have provide some medium evergreen trees, medium [inaudible] trees.

We are proposing to retain as many of the existing trees along Carmel Road as we can based on an initial tree survey that we've had done.

That brings us to what we have committed to by request from the adjacent neighborhood. I won't go through each individual item, but I will show you that we have addressed and committed to items that address screening concerns, maintenance concerns, planting concerns, irrigation concerns and architectural concerns. We also, as trying to be a good neighbor and address requests have a draft agreement in place with the adjacent neighborhood, Carmel South, which is the townhome development to the southeast of us, to provide funds at closing of the property that would provide them with essentially a blank check to do what they wish along their property line. They requested that we work out an agreement with them that would provide them money to install plantings and fencing material on their property; so, the agreement is a draft agreement right now in place that would basically give them free rein to do what they want. They would design and install and maintain this buffer along their own property.

These are the items that we could commit to and the 12 items are items specifically requested by the neighborhood and the one item at the bottom is a simple staff request that we accommodated by removing the two townhomes. These are again, above and beyond any requirements for the neighborhood, and we have the understanding that the neighborhood may be in opposition tonight, so it is our wish that if we don't have to put these in we wouldn't. We understand that they have requested these things, but some of these items we feel aren't necessary to the success of the site, but we wanted to do it in effort to be a good neighbor and to accommodate as many requests as possible.

We understand that there are three outstanding requests that may decide whether or not the neighbors are in opposition or support to this development, and I wanted to list those out and go through them. Four of the items that were brought to our attention is they want some assurance the agreement would be in place regardless of the developer. I have spoken to the developer, and we do not have a problem adding a clause in. The developer's intention is to develop these lots whether they develop the lots and sell them to a builder afterwards, he would still be the developer throughout the duration of the project, but if in the case he had to sell we would write it into the terms of the sale and [inaudible] agreement that the next developer would take up that same fee and pay that out to the adjacent neighborhood.

Their original quote that we used to put together our fence agreement is based on a quote that they received from their landscape contractor that would provide a length of fence along the entire property, so we based it on that. We have since learned that they would also provide additional landscaping and berm along their property line, and we understand that they can go above and beyond the request as much as they want, but our limit for the pricing would be based on that original quote which is \$7,000 to be honest. We understand that they would like us to commit to two-story buildings or they would oppose the development or ask us to delay the project to providing a grading plan. We have stated before that we are in agreement with the zoning that is in place right now, the height restriction is currently 40-feet; we are now asking for a variation to that height request, so that would allow three-stories, and we need that flexibility because this is a very high price market in the area, and we would like to make sure that we've got the ability to meet the market demands where they are currently. A grading plan, we've assured them is outside the scope of a rezoning. It takes lots of time and effort and just an unreasonable request for a rezoning purpose. We have tried to address that request by providing the additional landscaping along the property boundaries because the concern is about the height of the buildings.

**Mark Friedland, 4619 Carmel Vista Lane** said I live at 4619 Carmel Vista Lane, which abuts this property to the south. I've lived there since 1991 and there has been very little change in the neighborhood until this proposal came about. My biggest concern is that most of this property right now is drainage, and it all drains into a drainage area that runs right through my property. Currently, when there is no storm or any rain going on that drainage area is dry, but when there is a storm it almost turns into a river and runs right through my property and quite close to the house. Prior to when Carmel Road was

developed and widened into four-lanes, we used to get drainage that ran through there all the time and eroded the drainage area and made substantial problems. That has been rectified, but I don't want to see that problem come back. I'm not sure that the proposal gives adequate attention to the drainage issue. In addition, the other thing is that the proposed density of 5.07 density per acre is way above what is going on in that neighborhood. It is all a single-family neighborhood, and this would substantially change the neighborhood; plus, if you look at the design for that site there is very little green space in between the buildings. They stuff them in so close to put so much in there. If you look at the other multifamily home areas there is green space in between all the buildings, which means that there is a lot of paved areas and a lot of drainage. I don't know what is going to happen with that and I'm not sure that this proposal identifies that.

**Matt Karres, 3516 Fox Ridge Road** said I am the President of the Montebello Homeowners Association, and we've been working closely with Carmel South, the residents of Carmel Vista as well as other neighborhoods up and down Carmel Road, Windwood Circle, Quail View, Carmel Station, Shadow Lake and other. We have been working with Senacori Development over the last three months, and we appreciate the fact that they have worked with us and in fact a lot of what they have agreed to are things that we asked. We've been here five times before on prior rezoning petitions and we've always supported; we worked closely with five prior petitioners over 25-years, and we supported each one. In fact, it was our intent to be here tonight to support this petition, and really we are down to three discrete issues that Ms. Shirley was getting to.

With regards to the Carmel Road frontage, yeah, it is a beautiful picture that they put up there but in talking to Sara, who is a landscape architect, that is at about the 10-year mark so, what we are asking is that they either they put the existing landscaping exactly as they have depicted it but bring it up on a berm maybe four to six-feet. Just because these are three-story units, the first three-story units on that part of Carmel Road, and that is a concern to us. We are not opposed to the density as a group and we are not opposed to the zoning; we just want the edge treatment to be softened. That is point one. The other two points are with regard to Carmel South and Jane and Doug will be here to show you. There is one building, building four, that is 20-feet off the property line, so it will be a three-story building essentially from that dais to here. The ask was not that buildings be reduced but that two units only out of the 24, the back on building four and building five, go to 32-feet, essentially two and a half stories which actually make it a lot softer with regards to the Carmel South development. With regards to the fence and the landscaping, they did offer the amount of the fence but again, we understood because they wouldn't agree to these other things that they are going to withdraw that, but they haven't offered any additional landscaping. They have offered just enough money to build a stockade fence.

**Jane Parrish, 5308 Winged Foot Road** said I live in Carmel South, a community of 122 townhomes, 25 detached homes developed in the '70s and '80s. I'm here to speak in opposition to Petition No. 2019-023 on behalf of the Carmel South HOA. It has always been our intent and desire to support and speak in favor of this petition, but through resolution we have elected to oppose for the following reason. First, our HOA is not opposed to the density or zoning category UR-2(CD) being proposed; however, we are objecting to the visual impact that the siting of these two buildings closest to Carmel South will have on our community based on information given to us by the petitioner.

We've requested the petitioner reduce the height of the two closest end units, the two not three-story units, a change from about 40-feet to about 30-feet. Thus, reducing the visual impact. The closest proposed unit is located 20-feet from the Carmel South property line and the total of 60-feet from the edge of the closest Carmel South group of townhomes. This is basically the distance of someone standing on the 20-yard line of a football field and looking at a 40-foot tall building on the goal line. We have requested a six-foot fence with landscaping on the Carmel South side to separate the development and serve as a physical and partial visual barrier. It is a very difficult site due to its topography, drainage issues and because it is in such close proximity to Carmel Vista Road and Carmel South. We recommend that the Council, the Planning Commission and Planning staff visit the site if you have not already done so before any decision is made. A decision based on

the visit would be a great service to the adjacent property owners and the Carmel Road Community. As Mac Harris has stated, for the past petitions we've been provided with detail landscaping plans, grading plans, rendered elevations and perspectives to clarify and delineate what is being proposed, what they would like and how they physically and visually impact the adjacent neighbors. The information was requested and we gave examples of past petitions in March of 2019 but the request was denied and given the explanation that it was not part of the required submission for zoning. Thus, the petitioner does not clearly understand that it is not about minimums or maximums it is about what is right for the community that we are impacting and becoming new kids on the block. Until we, the Carmel South HOA are provided with the information to help us understand how the site will be developed and to help us make a decision based on how it will impact our community, or if not provided until the petitioner agrees to the two two-story end units replacing the three-story units, the fence with landscaping, also landscaping and berm on Carmel Road. We are in opposition to Petition No. 2019-023. We hope you will do the right thing and require this petitioner to work with the HOA to resolve these issues in the best interest of Carmel Road corridor and Carmel South HOA.

**Doug Burns, 1815 South Tryon Street** said I want to go through these really quickly, because I don't have enough time to do it right. I served on the Planning Commission for a number of years, and I understand what you guys are going through so, good job. That red balloon stands in the middle of the buildings closest to the petitioner's buildings that are adjacent to just 20-feet away. The image on the right gives you an idea of the drainage that starts at about four or five-feet and goes down to like eight-feet. It is a really difficult site. This is what the building is going to look like when you are standing with your back against the closest unit. I didn't show the blue balloon; the height of the fence is six feet, but if you take the same distance below that, that is where the corner of the building on the right actually is on the site. What we are suggesting they do is just simply do the two end units as was stated, not the entire site, with just a two-story building and if it is a 32-foot roof height technically they could use the attic space as a third floor, but this gives you an idea of what it looks like when you are standing next to the fence. The images that we are showing are actually the plot of trees that are in place there the Carmel site. The site is going to be clear-cut; there is no way you can build this project without clear-cutting, and it is going to impact, because I didn't get into the detail, on some of the tree save buffer, which now we understand what that means. It means they will be putting trees back, which is a good thing, but I just wanted to give you an idea of the overall dimension of what this thing looks like. Those are the comparisons of the 40-foot standing with your back against the closest building and then when you are up against the fence. I think you can see the visual impact; that is the big issue with Carmel South.

Ms. Shirley said I want to address two of the main points that were made as part of that. The most important one is that proposed image is actually inaccurate; our proposed tree save as shown in our plan are to retain existing trees on site. It is much more difficult to clear-cut everything and replant at a rate that the City would prefer. The current rate is 36 trees to the acre. We would prefer to maintain and retain those existing trees on site. That is why we are showing the proposed tree save. In order to help visually address that point that was made, it is true that the corner of one of our buildings will be 20-feet away from the property line, but from there it goes away diagonally from the property line so we are not lining buildings up against the property line. Again, a buffer is not required as part of this zone, it is a compatible zone in an adjacent zone and we are meeting all the zoning requirements for the site.

To address the two-story versus the three-story comment, this is such a tight and small site that in order to put two different product types on site would be a huge expense, and it is not marketable from a builder's perspective, so there is one product type that we are proposing for the site and that is why we are asking for the flexibility in three-stories. The drainage concerns would be addressed at time of construction plan proposal as stated before the BMPs at the southern end of the site, which is the lowest point of the site. Everything drains away from Carmel Road and Carmel South actually to that point, and we would be required to maintain a pre versus post drainage flow off of the site. We wouldn't be allowed to drain on someone else's property. I would like to point out that the neighbors are not opposed to the density or the zoning for this development and neither



are we. We would like to continue to be good neighbors and keep everything in place and we would hope at the end of the day we would be supported in that.

**Councilmember Bokhari** said thank you all for coming out today, I appreciate it. We've got a month, and I got to meet with you folks from the neighborhood and the different groups today. Thank you for your passion and working hard. Petitioner, thank you guys for working with them. It is clear you guys have been working at it for a while now. From the staff's side I would like to get involved with you guys particularly storm water and the drainage view as well as the Arborists in the view of what is going on with three save so we can kind of start there, but I think what we should spend these next 30-days doing, and I'll commit to you guys to sit down and do it as well. You have listed the final things in the list you would like; you have already come to some conclusion on things you could do, so how can we come to some kind of agreement? Clearly, you guys have a track record of in the end supporting every zoning through partnership and working so let's figure out a way that we can make that happen with this case over the next 30-days. You have my commitment that I'll be there or wherever you need me.

**Councilmember Phipps** said I have a question for Mr. Friedland; you indicated you had some issues with drainage. Have you ever lodged a complaint over the drainage issues on your property with the City?

Mr. Friedland said we had a problem with the drainage issues about 20-years ago, and it took me 10-years to get the City to fix it, and they did fix it. I don't want it to go back to the way it was before.

Mr. Phipps said I noticed in our notes that Storm Water Services didn't have any outstanding issues with drainage, and I noticed several people made comments about drainage, so I don't know.

Mr. Pettine said we do have a requested technical revision from folks in that group asking for them to put a note on there that essentially reads, will analyze the adequacy of the existing storm water features there and how storm water is being handled currently and really take a look at that and if the existing storm water features are found to be inadequate on those adjoining parcels they ask folks to work together to try to come up with the best solution, either keep it as is and functioning as is or functioning at a higher level than it is now. That is one of the requested notes that we've asked the petitioner to add to their plan.

Mayor Pro Tem Eiselt said I have a question about that too; Mr. Pettine can you clarify that the petitioner shall analyze the adequacy of the existing storm water conveyance and not the City?

Mr. Pettine said they will have to analyze the current run-off standards and then anything that is going to be post run-off from their construction and the development of the site and look at the difference between how it is currently functioning and how it will function under the full development and buildout of this site and determine it is going to be adequate to handle it under what is being proposed versus what is out there now and if not come up with some mitigating features that will essentially have it function as it or in a better condition.

Mayor Pro Tem Eiselt said in the notes it says if it is found to be inadequate they would make a good faith effort with the property owner to improve storm water conveyance. So, just technically speaking does that require them to do that or is there a standard that the City says-- I just don't understand how that works but is there a real strict standard that says this is how you determine whether or not it is adequate and the City says okay that is sufficient?

Mr. Pettine said they will have to provide the analysis. It may be each kind of feature can function a little bit unique to the site itself; so, I'm not sure currently if they have a baseline standard that they look at. They will look at what the baseline standard that is out there now on this site and look at the analysis that is provided for this site. How that compares

with other sites throughout the City may differ because they may have different functionality and different features that they need to accommodate storm water through. They will have to go through that process, and they will also have to go through the whole storm water review process during permitting should this petition be approved and meet the standards that are in the current ordinance. There are a couple of different items but I think we've put them on notice through this petition that there is going to be some things they are going to need to analyze out there from what is current versus what is being proposed and offer some mitigating solutions as result of that.

Mayor Pro Tem Eiselt said I asked that because the City has a history of what is happen on Mr. Friedland's site so considering the backlog we have in storm water we don't want to create a problem that we are not going to be able to address.

Mr. Pettine said that is why I believe they have asked the petitioner to do that analysis and look at what is out there now, how that is going to be impacted by this proposal and then come to us with some potential solutions if there is going to be a deficiency.

**Councilmember Mayfield** said I'm still looking for clarity; we've identified that there has been an issue and it took a decade for us to address it in the neighborhood. We finally addressed it. Help me understand if I'm hearing you correctly that the language we have in place says that we are putting the responsibility on the developer to monitor their work and through an honor system for them to let us know if there are any challenges that are being triggered in the community opposed to government, who is approving this, having staff that should be between the City and County and through permitting that is actually out there monitoring their work to ensure that we catch it before it happens opposed to an ask for forgiveness versus permission. Is that what you are saying?

Mr. Pettine said this will be before it happens; this won't be an ask for permission scenario. This is one that we have to look at that analysis and look at what storm water features they are proposing when they come in through permitting. This entitlement process is to give them kind of a heads up that we know there are some challenges we need them to look at and address prior to permitting before they go into that permitting process and then that permitting process will have to have an outcome that either maintains that similar functionality for the storm water infrastructure that is out there or they will have to enhance that if it is inadequate.

Mr. Mayfield said this question is for out Senior Assistant City Attorney for clarification, because I don't know if we actually have language in place, and I'm wondering if I am the only one that is hearing what I think I'm hearing. We are saying that the responsibility is on the petitioner so, if something were to happen would the City then be financially liable as we already have storm water issues and we've already identified a backlog, if something were to be triggered a year and a half after the project, who will be responsible for those potential repairs?

**Terrie Hagler-Gray, Senior Assistant City Attorney** said with that hypothetical there will probably be a lot of other factors, so I can't really answer that specifically. I would suggest that we give storm water staff an opportunity to give you some answers in a follow-up report about this particular site, because it sounds like there are some outstanding issues that may be staff at this time can't answer for you. Is it possible that we can answer that in a follow-up report?

Ms. Mayfield said I will make that the official request for both flood water as well as storm water to provide us, not only what has previously been mitigated in the area, but let's look at the potential worse-case scenario of what can potentially happen prior to this coming back to us for a decision.

Mr. Bokhari said just so we all walk out of here with clarity, please correct me if I'm wrong; the way I understand this process to work is we look for comments from Storm Water Services and other departments on more macro basis, things that are looking at piping, infrastructure, the macro view as it relates to is there capacity or is there a big problem, like we have on Fairview Road and Sharon Road, places like that then for the normal

process there is the more macro site design level in which there are things that the petitioner has to do at later steps, but it is not like a please do it. There is a validation process through things like everything from the construction design, drawing review process all the way to post construction storm water. I don't want anyone to walk out of here thinking we are just leaving it up to a petitioner to do it; this is just how the process works and I don't think there are any smoking hidden guns here, right?

Mr. Pettine said that is correct.

**Councilmember Driggs** said I've had a couple situations where in rezonings people said we are worried about drainage and storm water, and it came back with no comment from Storm Water Services, and I was told that people had been told we will fix that on the PCCO. We'll just clean it up after the fact. So, particularly in a situation like this, I think our general challenges around storm water are such that we ought to dig deeper into the engineering and make sure that we are ending up with a headache after the fact. This issue has been highlighted; I think the pictures suggest that the concerns are real, and it really isn't sufficient to just say don't worry; we will look at what they do and maybe make them pay a few in lieu if they don't actually meet our requirements. I would suggest that we do some more work on this.

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

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**ITEM NO. 30: HEARING ON PETITION NO. 2019-040 BY ALDERSGATE AT SHALOM PARK, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.17 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD, SOUTH OF JEFFERSON DRIVE, SOUTH OF FAIRVIEW ROAD/SARDIS ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND R-1 (RELIGIOUS INSTITUTE) TO INST (INSTITUTIONAL) AND INST(CD) (INSTITUTIONAL, CONDITIONAL).**

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

**David Pettine, Planning** said this petition is located on Providence Road and Jefferson Drive at the Jewish Community Center located on Shalom Park Drive and Armstrong Drive. The proposal is next door to the Temple Israel site, Providence Road along the frontage and Jefferson Drive to the north. Currently the site has some existing single-family homes, and this general wooded topography that is out there. Currently, it is zoned R-3 and R-1, which is religious institutional. The proposed zoning is INST(CD) that we are having discussions on this evening. They are proposing some different vested rights for parts of the property and you have a breakdown of that on this slide, just to give you an idea of where some of those boundaries fall.

The adopted future land use, the South District Plan, does recommend institutional uses for a portion of the site and single family residential for the rest. As we've noted in the past typically our District Plans and Comprehensive Plans in general don't always call out institutional uses as a proposed land use unless there is an existing institutional use on site such as what we've already seen on Shalom Park Drive, so when we get institutional uses the land use plan gives us some guidance but generally doesn't always give us a sound recommendation on where institutional uses would be best located. It is kind of a market driven or needed basis depending what the end use is and the service to the community in general.

This proposal multiple buildings for independent living as well as one memory care building up on the corner of Providence Road and Jefferson Drive. They do have some commons buildings as well as some open space features. There is a proposed buffer from the existing single family that is located on Jefferson Drive. There are some unique characteristics to this site in terms of building height. Just to give you an idea, we've got some different cross sections and you can see the map in the top left that gives you a

breakdown of four different areas, AA, BB, CC, and DD, and each corresponding image gives you that cross sectional view. If you are looking at AA from the existing single family down the site to the three-story building over parking. If you are looking at BB you are going from those houses as well, but you are looking in the opposite direction towards Providence Road and you can see the correlation between the existing single-family home and the building on the site. Then when you go to CC this is across Jefferson Drive, looking into the site, and you can see the correspondence between the two features here for Jefferson Drive and then DD is the same. You've got existing single family looking across Jefferson Drive to the existing building. Some buildings throughout the site are three-story with garage parking, some are at four-stories, but we've asked for some different elevations for each just, because they serve a different context and have some different visual impacts based on their location of the site, and that is why this graphic is helpful in determining how those visual impacts could be viewed from some of the existing single family on Jefferson Drive.

From a staff standpoint, we have quite a list in our rational for recommendation. I won't read through all of those in the essence of time. We do recommend approval of this petition upon resolution of outstanding issues related to site and building design and some environmental concerns or just items that we need to have addressed through the conditional notes. The petition is consistent with the South District Plan, and it is also inconsistent with the recommendation for single family residential on those parcels on Providence Road and Jefferson Drive, but again the District Plan and general Comprehensive Plans don't always call out institutional uses like this as a future land use. We do have some limitations in building height; we do have buffers and landscaping to try to mitigate some of the impacts for the single family on Jefferson Drive and then there are some access provisions. There is no longer access off Jefferson Drive, that would be through Armstrong Drive if needed, the main entrance would then be off of Providence Road. Again, due to the difference in some of the height variations, some of the buffers, landscaping and the general recommendation in the District Plan staff does recommend approval of this petition.

**Nick Tosco, 301 South College Street** said I am representing the Petitioner, Aldersgate at Shalom Park. With me is Susanne Pugh, and she is the President and CEO of Aldersgate as well as Matt Langston, and he is the landscape architect for this project. As you see the folks with green signs are also proponents of the project, and we are very excited to have this petition before you tonight. The goal of this rezoning is to allow for senior living in the Shalom Park Campus and to integrate it with Shalom Park Campus as well as the Jewish Community Center.

For discussion tonight, I have handed out two documents to you for the sake of brevity. We can be quick about it but it summarizes two things; the first thing is the by-right versus the proposed comparison that you all have. That document is just a comparison of what is allowed by-right versus what we are proposing here and the only thing I wanted to say about that is the document; while it is not really apples to apples for the reason that David explained, there is part institutional and part residential. It does allow you to see that what is being proposed here is not significantly different than what we would be allowed to do by-right and that is because what this petition has done. Again, as staff explained it just expands the institutional uses that are currently already existing on the Shalom Park Campus. The second document that you have is the summary of progress document, and the reason that I wanted members of Council to have a copy of that is because there have been extensive efforts to meet with the neighbors, to meet with City staff, to meet with Councilmembers to try to address all the issues that we could foresee prior to this public hearing. The first bullet point of items is the numerous meetings and communications that we've had, and I won't go through all of those, but I will say that in addition to the required community meeting we've had other community meetings and meetings with people that are most directly impacted by the project as well as additional meetings with City staff to try to make sure all the things clarified that we need clarified before this. Matt Langston is going over for you all the details of how we've taken the outstanding issues that staff has raised related to building height and a few other things and incorporated that in so it is already ready to go, and we've already done things on that.

The second set of bullet point items are the concession to revisions, and I wanted to show that to you so you could see just how much has changed from the first rezoning application that we originally submitted. When we originally submitted it, all the independent livings buildings that you see that kind of surround the circle there and front Jefferson Drive were going to be five-stories over covered parking. We have taken those down, especially the buildings that are closest to the neighbors, we've taken those down to three-stories and we've done step back options at the request of staff as well.

We've reduced the density down from 150 units to 126 units maximum. We've removed, as was alluded to, the access drive off of Jefferson Drive to prevent any kind of traffic problems that would be caused by that access drive, and we've done additional screening and plantings well above what is required by the City, and additionally, we heard a lot about sidewalks, and we've agreed to extend the sidewalks past the site all the way to the entrance of the Jewish Community Center off of Armstrong Drive. That is just some of the larger ones, but Matt Langston can go over with you some more of the details of the project.

**Matt Langston, 7621 Little Avenue** said I'm with Landworks Design Group, and as you can see on the site plan we've got some very unique building shapes. One of the things the Architect was able to do is with that Chevron shaped building we are able to pull the building mass away from the edges of the site. There is a portion of the building that is up closer to the setback lines, up closer to Providence Road, closer to the rear buffer lines but then those angled wings help us pull the mass away from the parameter. The existing site has about 50-feet of grade drop from here all the way down to the creek that is running along the back so, what we've been able to do is take advantage of that topography to sort of inset the buildings into the site. The two red arrows show the buildings that Nick mentioned where we've stepped the building height, and I will show you that on a section in a minute and the section we will be showing is generally where the blue circle is located. You saw David's sections that we'd submitted previously, this was a full height building and what you can see is that we've inset the garage into the topography, taking advantage of the grade as it drops away from Jefferson Drive. The update that you didn't have in your submittal is that we've proposed to lower the building height on the front portion of that Chevron shape so that you have a three-story section up adjacent to the Jefferson Drive frontage.

You can see from these lines here that it helps obscure the visual impact of that fourth-story from Jefferson Drive as well as from the sidewalk. We've worked with C-DOT to meander the sidewalk and work out a particular street cross section that will allow us to save existing trees along Jefferson Drive. There are existing houses that will get demolished, and so there is going to be empty space right there so we will be able to meander the sidewalk where the houses used to be and preserve existing tree canopy along the edge which will help us screen as well.

These buildings are three-story over parking, and that is because they are most directly adjacent to neighbors who would be impacted. We have doubled the proposed evergreen plantings in the buffers to help provide additional screening year-round. This is a view of that three-story section, and you can see the fourth-story section on the wings further back away from Jefferson Drive. This is a supper imposed example of that three-story section with the four-stories behind and this is the existing vegetation that we are proposing to keep along Jefferson Drive, and you can see there is a tremendous amount of mature vegetation on both sides of the street, and we think that will go a long way towards maintaining the context of the street and providing screening. In addition to that, we are putting in evergreen screening and additional new hardwood plantings, so that those will grow up as these trees grow old and decline.

**Suzanne Pugh, 3800 Shamrock Drive** said thank you all for this opportunity to have a few moments with you this evening. Our mission is as that says, that we honor elders and are dedicated to providing diverse caring communities where everyone has voice and value. We feel like for 73-years in east Charlotte, we've been able to provide that as very good neighbors through our International Sandwich Festival as well as through hosting [inaudible] Refugee Afterschool, and very soon the Camino Center a satellite

campus will be on our site as well as the Summertime Literacy Program. These are examples of ways that Aldersgate partners with the neighbors around us through the year. As we begin seeking ways to grow our project and grow our organization as 10,000 elders a day are turning 65, then we began to seek out a market that we saw was being highly unserved if not underserved, and we realized that there was no culturally Jewish Community between Richmond and Atlanta. It being very engaged in the larger services for older adults across the country; we know that historically Jewish elders have preferred to live in culturally Jewish Retirement Communities, life-time communities, and we know this is very distinct from a 55 and older community, because we actually care for folks through end of life with the various services that we are able to provide.

We know that Alzheimer's is not going away anytime soon; we know that dementia related illness continues to be on the rise as the older population continues to grow and we want the opportunity to be able to really honor, not just Jewish elders, but all elders from the community around there as this community would serve all faiths and beliefs through what we are able to offer on the Shalom Park Campus. The thing that excites us the most, and I want to give you the honor and pleasure of hearing this Mr. Bienstock is that this is an integrated campus. Most places like an Aldersgate would be more outwardly focused, but we know that there is such value and partnership with the Jewish Community Center, with the Temple there, with the kids from the day school and the preschool to have a lot of opportunity for intergenerational opportunities so please help us continue to serve elders.

**Irving Bienstock 7510 Red Oak Lane** said I a Holocaust survivor; having been born in Germany. At age 12 on January 15, 1939, I fled alone to Holland to escape anti-Semitic persecution by the Nazis; 15 months later I was fortunate to get a visa to come to the United States, arriving in New York on April 17, 1940. Exactly five-years later on April 17, 1945 at age 18, I passed through the [inaudible] on the United States Troop Ship as Private Irving Bienstock an infantry soldier on my way to Italy during World War II.

**Fred Rice, 1014 Jefferson Drive** said I've lived on Jefferson Drive since 1984. I moved to Charlotte in 1982 and I've been here since that time and watched the City. I started building by my house with my to-be wife in 1983. We built it, finished it and then got married, a little backwards, but that is how it worked out, and we raised our children there and helped her father through the last years of his life by allowing him to live with us.

A couple things I want to bring out about Jefferson Park first of all, this is a very old fragile, less than 90 homes community that was found, opened up in the '40s following the end of World War II. It is very much unchanged from what you would find in the late '40s and late '50s. The streets, we have no curbs, no gutters, no sidewalks; the street in front of my house is just barely 20-feet wide. It is totally inadequate. Many of the utilities under the street are very, very close to being overrun. There is hardly a month goes by that we don't see the CMUD, that is an old term, but the CMUD people out there cleaning out the storm water sewer, because it is just overgrown. I would like to try to make everyone aware of the fact that Jefferson Park is that little piece of ground right on the north side of that picture. We have other neighborhoods that we allied with and have been loosely allied with, but they are very small, 12, 13 to 15 homes. Pinetree, which is on the south side of, you can see it in bottom right corner, is says Pinetree Drive, that is less than 30 homes, and it is a carbon copy of ours. We've always counted each other as being in the same group. Across from us is Gralin; that is another cul-de-sac of homes built in the '40s and they think of us as first cousins.

We have asked several times to get a delay to better understand this. We don't have the cast of thousands. We have people who work; I'm retired but I still work and we don't have people that we can buy, and we don't have people standing around working for us as we speak, so we are very unorganized from that point of view. That is our weakness. We have asked several times. I personally have asked at a large public meeting of 200 people, please in the interest of reconciliation give us some more time, and I was told out of hand and the response was 10-seconds, no. I heard last night that our last request was made would you please give us some time, take a delay. You've been working on this years and the answer was no. I heard that late last night. So, I'm very disappointed because I came in here trying to find a way to reconcile with what the Jewish Community

Center wants to do and what I've been told is no. There have been concessions and somebody said something about how many concessions have been made, and I think it is interested that there are so many. My take on that, there are so many concessions because it is such an overreach of a project. It is so upsetting to the neighbors that they have asked for so many things and that is why there is so many concessions. The neighbors have concerns of the fact that the traffic will increase above what it is. I'm not trying to get you to solve the traffic. I'm just saying it is going to be worse than it is today. Home values will decrease; pedestrian safety already a serious issue will get worse. Construction will create hardships; this is a two-year project. We are going to have construction dust, diesel fumes. That picture they showed across the street of a house, that is what I will look at, and that is what Ernie, my friend, will look at. Post construction, we have more noise from the traffic, environmental and social concerns our increased number of non-residents who will work three shifts seven days a week, that is going to increase a lot of people and the residents in the area, increased water runoff and increased flooding that is already a problem, major loss of trees, etc. I have one thing that I really want to bring out, a couple of technical fouls I think they call them. I don't think they've looked at the alternate locations on that 50-acre site. They have 50-acres, and they also have 240-acres.

**Timothy Rowley, 800 Jefferson Drive** said I am representing Jefferson Park, Gralin, Mammoth Oaks, those areas that are immediately impacted by this development. My wife and I bought on Jefferson Drive five-years ago and love the area. I know you all have tough decisions to make, and I know you have a recommendation from staff. I think the issue is pretty simple. We have, for whatever reason, not had a majority of the people that are impacted from Lansing Drive all the way up to where Jefferson Drive turns into Preston Lane up to Sardis Road, and just recently, I would say within the past two or three weeks. I contacted Mr. Bokhari. I found out about this, because I was on business trips, a gentlemen up there is the audience said he had just heard about it, so the people impacted by this are really just hearing about it, and I would like to ask you as a Council that represents us as the people to consider just delaying this so you have a chance to look at that supplement that we passed out, my wife gave it to the Clerk earlier, because it has a survey in it and that survey shows sort of a resounding negative view of what is going on here. I am part Jewish, and I am all for taking care of the elderly and taking care of the Jewish people. I love the heritage. I'm a member, but I do think that the people most impacted have not have a chance to sit down and talk to the developers. I think there have been meetings. I think there has been communication through various processes, but a lot of us never got that information until just recently. As much as Lansdowne's representative have tried to help, it didn't represent the people that I'm seeing everyday up and down that road that is going to be most impacted. I want to thank you, and if you have the opportunity to delay your decision I think we can all benefit from that.

**Barbara Divinney, 5404 Dunedin Lane** said I'm very supportive of the worthiness of the effort, but I live near Dunedin Lane at Sardis Lane and Providence Road, and I see multiple developments in process all along Providence Road and, no developer can assure us that there will be any support from the State Highway Department for Providence Road for access to all of us residents who live around there. There are very few traffic lights and I just really implore you to engage, develop a coordinated strategy with the State, the County and the City for the growth of the whole area and how it is going to be impacting Providence Road.

**Paul Green, 417 Jefferson Drive** said I am a homeowner on Jefferson Drive, and I don't think that the consideration has been taken with Providence Day School on one end, which is a gigantic facility and the JCC on the other. I belong to the JCC, great. I go there almost every day, but we don't really live on a street; we live on lanes. Jefferson Drive is 22-feet wide, but with the amount of traffic on it now coming out of all school-year long the back entrance to Providence Day School is now used just like the front entrance, and I'm sure initially it was a service entrance, but now that is not the case. So, there has to be a traffic cop at the end of my street directing traffic in a little residential area. To get a little emotional about this, if you have never been through this neighborhood, it is a God created greenway. It has hills, curves, streams, well creeks, it has deer, but what I've

seen over the last few years is the amount of traffic is really such a detriment now in there. Most of the people have to walk in the street to walk or to ride a bike, but now with the cars parked all over the sides of the street, and I know this is happening in so many neighborhoods pedestrians, if you go out for a walk you have to walk seven or eight feet into the street to get around so many cars. On Jefferson Drive, just a week ago there were 20 trucks parked on the sides of the road. It has just gotten way out of hand, and I don't think when they are not doing a traffic analysis or survey, they are taking into consideration the amount of traffic that goes into the JCC from 5:30 in the morning through the back entrance on Armstrong Drive.

Mr. Tosco said just to address some things, first of all as it relates to traffic you all can see that the trip generation is minimal and the reason for that is because we have had an engineer hired to confirm that and he has confirmed that. The reason is because there is internal capture because a lot of these residents are going to be staying on the campus and not really going outside. You heard something about the staff, there is going to be minimal staff here because a lot of these services outside of the assisted living and memory care are provided off campus. Also in terms of the construction issues, the construction entrance is not going to be off Jefferson Drive; that is going to be off of Providence Road. We've addressed that several times. What I really wanted to focus on tonight and I hope Tammy will say this in her presentation is that as I have summarized there on the sheet for you; we have gone to great lengths to make sure everybody is informed. We had hundreds of people at these neighborhood meetings so to say that some people aren't informed I don't know that is really possible. We have taken every effort possible to try to do that, and in fact, we've met with Mr. Rice on three separate occasions and offered to individually meet with him even more.

**Tammy Baker, 6827 Folger Drive** said I'm President of the Lansdowne Civic League which is near the facility. Part of our Lansdowne backs up into the facility. There have been two public meetings but in addition to that the Aldersgate group has had three separate meetings with a group of us and we took Mr. Bokhari's suggestion at the first community meeting to try to come up with a group of people to represent the surrounding communities so we had all of the e-mail addresses from the attendees that night that we sent e-mails out to about an open meeting to come to my house for an open meeting.

**Councilmember Bokhari** said I have two questions; first question most important could I ask Mr. Bienstock to come up finish his comments for us please?

Mr. Bienstock continued his comments. In the United States Army, I also found Anti-Semitic persecution, as well as later on when I was employed as a civilian after my honorable discharge. Today, just three days after my 93, birthday, I am here to respectfully ask you to approve the rezoning request to build a Jewish Oriented Retirement Home so that I as an American Jewish citizen can retire in a retirement home without fear of Anti-Semitisms, a retirement home that is next to my Synagogue for the last 44-years and next to the Jewish Community Center, which I belong to since its inception. The way I teach each year some 6,000 Charlotte-Mecklenburg School Children regardless of race, color, or religion about the Holocaust. This Jewish Oriented Retirement Home will be the only retirement home in the County where I will be able to eat a kosher meal. It is for these reasons that I respectfully ask that you approve our request to proceed with the construction of this Jewish Oriented Retirement Facility.

Mayor Pro Tem Eiselt said thank you for sharing your story and Happy Birthday.

Mr. Bokhari said here is just a comment and maybe a call to action for the next 30-days. I think that you've heard some things around different people being involved in this and being updated about this at different timelines, and I think I found out one thing over the last several months being deep in the weeds of this is that the challenge we are running up against is several of these neighborhoods and areas around here are not formerly organized. Some of them are, some of them are not, and I think what we are experiencing is a by-product in confusion and a little bit of challenge and friction, because we don't have formal organizations with elected boards and bodies to face off, and we've been scrambling and trying our best given the fact that is the way it exists because this isn't



something we are going to solve for this go-around. Having conversations and I'm bringing in some folks from other more organized neighborhoods to help so that next time this is in place but we can't solve for that now, so we have to do the best we can and I think the best we can, which is what we've been trying to do which is pick in choose in all the streets and say can someone speak a little bit on behalf of this street and the concerns they have in the proximity of the building. We've come a long way in months, but clearly there are some who still have challenges. So, my ask is let's spend these next 30-days on bringing those folks up to speed but we can't have 100 people all bringing their list of things they would like to the table to get to a point. We have to have a couple folks from the areas sit down and say, okay, I'm going to try to speak on behalf of my neighborhood and we will solve for this later longer term. I'm still committed to do the work that we've been doing for several months, but we have 30-days. I'm supportive of finding a path to kind of solve some of these last pieces in the next 30-days, so we can bring this back and bring it hopefully to a happy conclusion. We've certainly done a lot in two-months with the groups that are organized and some that we've brought to the table. So, we will keep doing that. Mr. Bienstock, we appreciate so much your thoughts and perspective and let's just get to work over the next 30-days.

**Councilmember Driggs** said I want to specifically talk about the traffic issue because it affects my District as well. Anything that happens on Providence Road right now is a cause for concern, and colleagues, I think you've heard me several times before. The question there is how do you address all the activity, and there is a lot more to come, for example there is a 200-acre tract of land down south in my District that is expected to be developed. It is a state road; there is no prospect actually of any major improvements there from the state for quite a long period of time so some people have said we need a moratorium. A moratorium is a very tough thing, because our aspiration in terms of job creation and economic vitality really speaks against that. The thing I've suggested to staff is that the standards that we use right now for traffic analysis are insufficient to address what I call the larger congestion issue. We see it other places in my District; so, I would love to see us kind of work on those standards so we have a more differentiated limit that we establish. I don't know whether that can be done in time or whether that could inform this particular decision. I've also heard often that the traffic estimates that we get seem to people to be unrealistic. They are based on generic kind of engineering studies and there are times when you will get 200-units or whatever, and you think how could it be so few cars. I just want to say we are painfully aware of these problems, and we are trying to confront them, but it is very tough for us to go to somebody who petitions for something and tell them that because of a limit that we didn't inform them about ahead of time they can't proceed with what they want to do. That is my take on it from being one District further south, but we hear you on Providence Road.

**Councilmember Egleston** said it does sound like there are conversations still to be had between staff and Mr. Bokhari and neighbors and the petitioner to work out some technical details, and I can appreciate the anxiety and the frustrations of any construction project. I've been living that next door to my home for the last three years, so I definitely appreciate that. I just wanted to anecdotally point out as the Councilmember who represents the primary current campus of Aldersgate an assurance to the neighbors that they are looking to move in and be a part of that neighborhood with what a good neighbor Aldersgate has been in District 1 over in the Windsor Park area and that corridor along Shamrock Drive. They have been an asset to those communities as a gathering place is really interwoven into those communities. Hopefully, some of these technical things people have asked about can be worked out, but just know what a good neighbor you have moving in there. You already have a great neighbor in the JCC but Aldersgate has been quite an addition to the corridor in my District that they are in, and I think they would be quite an addition to the corridor that you all live in.

**Councilmember Winston** said I would like to echo the statement and feelings of Mr. Egleston, Mr. Driggs, and Mr. Bokhari. I hear the concern of the neighbors. I've been part of the Providence Day Community for the past five-years, and the ferry boat line as it is called is a problem. I think it also speaks to a larger problem; it is not an isolated occurrence around the Providence Day Campus, but it occurs all over the City, and I think we have to get a better hold on this. I would like to continue to echo what Mr. Bokhari

was getting at to the neighbors that are in opposition to this. Sometimes the best opportunity to approach some of the problems that you are seeing in your neighborhood are to get organized and have effective relationships with development as it is happening because those are the places when you can work on problems that exist but also may be getting into communication and conversation with the Providence Day Community, because I think that is a separate issue. That is not a land use issue that I think should be dealt in this deal, but it is sure something that needs to change, especially as that school continues to develop. I would just like to point out that Aldersgate is a community that was founded by leaders in the Methodist Church that are doing work with this ethnically Jewish Community, so that is pretty impressive and really speaks to the growing diversity of the City of Charlotte.

Mayor Pro Tem Eiselt said I will just say that I echo Mr. Driggs' comments about traffic. I know I have been beating the drum about Providence Road for a long time, and we do need a different approach. We had a great conversation in the Zoning Lunch Briefing that we really need to have a transportation discussion about those kinds of corridors where there just isn't any assistance coming. With regards to Jefferson Park, because I live in that area, and I was also one of those parents that would take my kid to Providence Day six-years ago and cut through there. That is a separate issue that needs to be addressed. I like the idea Mr. Bokhari is talking about of organizing those neighborhoods. My very first rezoning on Council was the one in SouthPark with Synco, and I couldn't believe what was coming traffic wise and the neighbors said to me, hang on, don't vote this down; we've been working really hard to come up with some solutions, and that is what should happen. That is the best outcome in the end is that the neighbors get together, they organize, they work with their representatives and come up with some solutions. In this case it is a problem that was already there. There are a lot of schools in that area and Jefferson Park has been a cut-through, so that is a separate issue I believe that does have to be addressed and we have to get more up to speed and more current on our traffic solutions for some of these areas.

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

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**ITEM NO. 31: HEARING ON PETITION NO. 2019-042 BY SANCTUARY DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.52 ACRES LOCATED ON THE SOUTHEAST SIDE OF THE INTERSECTION OF NORTH TRYON STREET AND UNIVERSITY CITY BOULEVARD FROM B-2(CD) GENERAL BUSINESS, CONDITIONAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER) AND TOD-TR (TRANSIT ORIENTED DEVELOPMENT – TRANSITION).**

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

**David Pettine, Planning** said this is about 12.5 acres located on the southside of North Tryon Street and University City Boulevard. The context of the site in general, undeveloped adjacent to some multifamily residential development next door. The existing zoning is B-2(CD); the predominant zoning out there is a mix of I-1, I-2, some commercial and some TOD in the area as well as R-3. The adopted future land use is from the Blue Line Station Area Plan and does recommend TOD uses for this particular property, so it is consistent with the Comprehensive Plan. Staff does recommend approval and it is a conventional TOD, so there is no site plan associated with this petition.

**Councilmember Phipps** said this is more or less a transition to the new TOD district in an area and a site that is located real close to the rail line, so I don't really have any objection to it.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2019-043 BY DIAMOND BACK ACQUISITIONS FOR A CHANGE IN ZONING FOR APPROXIMATELY 43.58 ACRES LOCATED ON THE SOUTHWEST SIDE OF BELMEADE DRIVE, NORTHWEST OF RHYNE ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO MIX-2 LWPA (MIXED USE, LAKE WYLIE PROTECTED AREA).**

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

**David Pettine, Planning** said as was stated approximately 43.5 acres on the southwest side of Belmeade Drive within proximity to White Water Center Parkway. The context of the site; heavily wooded undeveloped area primarily in that part outside the City limits. The existing zoning is R-3; you can see we do have some MX-3 adjacent to the site, although we do have predominantly R-3 residential zoning, the MX-3 is supportive of both single family residential that is being proposed and is similar consistent with those R-3 districts.

The proposal we have is consistent with the recommended future land use from the Catawba Area Plan in 2010; it is up to four dwelling units per acre, and this petition is proposing a mix of single-family units as well as single-family attached townhomes. They are providing a right-of-way for the future connection or future extension of Sam Wilson Road, and we've got some other environmental features on the back side, a proposed buffer to some existing properties adjacent to the site as well as that right-of-way there and some future connectivity to these sites to the southeast. Staff does recommend approval, it is consistent with the residential land use up to four dwelling units per acre. Just some minor issues related to technical revisions and some site and building comments that have to be addressed moving forward, but again staff does recommend approval.

**Keith MacVean, 100 North Tryon Street** said I am with Moore & Van Allen; Jeff Brown of our firm and I are assisting Diamond Back Acquisitions with this matter. With me tonight, representing Diamond Back is Paul Host also Chris Todd, Engineer for the site. This is 43 acres located off Belmeade Drive near the White-Water Center; it is currently zoned R-3 Lower Lake Wylie Protected Area and the proposed zoning is MX-2 and would allow up to 170 residential units with a mix of both single family and townhomes for sale development at four units to the acre. The request is consistent with the recommended land use plan of the Catawba Area Plan which recommends higher density residential, up to eight between the future extension of Sam Wilson Road and Belmeade Drive. We are only proposing to allow that area to be developed with single-family lots with a maximum of 34 and the remainder of the site to the southwest of Sam Wilson Road Extension could be developed with townhouses for sale or single-family homes; currently anticipated to be townhomes for sale.

In terms of other points, we are dedicating additional right-of-way for Sam Wilson Road; we will be improving Belmeade Road to add a left turn lane into the site and again. There is substantial amount of open space here; 23% of the site will remain as open space, a minimum of 10-acres, actually could be greater than that. We are in the Lower Lake Wylie Protected Area and there are several streams on this site that require stream buffers therefore, these open space areas you see in this area and this area is actually left as tree save and open space area for the community, totaling a minimum of 23% of the site.

We have heard from some of the adjacent property owners on both sides of us on Belmeade Drive with some concerns about the single-family proximity of these homes to their development. As you can see, this is a fairly narrow site on Belmeade, doesn't allow for a lot of creativity in terms of how you access the site and develop it with lots. Even

under the by-right R-3 zoning, it could yield almost as many homes under an R-3 25% tree save scenario. It would be slightly less than 170 units. You still would have a public street, single family houses loaded on either side of the street. We have agreed and will be adding to the conditional plan to add a staggered row of evergreen trees such as Bufford Holly on both sides of the development abutting the single-family homes that are Belmeade Drive to create a screen between the proposed single-family homes and the existing single-family homes. Again, I point out the open space here, the Sam Wilson Road Extension, we do have several stub streets for future connectivity both in this direction and this direction as well as future connectivity by Sam Wilson Road. The development is for single family and townhomes for sale at a price point that is appropriate for the area, very accessible to folks that want to be in this area. It is a mix of housing types, we feel there is a demand for that in this area. This is White Water Park, actually zone MX-3, not currently being developed but was zoned at the time for over 2,000 units of both the same type of units that we are proposing, a combination of single family and townhomes for sale.

**Evan Stechmiller, 2324 Belmeade Drive** said I am glad to be here to present my concerns. I do own the 10-acres immediately adjacent to this property; I just bought that land. As I was unpacking my boxes, I get the rezoning notice that this 44-acres next to me could be rezoned. I think it is pretty deceiving to say that what they've got up there- you see those homes closest to Belmeade Drive, those are one-tenth of an acre lots, one-tenth of an acre, 4,500 square feet. That is very, very small. Rob lives on one side; I live on the other, and we will be looking into those home's windows. I realize that if this doesn't get rezoned, they could still build homes very densely there; those lots would be .22 acres. The current zoning R-3, as I understand it, is a .22-acre lot almost a quarter of an acre. That is very different than a tenth of an acre lot, so to imply that this is not a big ramification in terms of density on the local community, I think that is very misleading.

One of the things I want you to consider is as we have zoning standards, I bought my land knowing how the 44-acres next to me was zoned. I did talk to the current owner, and he told me expect development. So, I planned my house accordingly, but what I didn't plan for was one-tenth of an acre lots, so I think for you to approve this is to very much change the way that land is intended to be used. Furthermore, and I have peers up here that are going to speak. I have been chatting with the leadership of the White-Water Center; they were concerned with their voice being the opposition here. As we know, the White-Water Center has had challenges over the couple of years; they are very much against this rezoning. They want to own this land; they have tried to work to buy the land, and how that deep that got I can't speak towards, but that 44-acres would be a great addition to the 1,300-acres they manage around the White-Water Center, and as you guys all know that is a crown jewel of the City of Charlotte to have that kind of natural area there. That is why me and Rob live there. I think others are going to speak to the beauty of the land that is in question here and how it could impact the neighbors. As one neighbor, it will have a huge impact on me in a potentially negative way.

**Eric Meddaugh, 1013 Keystone Court** said I am not a land owner there, but I am a heavy user of that trail system that is adjacent to that 44-acres. I was first introduced to that land over two decades ago. I'm part of an organization that built the original trails that are out there, and that organization is the Tar Heel Trail Blazers. There are over 400 members in that organization and are avid users of the trail that goes parallel along the northwest border of the property. I'm also head coach of a Youth Cycling Team, both middle and high school, and we use that area for week-end training all the time, so it is used heavily. The trail parallels the developer's plan and it is call the Tributary Trail, and it is heavily used by most of the active cyclist community. To add some gravity to that statement there are 2,200 known cyclist who use that trail that goes right parallel to that property. The beauty of that trail is really what makes it popular; if you were to walk back there you are going to things like a babbling brook over river stone and boulders. You are going to see lots of wild life. For the cyclist it is very challenging; it is a lot of fun. It is fast; it is a special place.

It is really not the development that the cycling community is against, it is the over development. Currently, R-3 is what is contiguous to the area, with the exception of the

White-Water Center but apparently, they are not interested in developing things like high density communities as much as they are interested in developing recreation. By changing the zoning, I think it is going to add a lot more density to that area and negatively impact the quality of life for the people who use it as well as the neighbors who have lived there, in some cases decades.

My last concern is that this is non-owner-occupied land; it is strictly for investment. The folks who really have skin in this game are the folks who live in that area and use that land for recreation. Once it is developed, it is not going to be changed; it will be developed land and no longer natural forever. So, I think that is something to consider. My hope is that the Council will deny the request for the zoning change and protect the quality of life for the neighbors of the property as well as those that I've just mentioned.

**Rob Nelson, 2430 Belmeade Drive** said I own the property right there, and I've never done one of these meetings, but it is really interesting to see how it works. Kudos to getting all these requests. I can see how they are tough. I just wanted to kind of give a perspective from myself as a land owner and just see how this is all going down, because I see a lot of perspectives going on here, and I wanted to kind of flush them out a little bit. Obviously, for myself I brought my kids and my wife; we love that area. We are here exactly because that land is what it is. Like my kids, you guys love the forest, right? You love playing in the forest. They said to me, well it would be okay if it got developed if there was a park or maybe people to play with, but it has been made very clear to me that this area is not really made for families. In fact, the owner told me if it is specifically made not to crowd the schools, which to me means families aren't going to want to live there. There are no parks; there are no pools. There is nothing. It is a little sliver that is not consistent with what the neighborhood is.

Obviously, for myself my perspective is I'm not real keen on it because I'm a Biologist and a Wild Life Film Maker, and I'm obviously going to be cut off from the natural area, so I guess that sucks for me, and it is unfortunate, but I thought I would throw it out there. The rest of the neighbors, we are all in kind of a rural area of Charlotte, and so it is kind of bad for them too, because they feel like they are not being heard. We went to the meeting and there was a lot of anxiety, there was a lot of fear about what ended up kind of coming down to people were angry about the traffic, because it was a rural community until just like 15-years ago when the highway came through. What I take though is that maybe it is a little less about the traffic and that people are not feeling like they are being heard. There is a handful of people, you guys that are the community members, that showed up but a lot of them said they were not showing up, because the decision must already have been made and that is how these things work, and I said I'm going to speak and let people know that this is not something that has already been decided. I'm going to let people nobody wants this, nobody I talked to wants this, so if somebody said this is good for the community obviously, the community doesn't really want it. Also, from the perspective of the City, this is why I'm here; this is why everybody I hang out with is here. We go to the White-Water Center, we love this part of Charlotte. It is a crown jewel of Charlotte. We should really be having the talk how do we get the land; how does the City acquire it to preserve it? Maybe there is a nature group that can replant long-leaf pine there; let's showcase this area. This is why Charlotte is so amazing. I just wanted to kind of come back to their words; they said it is not going to matter a whole lot one way or the other whether it is R-3 or this new MX-2, and so I was well why change it then if it is not really going to matter? They keep telling us it is not changing things, but if you can look that is not four houses per acre. In the area where there is a lot of land that is one-tenth of an acre lot and then it way less down there. It is not even catering to this beauty that is there. It is beautiful, and you guys have to see the back of that property. It is the most beautiful section of Charlotte that I've ever seen and the people that would live there you would think would want to enjoy that, but they are all facing inwards. There is nothing about this; let's keep it the way it is. That is kind of my perspective.

**Richard Jones, 2300 Belmeade Drive** said the big concern here is you look at what they've done here in my opinion and being a land owner out there close by, it is R-3. We all moved in there; we bought property there to be R-3, and if you look the land is conducive to build on because of the water and the runoffs and the creeks that are going

through there so they are trying to put, and I hate to bad phrase, but they are trying to put 10-pounds in a five-pound sack, and that is what they are doing. That is the biggest concern; it is not so much that they are going to build it, it is the fact that they want to do multi-housing. It should remain R-3 and do with it what they please basically.

I tried to talk to somebody about– I got a video on Saturday afternoon when the White-Water Center is operating and an ambulance coming down the street and all the cars trying to divide to get the ambulance down there. On Saturdays for the White-Water Center, we get at least two ambulances a day, two fire trucks a day, and they are wanting to put this here and you would not believe the traffic. If you had a fire back here in those condos you would never get there.

In rebuttal Mr. MacVean said I appreciate the comments. As I mentioned we are trying to address the two neighbor's concerns regarding single family lots by adding evergreen screening or a buffer where it is not typically required. I would mention that the White-Water Center is over 640 acres of open space that will now be open space. It was originally going to be a large mix-use development, but now it looks like it is going to be open space. We are doing residential development of four units to the acre that will bring new residents to the area that can also enjoy the White-Water Center, will be able to walk down their public streets that adjoin the White-Water Center property and access those trails the gentlemen spoke of. As to traffic, because we are proposing to do townhomes and a mix of single family, the actual traffic is equal to what could happen here by-right development at R-3. In terms of single family development at R-3, because there is a lot of open space as part of this site the site would be developed at R-3 under a 25% tree save area. As I mentioned, we have at least 23%, potentially a greater amount, R-3 development could also do that. That allows single family development under by-right R-3 to be 6,000 square foot lots, not 9,000 square foot lots as was mentioned. What this rezoning allows us to do is a slight increase in the density, R-3 would allow about 162 units with a tree save proposal, we are 170 so very modest proposal in terms of density increase. It does allow a mix of unit types, townhomes and single family. The townhomes allow the developer to work better with the topography of the site. I think the developer is also looking at adding an amenity to the development, but he also sees the White-Water Center and all the recreational activities that are there as an amenity to this future neighborhood and these future residents of Belmeade.

**Councilmember Bokhari** said at first, I didn't understand the comment about the one-tenth of an acre, but that is not referring to DUA (dwelling units per acre), so that doesn't matter if it is R-3 or the equivalent of R-4 for DUA. It is just the number of units; that is a different way of looking at it right, the one-tenth thing.

Mr. Pettine said it is the actual size of the lot itself, so you have a 10,000-square foot lot, 8,000 square foot lot, or an acre lot so that is the actual size of the lot and the density is then calculated based on how many lots they develop under those constraints.

Mr. Bokhari said but that size doesn't change between R-3 and R-4 equivalent, or does it?

Mr. Pettine said it does change.

Mr. Bokhari said by how much.

Mr. Pettine said I don't have the number committed to memory; we can give you follow up on that.

Mr. Bokhari said the only thing I want to say because we never have this opportunity but Tar Heel Trailblazers, what an amazing organization we have in town with you guys. A hidden gem, before I ever became over weight, I used to also ride out there on the trails and just too know that you guys just behind the scenes do all this stuff and make all these incredible trails is something if I have the opportunity to thank you I will do so. So, thank you very much.

**Councilmember Winston** said this question is for Mr. MacVean, overall, I'm kind of going beyond the single-family zoning, but we do have it right now, if we can do just about everything that we need with R-3 zoning, why do we need a rezoning?

Mr. MacVean said the MX district and the rezoning gives us some flexibility on lot size and unit mix, allows us to introduce townhomes for sale where the R-3 district would require all the units to be detached homes on individual single-family lots, so unit mix and allows us to work a little bit better with the existing tree cover and topography at the site but mainly the unit mix. It provides without really exceeding the density of four units to the acre that the Catawba Small Area Plan recommended for the site.

**Councilmember Mayfield** said I have a question for staff first, staff recommends approval based on resolution of outstanding issue. Staff states plan consistency; the petition is consistent with the residential land use of up to four DUA recommended for the site. Now, if the current zoning on this is R-3 single family and Mr. MacVean just explained why the proposed zoning in order to have some diversity in it, help me understand staff's thought process on supporting this when what the transportation consideration shows is that the existing trips per day entitlement is up to 1,320, but if we were to move forward this proposed zoning can trigger up to 1,690 trips, and we are looking at a project that is literally a one way in and one way out. When we also constantly have conversations about connectivity, help understand how staff became comfortable with this.

Mr. Pettine said there is really not an opportunity for connectivity, because it is not a heavily developed area of the City at this point; so, they are actually going to set up some of that future connectivity through these two road stubs and the potential connection of Sam Wilson Road, that extension. So, in terms of looking at it from a connectivity standpoint, we are kind of limited because there is not a lot of opportunity for us to do that so, as we evaluated the petition we looked at the area plan again, that density recommendation that is in there, it is consistent with that, and we say the opportunity as they've discussed with providing a mix of housing types. We thought that was something that we continue to have the need for a variety of housing types within the City, both single family, single family attached and multifamily. We saw that increase in mix of uses didn't provide that increase in density that the plan recommended, so we didn't really exceed that four DUA overall, and we saw that opportunity to provide that mix of housing types as an overall benefit. The trips per day did go up by about 370 trips, and we looked at that and from the concern of does that give us a reason to look at the petition a little differently, I think we analyzed the transportation network that is out there and didn't really a significant concern with that increase in trips overall in terms of the ability for Belmeade Drive and some other surrounding roads to handle that additional traffic increase. From the consistency of the land use plan and the opportunity to get some of the connectivity to the Sam Wilson Road Extension as well as set up a future pattern for road networks with the extensions of the stub streets on those adjacent properties, staff felt the petition furthered some of those goals and met the recommendations of the Comprehensive Plan.

Ms. Mayfield said even though you said that very quickly I have a challenge because I'm still not understanding again, when we talk about accessibility and connectivity why we would even consider. An example again, impact versus intent. When we are having these discussions and when staff submits a proposal to Council with a recommendation. There is a project off of the backside of Tuckaseegee Road and Starnes Road and Westmoreland Road; when you are driving down a little narrow road, some beautiful homes over the community, see a sign that says, "dead end." You go past that sign it is a whole brand-new community with this one little narrow road. If there were an emergency, gas leak, or whatever the emergency is, having only one access point and with us even considering an increase over what is already recommended for that area and we say well, it is only about 300; 300 hundred is one community on its own. So, adding an additional, if something were to happen with only one access point, we will be responsible for that with people trying to get in and out. We have older communities today where we are now having conversations regarding trying to have multiple access points, so if we are having a conversation for a potential brand-new development that is out surrounded by undisturbed space, I'm still not hearing why we would be comfortable, we

being staff, before even coming to Council will be comfortable with what is proposed as is. It will be helpful to get some more details from staff on that as far as the overall plan, because if we were to move forward with this then that is also setting a new precedent for any future development that is going to happen on the surrounding piece of land knowing that it is very difficult during rush hour morning and/or evenings and especially week-ends when people are utilizing the amenity that is in the County trying to get access. Mr. MacVean; help me understand basically the same question, access points on this and is there truly a need for the additional 370 units?

Mr. MacVean said one of the points and it is in my power point presentation; unfortunately, it didn't come up on the screen, we did look at traffic and because we are proposing a mix of single-family homes and townhomes for sale traffic impact of that mix is actually equal to the amount of development that could happen on a by-right under R-3. C-DOT's number of 1,600 trips per day or 1,700 trips per day assumed the worst-case scenario. It would be 170 single-family homes. We can restrict the number of single family homes if that is important. I think that is something the developer is willing to do. When you look at the actual mix of units here, 34 single-family homes on the front part and about 134 townhomes at the rear the actual traffic from that development is 1,328 trips per day, not 1,690 trips per day. That is because townhomes for sale generate less trips per unit than a single-family house so, from a traffic perspective we are not really increasing traffic, when you look at the details we are actually less in the a.m. and less in the p.m., because we are providing a mix of housing types versus a single-family neighborhood of exclusively single-family homes.

Ms. Mayfield said I see on here where we have basically the berms and the water quality ponds, where is the communal meeting space, because we have a lot of conversations regarding green space?

Mr. MacVean said we have about 10-acres of open space here at the back of the site that will remain the same.

Ms. Mayfield said open space is different than meeting space. We talk about live, work and play and having this many residents in a community; where is the amenity for the residents?

Mr. MacVean said it is not indicate on the plan, and it is something Mr. Host is currently looking to see where that would be added. It is not shown on this plan at this time.

Ms. Mayfield said that would be helpful to see as we have conversations regarding live, work and play and creating space within a new development for communal; whatever that looks like that would be helpful to see.

**Councilmember Driggs** said I wanted to comment that is very effective bringing a couple of young people along like that. I have about as much trouble sitting down here as they do up there. Otherwise, what I have is just a comment; the people speaking in opposition to this sounded to me as if they would prefer to have nothing occur on this land, and it is not within our authority to require that. So, my recommendation is, rather than ask a question tonight, that you write to us and contrast the existing by-right, which can happen without any action by us, with the proposed rezoning in order to make your case as to why the rezoning shouldn't be allowed. I don't know whether the cycle path, for example, would continue if a by-right development occurred at that location. I'm assuming that not; so, for our purposes focusing on why this change, this difference imposes a greater hardship than what could happen anyway is really what is more relevant.

Mr. MacVean said to Mr. Driggs' question the cycle path is not on this property.

Mr. Nelson said I actually don't know how I would address that, because I did ask at the meeting what their plan is for R-3, and I don't think they have a plan. Do you guys have a plan if it just stays R-3? I don't know what it would look like. Right now, it is a little devious, the numbers, they get pretty packed in, and they are saying it is not changing



much but it is changing a lot. How would you change it if it was R-3? It would be a lot bigger lots.

Mr. Driggs said I'm sorry we can't have anybody speak that is not at the dais, but all I'm saying maybe a written submission made clearer to us what the differences are if we do this versus if we don't, because we are not choosing between no development there and preserving the kind of landscape you've enjoyed and this, we are choosing between the R-3 by-right and this. Just a suggestion.

Mayor Pro Tem Eiselt said I have a question on that; I thought it was sort of the City's intent to not do cul-de-sacs anymore.

Mr. Pettine said the intent is not do the cul-de-sacs anymore but we do have some of those connectivity; you won't see development I think that doesn't have a cul-de-sac in some form just based on some of the topography, some of the natural challenges of features of the site. I would imagine, and the petitioner may be able to speak to why these are cul-de-sacs, it may have to do with not providing connectivity to a site that is likely to be preserved in its natural state, and that is why they were provided to these properties which have probably more development potential than this property next door and then that Sam Wilson Road Extension was the other point of connectivity. Internal cul-de-sacs I think will still be things that you will see in development both here and nationwide but when look for connectivity we look for it to undeveloped parcels or adjoining parcels that have opportunity for development and provide that street network as a result of ongoing development in the area. These I believe are intended to not provide that opportunity to connect to what will likely just remain as a natural open space.

Mr. MacVean said if I may Mayor Pro Tem; I can clarify a little bit. The reason these are cul-de-sacs, they are actually temporary cul-de-sacs at this time because of Fire Department turnaround requirements. These streets are actually designed to be extended in that direction but because of the length of the streets the Fire Department requires that you have a turnaround so when the fire truck does get down there before the street is extended that they can turn. When the street is extended then those cul-de-sacs go away. This development only truly has one permanent dead-end street, and it is that one right there. This is connectivity both north and south whenever those properties redevelop.

Mayor Pro Tem Eiselt said every single one of these roads just stops. It seems like it would have been better had those two cul-de-sacs down on the left, had they connected. The on the right looping around from an environmental standpoint we know cul-de-sacs aren't very healthy, and I was under the impression that we were not big fans of cul-de-sacs anymore.

Mr. MacVean said these are temporary only because they are meant to be extended streets in to this part of undeveloped property if it ever does develop. So, they are only temporary in nature until the roads are actually extended. They are actually stub streets to be extended to the adjoining property at such time as they develop that property.

Mayor Pro Tem Eiselt said then the question I have is on the entrance; those lots are one-tenth of an acre.

Mr. MacVean said those are slightly just under 5,000 square feet lots; there are 34 lots here on approximately eight-acres with an acre and a quarter of open space so this is again a very low density just slightly over four units to the acre single family.

Mayor Pro Tem Eiselt said are those the townhouses?

Mr. MacVean said this is restricted to single family development only.

Mayor Pro Tem Eiselt said are they going to have garages?

Mr. MacVean said they may.

Mayor Pro Tem Eiselt said they may, so, that says to me that you are going to have a lot of cars parking on that road, and that is your main in and your main out, and that kind of worries me because now you've got some connection challenges throughout the subdivision and now you are going to have cars and that is about the size of those lots.

Mr. MacVean said we are required to provide parking whether it is in a garage or in driveways and it could be a combination of both but the parking will be accommodated on the single-family lots. The streets are all built to meet city/public street standards; they are public streets and they meet C-DOT standards for the width required for that type of street. This eventually is another thoroughfare; you will have Belmeade Road as a thoroughfare, Sam Wilson Road as a thoroughfare. We just happen to be the first development in this area so there isn't a network to tie into, but it is creating a network that eventually develops over time as the remaining property that is also zoned R-3 or MX-3 develops with additional residential units.

Mayor Pro Tem Eiselt said what I'm struggling with overall and this is really more for staff is that this adheres to the Catawba Area Plan but this is kind of like the one in your District Mr. Bokhari, the Carmel Road where part of the land is going to have the two single-family homes which really then shifts the perspective on what is being developed. So, we could take an average and say it is only four dwellings per acre but from a perspective what you are looking it is just a tough transition. I understand the area is going to develop, but it just seems like a tough transition when you are putting everything up front there and cramming it in together. I appreciate that the back half is going to be natural, but it is just a challenge to me to have that kind of a transition from what was R-3. Maybe I'm looking at that wrong but you are kind of putting sort of an urban design in the front of that property.

Mr. MacVean said it is a low density, four units to the acre maximum residential community. There are a mix of housing types so there are townhomes and single family, it is not a lot different than R-3 using a 25% tree save provision that is by-right development that allows smaller lots. R-3 wouldn't allow townhouses, but it would allow almost the same number of units by utilizing open space provisions that are in the ordinance today and doing smaller lots to accommodate the tree save area.

Mayor Pro Tem Eiselt said I guess I need to go back and read the Catawba Area Plan more carefully. This limits building heights to 48-feet and three-stories, and this says it is consistent with the Catawba Area Plan for density.

Mr. Pettine said I would have to look at the plan to see if it actually recommends a height. Some plans do recommend building heights and some do not. It is consistent from a land use recommendation, but if there is a height item we will make sure and take a look at that but I don't know if the Catawba Area Plan references specific height recommendation.

Mayor Pro Tem Eiselt said I will have to go back and read that to understand that better.

**Councilmember Phipps** said does any public transportation service this area?

Mr. Pettine said not that I'm aware of, no.

Mr. Phipps said it is pretty car dependent then.

Ms. Mayfield said this question is directed specifically to staff; so, along with the comments that my colleagues have made there is a note in the petitioner's request regarding a commitment to construct curb and gutter along Belmeade Drive, but this area is heavily dependent on private vehicles. I share your concern Mayor Pro Tem regarding the lack of transition, but there is also a concern that if there were to be an accident or an occurrence inside the development, because of vehicles that nine of 10 chances will park on both sides of the street- Yesterday was Father's Day. In my neighborhood, you took a chance trying to maneuver around between trucks and cars because vehicles were parked all along both sides of the street, and it is a bit of a curve and a winding road so

you cars that were speeding. One, a concern of the cars who may be living on the backside speeding down, but I'm still concerned that staff was comfortable with this recommendation without taking into consideration the "what if." If there were as I just started to mention a vehicle altercation at any point along that bottleneck, the whole community is stuck. There is no way to get out if something were to happen. If you have an event, right now, we are in celebration time, graduations, holidays coming up, if you have vehicles parked along and emergency services did need to get in that is going to be a major challenge. So, when we are constantly talking about connectivity saying that okay, one day if other development happens without having a clear plan and commitment on the front end of doing any road connections, it really feels uncomfortable to have a recommendation from staff of approval based on addressing outstanding issues when none of the outstanding issues address the connectivity.

Mr. Pettine said I certainly understand where you are coming from Ms. Mayfield. I think we also evaluated that; a by-right scenario would yield the same connection points, so a by-right development that doesn't yield much less lots in terms of what the development could be would still provide one access onto Belmeade Road. So, again we evaluated that kind of scenario of what could be done by-right versus what is being proposed, and really the outcomes in terms of connectivity would be somewhat the same in terms of one access onto Belmeade Road. As far as to some of the access points to adjoining property, they would likely be triggered by the subdivision ordinance as well. Generally, the outcome could be very similar from the by-right project versus what is being proposed, but again, I think we looked at some of the other benefits with the right-of-way for Sam Wilson Road, a mix of housing types as some other benefits of this proposal versus what the by-right proposal would be.

Ms. Mayfield said it would be helpful to clearly define those benefits because by-right is just that. Under by-right we wouldn't be requesting an additional 300 plus units.

Mr. Pettine said they are not requesting 300 plus units; that was vehicle trips per day.

Ms. Mayfield said thank you for the clarification; but under by-right it is just that so we wouldn't be having this conversation. If we are having this conversation we have the ability as well as the responsibility to ask these questions to think of something better because again, the biggest concern that I have is the "what if." We have had multiple hundred-year floods in the community in just the last five-years. We have plenty of area that has been impacted. The "what if" even if it was a gas leak and something happened a mile away, the concern that I have and honestly the fear is that what I'm looking at right now the egress in here could be detrimental if something were to happen. So, I get the idea that by-right can be this; we don't have authority in that conversation. If we are talking about rezoning we do have authority in that conversation. We can look at doing something different than what is being proposed right here if we are really going to talk about walkability, accessibility, live, work and play community, this is not it. So, whatever information staff can provide for us will be really helpful and even though it is outside the area I will be the closest District Rep to it since it is right outside of District 3, it will be really helpful to have a better understanding of what could happen under the by-right and this proposal and how they line up.

Mr. Phipps said as far as service trucks for recycling and garbage, I guess that being outside of the City it is going to be a private contractor, roll our container situation or what?

Mr. MacVean said the petitioner is expecting to request a voluntary annexation of the site, so hopefully it will be annexed into the City. The townhome would be private rollout because it is more units than the City provides rollout service to, but the single family would be served by the City.

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

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**ITEM NO. 33: HEARING ON PETITION NO. 2019-044 BY PANTHERS STADIUM FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.60 ACRES LOCATED ON THE SOUTHEAST SIDE OF SOUTH CEDAR STREET BETWEEN WEST 4<sup>TH</sup> STREET AND WEST MOREHEAD STREET FROM UR-3 (URBAN RESIDENTIAL) AND MUDD (MIXED USE DEVELOPMENT) TO MUDD-O (MIXED USE DEVELOPMENT OPTIONAL).**

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

**David Pettine, Planning** said this approximately 8.6 acres located on the southeast side of South Cedar Street. Most of us know this site as the practice facility for the Panthers; you can see the location of the site a little better here just to give you an idea of context. The existing zoning is UR-3; we've got some U-MUDD zoning and MUDD-O and MUDD zoning surrounding the property as well as some residential zoning back on the other side of Clarkson Street, but again predominantly you are looking at MUDD and U-MUDD zoning in the immediate area of the site. The 2020 Center City Vision Plan does not really call out specific land use recommendations; you will see some land use recommendations up on that map, but the plan itself really doesn't get into specifics of land use recommendations, so we really don't have some of those things specific we get in some of our district plan or other area plans. This proposal itself is really to focus on the practice facility and the construction of the covered facility that is under construction as we speak. The proposal is for signage along the exterior of that practice bubble not to exceed 14,100 square foot total aggregate. There are different sign placements that are associated with the petition on several sides of the facility. You can see in this top right corner where some of those fall in terms of where they are located and how they oriented towards some of the existing surrounding uses including some residential and some of the vacant or lightly developed property here on the other side of the facility's entrance. A point of clarification, and I'm sure the petitioner will speak to this as well; there were some discussions about this petition allowing all uses under MUDD to be developed on the site should this facility at some point move to another location. That is not the case with this petition; this petition is totally focused on the ability to for the site to be used as the practice facility along with some accessory events, giving them the flexibility to use it for things they may have on the facility's property as well in terms of different events for the community. This really just sets it up for the practice facility, accessory events and the signage that is being proposed. Any future development of the site under MUDD or other mixed-use options once that practice facility should it go away, that would have to go through an entirely different rezoning process, come by through the community, come back to the Council. It is something we intend to clean-up a little bit in the notes on the petition so there is no confusion, but just wanted to point that out as a point of clarification. Staff does recommend approval of the petition, and we have just one outstanding issue on a question related to the building design but overall a minor issue and it is consistent with the Vision Plan for Center City.

**Jeff Brown, 100 North Tryon Street** said it is a pleasure to be assisting the Carolina Panthers on this rezoning, and Dave did a great job of setting it up for why we are here. We are pleased that the staff supports this for the signage flexibility that Dave mentioned. I'm going to maybe go into a little bit of the details just to highlight some things but before doing so, I would like to introduce Mark Hart who is Vice President and Chief Operating Officer of the Panthers to give a few overview remarks.

**Mark Hart, 800 South Mint Street** said thank you for the opportunity to speak tonight. As you can imagine the practice facility is very important to the football team; we've been practicing outside actually since the inception of way back when Erickson Stadium. This gives us an opportunity to practice indoors during inclement weather, rain and we don't get a lot of snow around here but sleet. So, I think it puts us competitively on relatively equal footing with most of the teams in the NFL with practicing indoors. Also, as you can imagine branding and sponsorship and how the Panthers and our ownership is perceived is very, very important to us. We would like the opportunity to put branding and sponsorship on this facility, again to keep us on equal folks in the NFL. Consistent with that we would like to keep the area best in class, improve its condition. I think even today

if you look out there its condition in my opinion looks much better that it did when I got here in December of this past year.

We've made some reactions and concessions I think as we've spoken to folks in the neighborhood and around the area. We've moved some signage away from Cedar Street to the other side; we've eliminated some other types of signage and we are committed to improving the overall area of the greenway, the pedestrian paths, the branding, the fencing, the landscaping, everything around the area I think is going to be much, much improved. Generally, I've not been happy with that condition, and I'm committed to making it a much better place, not just for Bank of America Stadium, but also for the folks in the area. I appreciate your consideration of our petition.

Mr. Brown said let me go through a couple things if I might; again, thank you for the opportunity, as Mark and Dave both said this is really is more about the signage. The UR-3 zoning does allow the building that is actually being constructed now. One thing I do want to emphasize is as Dave said earlier on the uses it is very important the zoning does provide for signage flexibility, but the uses listed are primarily as the practice training facility uses, sports operation and sports recreation, community cultural events and activities. It is important to note that the rezoning makes clear that these permitted uses or activities must take place within the proposed building that is being constructed or outside of the fields, and they much comply with other non-zoning regulations as well. The point of this is that any new redevelopment, for example, residential or an office building or anything of that nature or a mixed-use project would require another rezoning. I just want to make sure that is known.

While the Center City Plan and the staff analysis talks in terms of encouraging redevelopment that contributes to the Center City's vitality this rezoning does not permit a type of mixed use development that might come in the future someday a new rezoning would be required. This highlights the nature of the signs, Dave did a good job of that, but I will go to a little bit more of the details. Here we are talking about the entrance signs off of Cedar Street, and if you will look in the location that we've shown on the bottom, pretty much in the same location as before. What we are seeking is a little bit larger than what MUDD would allow for the size of the entrance signs, but a very modest increase. Quality materials and design – we do want to be able to have some signage and banners along the fencing of the field but we are very clear, and we do not allow those signs to face Cedar Street. So, if you are driving down Cedar Street you will not see signs and in fact there will be the screening that is there now that will screen the back of these signs that could be on the interior of the field or on the other side and there will be no illumination with regard to the fencing signs as well. They will be static in nature and not taller than the fencing.

In terms of the signage on air supported facility again, we want some flexibility; you see it here, it is basically four signs on the sides of the domed facility plus one on the roof. I do want to highlight those, you can see the illumination will be static in nature, given the air supported dome itself the illumination will be directed towards the signs, they will not come out from the building, they will be directed towards the signs and in fact, the illumination will be fairly modest in nature. It is difficult as you can see from the domed facility, it moves away from you so the sign facing Cedar Street or building will be moving upward rather than out and it is going to be hard to illuminate that, still working on that possibility. But the result of that is we do not believe there will be any reflection back towards the community and also highlight the distance from the building as you can see from that bottom image is close to 240-feet from the Cedar Street residential. You will also see the pretty significant tree canopy, and again, the domed structure limits the illumination and diminishing the light towards the Cedar Street side.

The final sign that we are seeking the possibility of would be a detached sign. This is what Mark referenced earlier, our efforts to try to work with the community on where that sign might be located. If you can see the blue X, we will have a limit on the size. It will be no taller than the structure itself and you can see that we've moved the sign location possibilities on the entrance side of the building or along the railroad side. That is important to see, and you would not really be able to see it more from the Cedar Street

residential side. In addition, it would face away from Cedar Street, so the sign image would be facing more towards uptown and Morehead Street. I would also say for this sign it would be LED but it is important to note that the LED would be for a light source. We would not expect that the LED would have dynamic video images on that particular sign. We do not have the actual sign, it has not been fabricated; it is still under discussion so with that we will be adding a provision in the next round of the zoning that requires a review by the Planning Director to ensure that the commitments that we've made are adhered to before this particular sign can go up. It is just another check to make sure there is an opportunity for that to be reviewed.

We did have a community meeting, we've kept in touch with a number of the residents who live along Cedar Street. I know Mr. Manning who was here tonight was part of the community meeting. We tried to keep in touch with four or five of those resident leaders. All of what I have described are trying to be accommodations to be mindful of the Cedar Street residential. At the same time though this is a unique opportunity and it really makes sense for the branding as Mark said earlier.

**Mark Manning, 300 South Cedar Street** said based on the feedback given during the community meeting residents that are facing the affected area, and I am one of those residents, I'm a property owner on Cedar Street that faces the practice field. We just want some assurances that light pollution is minimized as a result of the development. Three sides of that surrounding property are occupied by single or multitenant residential housing so, not only the residences along Cedar Street but also the dormitories of Johnson and Wales University and the new development that is happening on the other side of the railroad tracks. Given that light has been scientifically proven to interfere with human production of melatonin and interfere with circadian rhythms and have a negative effect on the environment in several ways the nearby residents would like to request that smart lighting choices be used to accomplish limiting the lighting to period of activity, minimizing the production of blue light and minimizing lights spill into the night sky which contributes to sky glow. A couple other points I would like to make addressing the comments that were just made are that all the trees along Cedar Street lose their leaves in the winter so, during the fall and winter when you will see a lot of Panthers' activity there will be no leaves on the trees, and the building that is being built there is a gigantic white [inaudible] so, any lights that are shown on it will definitely reflect. We just ask those to be taken into consideration.

Mr. Brown said we do appreciate the comments Mark made; I do believe in terms of the lighting, as I've said earlier, this is a challenging facility to actually light. As you can see from the image we made earlier it moves away from you so to be able to actually light it from an exterior source downward it is challenging, they are working on that right now to make that happen. I think our response would be frankly the nature of the lighting is going to be really static in nature and we do believe that in terms of Cedar Street the distance in our review of this has indicated that we just don't believe there will be the type of light reflective concerns that have been expressed. I'm happy to talk further as we go through the next several weeks on this but I do believe we do feel confident of the nature of what we are doing because we are not doing video images or anything, just really allowing the sponsorship to be able to hopefully be seen some during the evening hours, but not in terms of spraying off light in a more aggressive manner.

**Councilmember Winston** said I don't think my question is pertaining to land use, so I can do this off line.

**Councilmember Mayfield** said Council received an e-mail from Mr. Dobbs, who wasn't able to be in attendance, and what he and some of the neighbors had talked about was specifically asking for the signage not to be on the northwest side of the structure facing Cedar Street. The four Xs that are highlighted in blue in the presentation, is that where the potential signage would go?

Mr. Brown said I can clarify that.

Ms. Mayfield said clarify that,0 and show me where the signage would be and whether or not the request of not being on the northwest side facing Cedar Street has been accommodated or not.

Mr. Brown said we had good discussion with Steven and he is not referring to the detached sign which is where the image that I showed you earlier would be. He is referring to the image in this location here. That is the sign that he is referring to and the request from Steven has been that that sign be eliminated on the building itself. That is an important sign frankly for the sponsorship commitments that are being made so we just have a belief that that particular sign location and the nature of that sign, the distance from the community and otherwise is in keeping with the nature of the facility and is appropriate. That was the one item I believe he listed in his letter and that is an item that we were not able to accommodate. Having accommodated a lot of other requests that were made during the process, including moving the detached signs behind the building so you can't really see it and also accommodating some of the issues related to the fencing signs and things of that nature.

Ms. Mayfield so you all were definitely not able to accommodate not having the signage facing the northwest area facing Cedar Street, which is directly stepping into a residential community when you drive down Cedar Street. That is where the residential starts.

Mr. Brown said I think we would make the case is this particular sign on that part of the building close to 240-feet from the Cedar Street area; we believe is an appropriate distance and the nature of the facility itself is important to our sponsorship rights. We appreciate his comments, but it was just something we were not able to accommodate.

**Councilmember Harlow** said I've had some conversation with the Third Ward residents and noted there has been back and forth, so I appreciate you keeping that dialogue open. Just for clarity and this is just to affirm it for residents that might be here, residents that may be tuning in or look to the minutes later that this MUDD-O rezoning is just for the practice facility and the signage, not for any future perspective development.

Mr. Brown said that is correct; we have the right to be able to do some community related events and things of that nature as long as we comply with the non-zoning regulations but those would either have to be if it were an Easter egg hunt on the field or within this facility, if we do something else from a redevelopment perspective we would have to come in for another rezoning. We have tightened the use pretty tightly to be able to accommodate exactly what we are trying to do.

Mr. Harlow said I appreciate your confirming that and it is no secret, we've seen the news, we know that the Panthers are moving to Rock Hill for a practice facility so this will not be long-term so just for the community's reassurance that any future possible redevelopment here would require another public process. I appreciate you clarifying that. To Ms. Mayfield's point and we all did receive the e-mails from a few residents as it relates to the signage facing Cedar Street, and I understand and you've make it very clear it is 240-feet from residential, there are sponsorship implications to it when you have this dome structure you want some good signage there. Is it realistic to look at, I'm looking at some compromise here for the residents, is it realistic to look at slightly smaller signs? It still gets you the sponsorship signage you are looking for but in that particular area looking at something smaller than the rest of the dome?

Mr. Brown said we can talk further with Mark and otherwise as we are working through the sponsorship, finalizing those aspects and maybe something we can talk about in terms of some modification along those lines but we would have to go back and think further on that particular question.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2016-112 BY ARGOS REAL ESTATE ADVISORS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 28 ACRES GENERALLY SURROUNDED BY STEWART AVENUE, CHAMBERLAIN AVENUE, TURNER AVENUE, STATE STREET AND STEWARD CREEK FROM I-1 (LIGHT INDUSTRIAL) AND I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) WITH FIVE-YEAR VESTED RIGHTS.**

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

**David Pettine, Planning** said this is approximately 28-acres along Chamberlain Avenue and Turner Avenue in the Rozzelles Ferry Road area. This is what a lot of folks in the area known as Savona Mill which is a historic mill building. You do have Blue Blaze Brewing on the southern portion of the property as part of the redevelopment potential of this site. Overall this proposal existing zoning is industrial, which is just the nature of some of the uses that have occurred on the site throughout its history. This petition is proposing to go to MUDD-O which would be a mixed-use development with some optional provisions. The adopted future land use does recommend industrial uses for the site. The Central District Plan was adopted in 1993; the plan does detail how declining, no growth industrial areas in jeopardy of continued decline and the City should do more to actively promote revitalization to these areas. This site is also within the West Trade/Rozzelles Ferry Comprehensive Neighborhood Improvement Plan area, and that program does have some investments for larger neighborhoods to address broad array of community needs. The C-NIP Program really looks at some different opportunities for infrastructure redevelopment, sidewalks and things of that nature, so again, this petition is a part of that which adopted in 2015.

The proposal itself is a bit of a complex proposal; as you can see it is a 2016 petition. It has been a long time in the making. Staff spent quite a bit of time working through some different development scenarios and different development options on this proposal. As it boils down to where it stands as of today with this hearing, we've got up to 290,000 square feet of commercial under office uses, retail uses will not exceed 45,000 square feet; up to 240 residential units. We do have some conversion opportunities for commercial square footage being converted to residential units and also some residential potentially being converted to some hotel uses. We have some limitations on building heights, eight stories for things internal to the site so that would be the area within the site here and then you are looking at four-stories around the parameter. The petition itself is really set up for the site to kind of grow into itself a little bit organically. When you think about how we are dealing with things in Camp North End where you've got some existing buildings that will slowly over time begin to redevelop, see some façade changes, see obviously change of uses. This petition is a little bit different where we also have the opportunity to maybe get rid of some of those buildings that over time just don't serve a purpose on this particular redevelopment potential and so those would either be redeveloped under the MUDD standard; so, overall the site will eventually kind of grow into itself into what we would get out of a standard MUDD project, but it does have some provisions for that to happen over time and work with some of those existing uses so folks can take advantage of where they are as they stand now within some of those buildings and then as those buildings easily get reused or torn down, new development will continue to happen under the MUDD standard. It's got some complexities to it, but we think we are at a point where we are comfortable with how we've got things set up minus just some changes on some technical revisions and clarifying a little bit more of what that ongoing redevelopment will look like as it happens.

The petition as we've stated is inconsistent with the industrial land use recommendation per the plan; however, when we look at the opportunity for redevelopment some of the language in that plan, even adopted in 1993 about revitalizing some of those industrial land uses I think this is a prime candidate for a catalyst that could serve as some of that redevelopment for this area. One other items that has been ongoing with this petition is what the status of Savona Mill will be. I know the petitioner can speak to that a little bit more nuance than staff can, but as we understand, there is a good faith effort to preserve that building, maintain it, go after some tax credits as well to potentially use that for redevelopment. So, there is a commitment to actually keep that mill in tack and redevelop



that with some internal uses just to kind of bring that back to life. Staff does recommend approval, even with that inconsistency; so, just note it would revise the future land use plan from industrial uses to office/retail/residential.

**Collin Brown, 214 North Tryon Street** said I am with K and L Gates on behalf of the petitioner, Argos Real Estate. This is a 2016 rezoning petition, so it has been really a labor of love by Argos and Gregg [inaudible] who has been leading the charge and working closely with the community for a number of years. The reason this has been a challenge is there is not an exact plan; we don't have a deep pocket developer with an exact plan to come and plop it down on the site. What I think Gregg and the community know is that this is something that will grow organically over time. We don't know what will come there; so, this has been a negotiation between staff and the neighborhood with the direction of Councilmember Harlow to create a plan that gives enough flexibility to accommodate good development but also assurances that the neighborhood will be protected. There is a commitment to preserve Savona Mill so there is more than I can say in three minutes so I will invite Shannon Hughes and J'Tanya Adams from the neighborhood; they have been involved for quite a long time, just to see if there is anything they would like to add and then we will be happy to answer any questions.

**Shannon Hughes, 716 Grandin Road** said I am President of Wesley Heights and also Chair of Five Points Community Collaborative. We've been working with Gregg on this project for many years. This was once a blighted area in the center of our community and we have really rallied to try to see this type of development come into it that would help lift the community and also bring some mixed use, some retail and things that will serve the community.

**J'Tanya Adams, 309 Lima Avenue** said I am a resident of Seversville Community and also the Seversville Community President. The mill resides in Seversville, and this has been definitely a nuisance for us for many years. We were very glad to meet Mr. Papanastas a year prior to acquisition, so we've communicated about this project for many years. We truly appreciate that the property is stabilized, that the [inaudible] was acquired. If you recall we had a recycling fire where debris was smoldering and flying over our homes so we appreciate the stabilization; we appreciate that there are other things that were unsafe were happening on the property and no longer happening. And of course, we appreciate going forward with the development which of course will be organic which we have also been involved in. We are in favor of that also with the Historic West End Partners, and we've worked with Mr. Harlow and others to try to bring development to the area. We would greatly appreciate it if you would approve this project.

**Councilmember Egleston** said two things; one Mr. Papanastas; you were nice enough long before I was on Council to take me over to see this site, telling me what your vision for it was, telling me what your vision was for the Lakewood Trolley. I thank you for all the work you are doing; you know very well what a passion adaptive reuse and historic preservation is for me, and I think this is a perfect example of the really cool places in our City that we need to breathe life back into, so thank you for that work you are doing. I'm really excited about this petition, and I want to make sure I heard correctly what I think I heard, which is that not all of the MUDD standards will be met immediately, but there are very explicit triggers through the different stages of development where those standards will be met step by step. Is that correct Mr. Brown?

Mr. Brown said that is correct; there are some old buildings that can be interestingly adaptively reused. They don't meet the MUDD ordinance, and they have parking between the building and the street. So, this is a lot of staff— I think was in the community wanted to see some of those reused. They can be reused, but when the development hit the certain trigger point and those goes away anything newly constructed would have to meet the standards.

**Councilmember Harlow** said I don't have any questions; I think we've asked enough in the three years that this petition has been pending. I served with J'Tanya and Shannon as neighborhood presidents before coming up here to get this to a hearing for sure and I really appreciate Collin and Gregg working with the community consistently over many

years to make sure that what comes of this understanding that there are not full details here but what comes of this really benefits the community. This is one of the largest swaths of potential land and development in this area that we've got an opportunity to really leverage some City investments with the C-NIP projects going on in and around West Trade and Rozzelles Ferry corridor, leverage the Streetcar Phase II which is really about a quarter of a mile away from here. Some would say if this petition wasn't so dated this could actually go into a TOD zoning classification. Just commending staff who have worked constantly on working with these optional provisions, allowing some flexibility, understanding that this market is emerging right off of uptown so making sure that the plans for this are consistent with our MUDD expected standards, but also allowing some flexibility in the development.

Actually, I do have one question; there are a couple outstanding issues, and I know some are being worked through but who is on first with some of these infrastructure improvements because there is a lot of motion right now. In fact, I know just last week we approved the Rozzelles Ferry Ped Scape contract that was in bid, so some of this is right with it and I see the petitioner is also committed to some pedestrian refuge stuff. When we get projects that are so closely aligned with our own investments or planned investments what happens? Who takes the lead or where does that collaboration happen?

Mr. Pettine said in this particular instance the improvements and some of the streetscape improvements were things that we've asked the petitioner to take on as part of the redevelopment of the site; so, there will be certain triggers. They may not all come on line at the same time. Like the site itself, they will come on line as the site redevelops and grows into itself a little bit, but the majority of those improvements, coupled with some of the C-NIP items. The majority of the improvements you see on the conditional plan have been requested of the petitioner to make those improvements and then to tie in and work in conjunction with some of those improvements from C-NIP and some of the other transportation improvements you will see out there, but the ones specific on this conditional plan are being asked of the petitioner.

Mr. Harlow said with that I will just invite folks to come out and see Five Points, come across that bridge on I-77 at Fifth Street, come under the bridge at West Trade Street; there is a lot of construction coming under the bridge at West Trade Street right not, but come across the way and see what is happening in Five Point, West End, so much is going on. Visit Blue Blaze Brewery; Stewart Creek Greenway is right there as well.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2018-128 BY JAMES POUITIER FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.5 ACRES LOCATED ON THE SOUTH SIDE OF MOUNT HOLLY-HUNTERSVILLE ROAD, EAST OF BROOKSHIRE BOULEVARD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO NS LWPA (NEIGHBORHOOD SERVICES, LAKE WYLIE PROTECTED AREA).**

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

**Kent Main, Planning** said this is 5.5 acres on Mount Holly-Huntersville Road; there is a rather large development called River Bend Village that is under construction. It was actually a 2016 rezoning just to the southwest of the site, and this is a big swath of tree right here, and here is River Bend that you see under construction over here on this side of the slide and a single-family neighborhood to the east of it as well. The existing zoning is R-3, and you see single family around it on all these sides, and there is the site. This particular site here is a church, and here is the O-1 and NS that is part of that River Bent development that is underway right now. A very large mixed use multifamily, as well as

retail uses and office. The adopted future land use does call for the Brookshire Boulevard/I-485 Area Plan from 2002 does call of a mix of uses on this site as a part of that overall developing area.

It is 46,000 square feet of commercial and office uses, a retail limitation of only 8,000 square feet of that 46,000 square feet. There are a number of prohibited uses, jails and prisons, drive-thru uses, service stations and such. A maximum building height of 45-feet and a buffer of 32-feet along the edge where it abuts the single-family neighborhood. There is a stream corridor on the site as well, and I believe the petitioner may share with you a few more details about that. Staff does recommend approval of this upon resolution of a few outstanding issues which include curb locations, turn lanes and street widths and other technical issues as well. It is consistent with the plan, and we think it is consistent with the uses around it that are developing, the church uses, the multifamily and the whole developing River Bend development as well.

**Collin Brown, 214 North Tryon Street** said I am here on behalf of Mr. Poutier who is the property owner and Merrifield, Patrick and Vermillion who is now the petitioner. Here is an older picture of River Bend; there is a lot of activity going on up there. Here is I-485, here is the Brookshire, River Bend and as many of you know is going to be the headquarters of Corning and maybe their doors are finally open. They are at this location so this is really becoming a vibrant mixed-use center. There is real employment; there is real housing, there is shopping, dining, and everything is coming together. This is from the River Bend website with everything they are doing, the site that we are talking about is right here so can integrate into that. This is the concept of what Kent was showing here so here we are River Bend in this location. Mainly, George Mako at MPD who is handling this specializes in medical office so that is why the intention of the bulk of this would be medical office uses, probably in a two-story building at this location, some additional office and retail at that location. Our plan that we will submit on Monday may have some slight modifications to building footprints, some of that we may have to do to hit the [inaudible] locations we are talking to with C-DOT about is so we think there may be some minor modifications.

I did want to give you the background, some of you may have gotten more e-mails on this in the past. When we initiated this rezoning, the original concept was for this to be a townhome project, so this is a look at what that looks like. We came out had a community meeting and there is a lot of growth in the area, a lot of feedback we got from the folks here in the Chastain Park Neighborhood, a lot of concerns about the proximity. This is one where we actually went back to the drawing board, found a new developer that could do the medical office concept, and so that is where we are today and it really hit a lot of points of concern for the neighbors was this, the proximity, having building there. In this concept you really concentrate the buildings up close to Mount Holly-Huntersville Road, you are able to provide a nice buffer between the existing properties and then though we have surface parking in this area, there would be a fence in this location, so they don't see buildings in their backyard, really addressed a lot of the issues. I'm not saying everyone is singing the praises and saying we really want this development, but I think the change from the townhome project to an upscale medical office facility has been appreciated. These are just some examples of stuff that Merrifield Patrick has done in the past. These are high end types of development, I think the neighbors want amenities for them and we think this type of use will drive good jobs, good employment to provide some day time population to support the businesses that are trying to grow in River Bend and we hope will support that.

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

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**ITEM NO. 36: HEARING ON PETITION NO. 2018-151 BY EBA CRYSTAL REAL ESTATE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 20.56 ACRES LOCATED ON THE EAST SIDE OF J. W. CLAY BOULEVARD, NORTH OF WEST W. T. HARRIS BOULEVARD FROM CC (COMMERCIAL CENTER) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL) WITH FIVE-YEAR VESTED RIGHTS.**

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

**David Pettine, Planning** said this is about 20.5 acres located along J. W. Clay Boulevard and Village Shopping Center Drive; this is around the lake around J. M. Keyes and the University area and around the hotel as well. Business is the predominant zoning out there; you've got B-1(CC) as well as some B-2(CD). We do have some pockets of multifamily, but predominantly this is a commercial hub in the University City area. Currently zoned CC looking for a MUDD-O with five-year vested rights. The adopted future land use for the Blue Line Extension/University City Area Plan from 2013 recommends residential office retail for this site and surrounding land use recommendations also include retail as well as transit supportive uses being that we are in close proximity to J. W. Clay Boulevard Station.

The proposal itself is a maximum development of about 260,000 square feet of commercial, 40,000 square feet of civic space and 600 residential units. We do have some internal and off-site transportation improvements in the area of the project. There are some architectural and design guidelines for buildings and streetscapes throughout as well as public space and pedestrian amenities within the site with a focus on creating an active environment around the lakefront. That is something to point out as we can discuss this part of the petition. It was really predominant in the discussions to better activate this lakefront with pedestrian orientation, as well as providing some possible connections for having some street festivals with food trucks and other things but really to take a look at how we can better utilize this area along the lake frontage with the civic use would be located in this area and then potentially some greenway space and that plaza space that could also provide for some other amenities for events that would take place in that area.

Staff recommendation is for approval of this petition upon resolution of some outstanding issues related to transportation, site and building design. Again, it is consistent with the Blue Line Extension Area Plan for University City, and we will be happy to take any questions you may have.

**Collin Brown, 214 North Tryon Street** said I am here on behalf of EB Arrow represented tonight by Greg Watson who spent most of the day trying to get a flight into Charlotte. David did a good overview, but here we are looking at a much-needed redevelopment of one of Charlotte's first mixed use project, which really needs a refresh. This is a large and empty power center, which was really cool in the '80s, not so cool today. EB Arrow is committed to the site, they have already purchased it, so they own it, so they are all in. This area in blue is the area that David was talking about, so here is the light rail station, here is this site that certainly needs to be redeveloped. To make this happen, there is still some retailers in this site so EB Arrow has also purchased this area here in blue; this is not part of the rezoning, but they've purchased this to move some of the existing tenants over so there are tenants there, but they are not being displaced, we are not losing them from Charlotte. They will state in the University area but it will free up the 20-acres for a significant redevelopment. This puts a little bit more color on the plan that David walked your through so we are going from an empty power center with a ton of surface parking to what we think is going to really be a vibrant mixed-use community, walkable to public transit. What you see not highlighted in blue is the initial Phase I, so the idea is that we would have a residential component, an office component in this location and ideally, we would love to have a Library component here also. That is something that is in the works but really the focus, the money shot is to create this wonderful public space along the back of the lake. The lake is really an amenity for the area, it is something that we don't usually see, a body of water of that size. There has been a lot of media on this petition recently that kind of broke last week, the EBA Team is going to call this Waters Edge to really focus on that, so that would be Phase I and then hopefully Phase II would develop

out here in a few more years to bring some more development components. These are some renderings of the design and really should give credit here to the folks at University City Partners, Darlene Heater and Toby Holmes have been at this with us for a year, have really, really pressed our team to commit to the highest standards that reflect the planning that they have done in the area, and I think the EBA Team has delivered that.

**Councilmember Winston** said I agree that this is an area that needs to be repurposed. It was cool at one point in time but isn't so cool now. I know this has been in process for a year like you said, but this is 20-acres that, correct me if I'm wrong, but this would probably under today's standard, and what we've done in the past few months, potentially be the most intensive TOD zoning or a candidate for that type of zoning.

Mr. Pettine said I think as far as whether it is the most intensive I would have to go back and take a look at how it would be applied under the new TOD standards. I think what they have come forward with the MUDD-O integrates a lot of the design elements that we would look for out of a TOD project and they went with that MUDD-O, and I think there are some optional provisions in there that actually help facilitate the development of the site under the kind of outcome that they are looking for. If it went straight TOD I think that we would get a similar outcome, but I don't think we would have had as much involvement in the process leading up to it to provide some of those commitments, not just on the development itself but also infrastructure improvement that public open space along the frontage. I think we actually took advantage of the opportunity; when this petition started it was prior to that new TOD but as Mr. Brown had mentioned, both staff and University City really took the opportunity to push the programming of this site development and redevelopment of this to the potential that it really has whether it goes TOD or MUDD-O I think it is a good point for discussion, but I think overall the outcome that we've generated from that opportunity to sit at the table and work this through a conditional plan really gave us the best leverage in bring the project forward that you see this evening.

Mr. Winston said where I'm going with this is how do we approach this, I know we put a lot of work into this TOD Ordinance, and we are going to be hopefully doing massive kind of rezoning around TOD places. Maybe this is a conversation that we can have off line around philosophies about how to approach business that has been in the pipeline versus where we are going, because if we hadn't put so much work into this, and we have intense and when a large swath that gets rezoned like this; we probably are not going to have a lot of opportunities to do large parcels like this, so how does that match where we intend to go with TOD as a whole?

Mr. Pettine said I think and in fact speaking to it being that conditional process that started prior to that TOD Ordinance, as that TOD Ordinance continues to get flushed out and the philosophies and ideas behind how that TOD plan and ordinance would kind of bring to fruition the type of development we want to see around that mayor investment, we brought in elements and thought from that to this project and even though it doesn't go to a TOD district I think the elements that we have from pedestrian connectivity, design; Urban Design spent a good bit of time working on this as well, really thought of it as a TOD type project but just with a MUDD-O zoning.

Mr. Winston said so we think that if this does get this rezoning to MUDD-O conditional that as other parcels around this get rezoned to TOD that that is going to fit well in the same kind of paradigm as the TOD.

Mr. Pettine said yes, we believe it does, and I think we took that opportunity to make sure we provided some of that pedestrian network and that street network that will help it further integrate into as that area of the University City develops under the TOD this should integrate very nicely into what we see as just by-right projects under the new TOD Ordinance.

Mr. Winston said why do we need five-year vested rights?

Mr. Pettine said it probably better for the petitioner to answer that, but I would say the complexity of the project overall, lots of moving parts, lots of investment, but I will turn that over to Mr. Brown to elaborate.

Mr. Brown said that is exactly right Mr. Winston. This is actually multiple development phases, there will be different developers. Clearly, we have a Phase I and a Phase II; the Phase II is in blue which we hope would develop around structured parking when that comes along. This is definitely one that probably has a five or six-year time horizon, and we don't want to get half way there and have something change and we can't build it out as per the plan.

**Councilmember Egleston** said I think you said it pretty well, but I would have qualms if felt like we were rezoning something in our transit corridor that wasn't in the spirit of our transit oriented development policies. I think what is being proposed is in that spirit, and so I don't have the qualms with it. I would have heartburn I think also trying to ask somebody who has been working on something this complicated to potentially try to shift gears because of something we did in midstream of their development process. So, I do think this is in line with what we want to see along our transit corridors.

**Councilmember Phipps** said I can tell you that the groups that I work with in University City are very excited about this project, not only University City Partners, but the University as well, the Hospital, we have a lot of things going on over there. You've got the Convention Hotel Center that is going to be going at UNC-Charlotte and this project is going is to repurpose and rebrand this premiere location spot, that intersection of North Tryon Street and W. T. Harris Boulevard, some people call it downtown University City, but it fulfills our vision with office, retail and residential. It is just everything we've been looking for in terms of our vision to draw people, incline businesses and clientele here to the site so we are looking forward to it. We spent a lot of time working with the petitioner and explaining it and the community meetings; I don't think I've heard anything negative on this particular project. The center is outdated, and this is definitely that chance to rebrand it and make it something that is really a transformative project along the J. W. Clay Station there. We look forward to it happening in University City.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2018-162 BY NRP PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.63 ACRES LOCATED AT THE INTERSECTION NORTH TRYON STREET AND WEST EASTWAY DRIVE FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO UR-2(CD) URBAN RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, Planning** said this is approximately 6.6 acres located at the intersection of North Tryon Street and West Eastway Drive. The existing zoning is B-2, and you see predominantly B-2 in the area, as well as some R-17 adjacent to the site and R-5 and institutional use is I believe the elementary school adjacent to the site as we mentioned. The proposed zoning is UR-2(CD); the future land use is for office and retail uses for the site, so this proposal is inconsistent with the that; however, as we look to the existing zoning there is still an opportunity for a portion of this site to be developed and that general area to be developed under some of those recommendations from the land use plan. We felt the petition provided a good transition from some of that commercial to some residential as you get back towards the school use itself. There are also some other points of rational where you get into recommending approval for this petition.

Overall, as we had stated, this is inconsistent with the Blue Line Extension Transit Area Plan, although the proposed land use we feel is in context with the overall area. The

multifamily provides that transition from office retail. The entire parcel is not included in this so there is still an opportunity for those uses to be developed under this plan. This proposed project as well has also committed to providing all 200 units to maintain monthly rents that are income restricted to households earning an average of 60% AMI for not less than 15-years from the date of issuance for the first Certificate of Occupancy and they are also providing a section of the Cross-Charlotte Trail within their project boundaries. Again, even with that inconsistency under those rational that we've provided staff does recommend approval of this petition.

**John Carmichael, 101 North Tryon Street** said I'm here on behalf of the petitioner, NRP Properties, LLC; this is Mr. Tom Wilson with North End Partners, Jason [inaudible] with NRP Properties Mike Doolittle is available to answer any questions. The site is on the west side of West Eastway Drive, north of the intersection of Eastway Drive and North Tryon Street. It is within half mile of the Old Concord Road Transit Station, and it is about .55 miles from the Eastway Park and the new regional recreation center that they are constructing on that park.

The request is to go from B-2(CD) to UR-2(CD) to allow a residential community that could contain up to 200 dwelling units that would serve families earning on average 60% of the area median income. The 6.63-acre site is part of a larger nine-acre site on which you could build up to 110,000 square feet of commercial uses. This is the site plan; this is West Eastway Drive, a new public street would be constructed through the site that would stub along the western boundary line. The Cross-Charlotte Trail would be constructed and dedicated along the northern boundary line; it would be 16-feet in width. It would be a multiuse trail. Along the northern part of the trail, in this area, there would be a 11-foot wide landscaped area planted to the standards of a Class C buffer as well as a six-foot tall wooden privacy fence. Three buildings as you can see, maximum height of four-stories. The amenities would include a club house with a fitness center, playground, covered picnic areas with grills and seating areas.

**Tom Wilson, 4700 Fireside Drive** said several members of the Council are on North End Partner's Board, and we are in favor of this as an economic boost to the North End.

**Councilmember Winston** said I guess the same question from the last petition, how does this fit in with the future considerations for a transit corridor development with the TOD Ordinance?

Mr. Pettine said this actually falls just outside of where we would recommend TOD; it fits within the distance requirements that are found in the ordinance but from an overall land use plan perspective it doesn't fall within that idea of transit oriented development, but it is applicable to the TOD Ordinance if somebody elected to petition for a TOD parcel we would look at how it fits in with the station proximity, but overall it is not recommended for transit uses.

**Councilmember Egleston** said thank you for the promotion; Councilmember Phipps and I attend the meetings, but we are not Board Members, just wanted to clarify. To the petitioner just kudos for helping us tackle our goals on affordable housing and on the Cross-Charlotte Trail and then my one quick question, this petition would have no impact on the historic Abernathy House adjacent, correct?

Mr. Brown said it would be next to it and it would not impact the property and we did meet with Ms. Griffith today and she has been at a prior meeting. I'm getting to answering your questions but I want a little context for you. The site plan changed pretty dramatically from the community meeting because of the requirement to build a public street and then the request for the Cross-Charlotte Trail. We had a follow-up neighborhood meeting; Ms. Griffith couldn't attend that meeting, so we met with her this morning because I wanted her to be aware of the fact that there was going to be a four-story building on the northeast corner of the site. We don't touch her property, and we don't think it is going to be an adverse impact on her. We met with her today and left her a copy of the site plan.

**Councilmember Driggs** said is this going to be the subject of a Housing Trust Fund application?

Mr. Brown said yes sir.

Mr. Driggs said right, but it is not subject to the outcome of that.

Mr. Brown said I'm not sure I understand the question.

Mr. Driggs said if we approve this does that imply anything in terms of where we come out on the Trust Fund application? If they don't need that they don't have to be linked.

Mr. Brown said other than if they don't get funds from the Housing Trust Fund I don't know that the project goes forward if that is what you are asking me. You have to have the rezoning to move forward in that process.

**Councilmember Harlow** said I think we are trying to ask the same question. This proposal is contingent upon that is what you are saying.

Mr. Carmichael said the zoning is not.

Mr. Harlow said but the land use is.

Mr. Carmichael said I misunderstood; the zoning is not contingent, but the ability to move forward is contingent on the funding.

Mr. Driggs said to put it differently if you didn't get the Trust Fund money what would happen here?

Mr. Carmichael said you would have a property that is zoned for this specific use and either they would have to get Trust Fund money later or somebody would have to rezone it to do a different use. There is a commitment on the rezoning plan that it is going to be affordable so this cannot be converted to market rate.

Mr. Driggs said but what we are looking at here says it is going to be affordable and that means that our approval is subject to that; so, if later we don't approve the Trust Fund I'm just wondering what the status is of this rezoning. Is it voided at that point?

**Terrie Hagler-Gray, Senior Assistant City Attorney** said as Mr. Carmichael said, I think they would have to do some type of amendment if they were not able to get the Housing Trust Funds in order to do affordable housing, but it would be part of the zoning map. It would be a condition that we would expect them to –

Mr. Egleston said it would stay UR-2 but to build it UR-2 you would have to do it affordable because of the condition, and if you didn't want to do that you would have to come back, right?

Mr. Pettine said correct.

Mr. Driggs said that is my point. So, this rezoning doesn't stand if they can't complete on the affordable housing.

Ms. Hagler-Gray said the zoning does but my understanding is the type of housing would require the UR-2.

Mr. Brown said it would be similar to any rezoning that is a site-specific plan but couldn't be built because of some circumstances such as environmental issues or something that couldn't be developed in accordance with the site plan, so you would have property that is zoned for these buildings and this specific use, but if you can't do then you are going to have to come back to the rezoning process, come before this body and get approval.



Mr. Driggs said we just have a lot of experience with having the 60% written right into the zoning, so normally we would do a rezoning for a certain land use and we might do it with the understanding about the intention at that location, but having this written right in like this creates for me a somewhat novel situation.

Mr. Brown said it has been in several that we've worked on and others that I have seen that you have approved Mr. Driggs. The risk is really on the property owner; the risk is not on the City, because if the conditions can't be made the project cannot move forward and the property owner is going to have to go back through the rezoning process again.

Mr. Driggs said alright, as long as we are clear that this comes back if doesn't have [inaudible], and we just need to think about what we are potentially committing in terms of the affordable housing Trust Fund request with this rezoning depending on it. I don't know if that bothers anybody, but then we just decide on that on its own merits I guess and then this does whatever it does, right.

**Councilmember Phipps** said I would like to commend the petitioner for sticking with this particular petition, because it was on its knees at one point in terms of whether we were going to move forward with it because of the requirement to build a road. One of the things that I'm concerned about is with these Housing Trust Fund dollars, how much money are we spending on infrastructure using that money as opposed to units on the ground? I would like at some point if we would get an analysis of that; how much of the Housing Trust money funds are being used to fund roads and infrastructure rather than actual units? That would be something I would be interested in, and I think my colleagues might be interested in that also. I'm looking forward to the project; I know working with NRP in previous projects they do a quality project and it fulfills a goal that we have for housing along the light rail.

**Councilmember Winston** said I agree that would be interesting information to know about those investments. I would just remind us as we deal with affordable housing and equity that we are dealing with building better neighborhoods and not just units and connectivity and transportation infrastructure is definitely a determinant of equitable neighborhoods.

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

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**ITEM NO. 38: HEARING ON PETITION NO. 2019-009 BY JOSEPH RHODES FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.0 ACRES LOCATED ON THE EAST SIDE OF BEATTIES FORD ROAD, NORTH OF TRINITY ROAD AND SOUTH OF LAKEVIEW ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL AND B-2 (GENERAL BUSINESS) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

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

**Kent Main, Planning** said the location is on Beatties Ford Road at Trinity Road; for context, the University Park Church is just off the map here, this is Hornet's Nest Park right there, and this is Hornet's Nest Elementary School just north of the site and also Trinity Park Methodist and Baptist Churches as well, so we are surrounded by institutional uses at this location. The proposal is for 128 units of townhouses. The location is this grassy area right here, again you can see the ballfields, the school to the north. The existing zoning is split; the property on the south edge you see this red part here is zoned for B-2 general business, and above that is R-3 single family. The existing use on the site is Creature Comforts Grooming in sort of a house like property there now. The adopted future land use again, it is from the 1990 district plan and sort of mirrors that zoning, calls for retail along this edge, and that would be single family. The General Development Policies do support a density of up to eight units per acre on this particular site. So, 128 single family attached townhouse units. They have two garage units plus

the driveway out front, but I believe there has been some discussion that the applicant may wish to talk about on that. You see a street network that comes in here and provides for future extension, also a street coming off of Trinity Road. There is a 50-foot buffer along the top edge where it abuts single family; however, I should also point out that is the school, so this site does not abut other single-family residences so there is not a true adjacency to single family on this particular project. Staff does recommend approval of this upon resolution of a few outstanding issues. We've got some issues with turn lanes with curbs and gutters and with sidewalks that still remain to be dealt with. There are also some storm water features that need to be more specific and garage door treatment is another issue that we have raised with the applicant. It is consistent with the single-family part of the plan with the General Development Policies which allow for up to eight units per acre. It is inconsistent with that retail designation on the southern edge of the property; however, again, we have the rationale that includes the fact that we are surrounded by retail, churches, schools, and parks, so this is a very good location for multifamily or any kind of residential use and it does not impact other single-family neighborhood areas, so we are recommending approval upon resolution of some of those issues. It will change the Northwest District Plan from single family and retail to multifamily at eight units per acre if it is approved.

**Sara Shirley, 8008 Corporate Center Drive** said as staff so eloquently put it, we have a great opportunity here to put 128 townhomes in a very prime location. We are pretty excited; the developer wants to keep this aimed at workforce housing, and it would be workforce housing, private sector driven something that would fit well with the neighborhood. The overall points that we want to make about the neighborhood meeting that we had was the main concerns about the site would be making sure that people wouldn't be priced out of the neighborhood, and this would be a development that fits in well with the existing context but provided people an opportunity to move in.

That being said, we haven't heard of any opposition to date; we've been in contact with Councilmember Harlow in terms of improvements to the plan and have been in contact with staff. We do plan on addressing staff's comments and submitting a revised plan in time for the Zoning Committee.

A couple of the architectural commitments that we wanted to discuss today, we've been in contact with a couple different builders, so we've been constantly evolving and trying to work on pinning down items that we commit to on this site. Some of the items that we are agreeing to that are above and beyond on request of Council would be to supply additional architectural elements along the units that abut Beatties Ford Road, so whether that is through architectural elements that are on the building or additional porches and things like that, we want to put some language in to comments to [inaudible] with that. We would like to supply to those amenities areas at the centralized location, which I will talk about on the next slide and change actually from the slide that we just talked about with the developer this morning is that the townhomes are going to be most likely two-story and not three-story, so we did want to update you on that.

There are a couple conditions that we would like to exclude based on conversations with potential builders. These are the three tenants that are actually listed right below and in fact we are going to agree to the walkways. We had some clarification from staff this morning about that statement so we can agree to agree to keep that in. The other two elements are items that would constitute a custom design from the builders that we are talking to which would automatically price this out of workforce housing to create those custom homes so we would like to exclude those if possible. We would like to clarify the one car versus two-car garage. We were originally looking at a two-car garage but would only like to commit to one based on the width of the townhomes. This way if we have a one-car we can provide a usable front porch, and we can really play up the entrances there.

I wanted to speak about the landscape amenities. As you will see we've got proposed buffering along Beatties Ford Road; this would meet the thoroughfare buffer screening requirements for the 30-foot rear double frontage buffer basically to protect the rear yards of these townhomes from viewing along Beatties Ford Road. We want to make our storm

water which also drains to the corner of the intersection at Trinity Road and Beatties Ford Road. We want to make it a decorative element; whether this ends up being a wet pond versus a dry detention basin, we want to decorate it with landscaping to make it a focal feature. As said before the central walking trail is in the middle of our site, and we would like to provide an amenity area at the top and then an amenity area at the bottom to provide the most amount of access for our residents throughout the development.

A couple of the transportation items that we are asking for is any off-site development costs are going to increase our internal costs and drive up the price of our townhomes and we are really trying to keep this as workforce development focused as possible, so a couple of those items are proposed curb and gutter and payment improvements along Beatties Ford Road. We understand that there is a pedestrian project in place that speaks to the installation of an eight-foot planting strip and a six-foot sidewalk on Beatties Ford Road. We are agreeing to that, but we are asking for relief from an additional pavement widening and curb and gutter installation. This is a project sheet provided to us from C-DOT that shows that proposed eight-foot planting strip and six-foot sidewalk along Beatties Ford Road. The second item would be a left turn lane on to Trinity Road from Beatties Ford Road. There is a second project in place for the signalization of this intersection that already has this scope included within it so we are asking for relief from that. In turn what we are agreeing to are the pedestrian improvements on Beatties Ford Road. We are agreeing to install a left turn lane into our northern entrance on Beatties Ford Road, and we are agreeing to provide a three-lane continuous turning-lane into our site along Trinity Road for the frontage of our site. These are items that we feel we can agree to keep our costs down, meeting the traffic demands that our site would put in the area but without going above and beyond to provide off-site improvements that are already scoped out for by the City. We are really excited about this opportunity and are here to answer any questions.

**Clarence Wilson, 4244 Hyde Park Drive** said I bring concerns from Hyde Park Estate Community; we have some very, very serious concerns. First of all, we in the Hyde Park Estates Community feel like we are being treated like little red-headed step-children. There has been no improvement in that area; we've got five to six Family Dollar Stores in that area and a bunch of traffic, and we've got a bunch of market family homes on Beatties Ford Road out that way, and we are talking about putting some more there. This would create a very serious safety and traffic problem, and to add insult to injury, there has been a truck company right down below Hyde Park, right across from the Hyde Park entrance, and there is a proposed site for I think some more multifamily homes. That brings us to more traffic problems and to a road that is not sufficient to handle what we've got now, and we are talking about adding more. We are hoping that this 16-acre development which proposes to yield 185 units, we hope that this just doesn't happen. By adding that we are just adding more fuel to the fire. Member of the Hyde Park Community Association is asking Council, the Planning Committee, not to approve or allow another multifamily home development. We need businesses, good businesses that are going to produce good jobs. We don't need more traffic; we don't need traffic as accidents going somewhere to happen, and that is what is going to happen out there; so, I'm going to thank you in advance Council, Planning Committee for not allowing this to happen.

**Bobby Drakeford, 3123 Dawnshire Avenue** said I would like to compliment my fraternity brother Vic Wilson, longstanding highly regarded member of the community that my dad taught many decades ago. I reside in Northwood Estate, a few miles down Beatties Ford Road back towards I-85, and my comments are really more regarding the site plan. I'm not a proponent. I don't know how much of an opponent I am, but I would like to state that in regards to communicating with the petitioner we were the understanding that there would be another community meeting, and if there had been perhaps I would not be here. I just want to express a couple comments that I think could make it a better project. In looking at the site plan in particular I have concerns about the lack of guest parking. There does not appear to be any, so I think in your revised plan it would be ideal if that were addressed and perhaps you came back and spoke to the community about that. I also think that the amenities that you are proposing should be specific. That is a significant number of units to have no community recreational activities. I understand this business, so I want to make comments that are very fair and appropriate to you, and I think this is

one that warrants some consideration, and I think you ought to be more particular about how the parking does work, for example, what the units look like, what width are they, how does that parking work? Certainly, I think elevations are in order and I think we should have some discussion about what the price point is. Those are just my general concerns; I'm not necessarily an opponent. We just thought we would have more dialogue; we have not, and I don't have a choice other than to come here and speak tonight. Those are my comments and thank you staff for all your work on this project.

In rebuttal, Ms. Shirley said our plan was to have one community meeting; I'm sorry that was a miscommunication. We gave out business cards while we were there and gave people the opportunity to contact me personally, so I have been in contact with Mr. Harlow and staff in terms of additional commitments.

To address the items that you spoke about, guess parking – we have spaces available for visitor parking and in fact we were planning on with our revised plan showing where those visitors parking spaces could be located on site. We actually do have an amenities list that the developer has provided for us and that we were going to provide with our revised plan as well. We do have some elevations that we are working with. We are trying to nail it down, because we don't have a specific builder in mind yet, we are working towards improving the architectural commitments in order to better communicate what the buildings would look like. In terms of traffic for the site, we were not required to provide a traffic impact analysis so we are dependent on C-DOT to let us know what the general improvements are and in terms of traffic improvements for the area I will reiterate that we are agreeing to provide the three-lane cross section that was requested along Trinity Road including a left-turn lane into our site and a left-turn lane at our northern entrance as well.

**Councilmember Harlow** said Ms. Shirley, thanks for the ongoing dialogue that you and I have had. Mr. Wilson, thanks for coming down and hanging in here so late with us; I always appreciate your efforts in the community, and Mr. Drakeford, thanks for coming down and speaking on behalf of many community members. A couple questions and sorry not to draw this one out colleagues but we've kind of been waiting on this one tonight, sorry. First off, Sara thank for committing to some things that we are not necessarily seeing in our packet. I know you and I have spoken about that; guest parking was definitely one of them, and this idea of amenity spaces, very dense site to see no real amenity spaces on the original site plan but look forward to an amended plan that has that. You spoke to elevations; I hope we can get to that point. I think when we have some this dense we want to get at least a general sense of what we are looking at, understanding that there are no committed builders yet, but we certainly want the community to have something. Beatties Ford Road being a busy thoroughfare we want to know what folks driving through this community are going to see as well.

You mentioned looking for some relief on some things and understanding the goal of trying to keep this as close to workforce as possible from a price point standpoint. Could you speak again just for my own clarity which parts you were saying would drive the price point out so you are looking for some exclusion? I captured some of that specifically around the street improvements, but were there anything else outside of just the turn-lane and the curb and gutter?

Ms. Shirley said specifically is was just relief from the installation of a future curb and gutter and pavement widening along Beatties Ford Road, because there are no other widening improvement projects slated for Beatties Ford Road. What would end up happening in front of our site is having an additional lane width that would have to be striped-out and essentially not used for purposes of driving. We felt it was an unnecessary request from C-DOT. When we were told that the project that is in place is focused on pedestrian improvements, we are willing to install the pedestrian improvements, but not necessarily the lane width widening.

Mr. Harlow said if I'm understanding correctly, you are saying there would be a gap in the street connectivity; is that what you are saying?

Ms. Shirley said basically at the northern part of our site from my understanding it would be a widening lane into our site so you would have an extra lane along the frontage of our site along Beatties Ford Road that would not used as a driving lane necessarily.

Mr. Harlow said do we normally request turn lanes? Is it because of the density at this site or are we anticipating something further? I know there is some widening projects in the hopper as well; what is the reasoning for the ask?

Mr. Main said one of the reasons is the comments we hear about traffic congestion and the need for those improvements over time, and we can get increment by increment as we move along, unless and until we get a full-scale project going. That is the way that happens in a number of cases.

**Felix Obregon, Transportation** said part of the request to be able to get that incremental improvement along Beatties Ford Road; if you go down Beatties Ford Road the City actually has a road widening project from Capps Hills Drive all the way to Sunset Road and along here the City is actually going to install sidewalk along Beatties Ford Road and provide pedestrian improvements right across the street. In addition, the City is providing left-turn lanes so part of the pavement widening that we are asking this developer to do would actually be beneficial for the residents of the area, because it would be used for a left-turn lane.

Mr. Harlow said what is out timeline on our proposed street improvements in that area? I know we are doing the widening right now that is currently under construction from Capps Hill Mine to Sunset but beyond that up to the park?

Mr. Obregon said they are under design right now, both the sidewalk project and the future left-turn lane, and we are proposed to put in a traffic signal as well. It is under design right now.

Mr. Harlow said is really they are the first ones in, and it is kind of this is happening now so let's capture that in the current development, because our timeline is a little bit behind this development proposal?

Mr. Obregon said I think what would happen with the development if they get in before us we would be able to get that left-turn in there, and our project is probably going to be lagging a little bit from their project as well.

Mr. Harlow said this is my last one on the architectural designs; we've seen a few today, UR-2, MX and all of them have said something in the sense of not to include vinyl beside on windows and things like that or a combination of building materials and in our notes here it speaks to vinyl on at least 20%. I know the staff is requesting it to say no more than 20%. Is that something you feel we might be able to get to; I think for this community we would like a for sale product. I would support density in the area which I think to Mr. Wilson's point helps with some future commercial things going on in the area, but we also want some good standards that are not going to ware so much over time. I think that is why we are starting to see more and more of these notes indicate the reduction in vinyl siding particularly on these busy thoroughfares that enter in towards commercial centers. Is that something we can meet in one of the outstanding issues or how can we get there, otherwise I know for the community that is going to be a challenge for me to support.

Ms. Shirley said vinyl is an affordable product essentially to produce homes that are lower price points. I actually personally live in a vinyl home, so I'm not opposed to it. Our intention with that statement is to say that we would provide a vinyl home that had a mix of vinyl materials, so whether or not it becomes the vinyl shakes versus the vinyl siding, we would change up the materials so that it had an aesthetically pleasing affect to it without having to over commit to materials that would drive-up unnecessarily the cost of the homes. I think in reference to your request, I think elevations of the homes would be helpful, and I'm prepared to bring those to the Council to show the commitment of quality that we are proposing to adhere to.

Mr. Harlow said I know there are still some questions to be answered, so I think over the next month I would recommend another community meeting, and I can help facilitate that, and as we closer some elevations and some architectural things to commit to, hopefully we can get that through in a months' time. I don't want to belabor it, and we can talk about many of these things going forward.

Mayor Pro Tem Eiselt said this was inconsistent with the Northwest District Plan, which recommended retail for the southern part of the site. Is that because there is not much retail in the area, or how do you justify not having that retail there because there are a lot of residences in the area, and it doesn't look like a whole lot of retail?

Mr. Main said the reason has to do with the nature of the plan as it was drawn up in 1990 was when the plan was written, and it was shown as retail for the area right along Trinity Road. There is a small center right there, but we do not feel that the retail is a critical component at this particular location, at least at the present time, and this allows for a development of this site for a fully unified development at this location.

Mayor Pro Tem Eiselt said with all of the residential zonings is there enough retail in the area, or are you saying that the plan is so old that there is enough retail, and that is just not necessary anymore?

Mr. Main said we think the age of the plan is such that that particular mix in that particular small piece of retail would not yield something of particular substance, and the residential would work well in this location surrounded by the other institutional uses that surround it on all sides.

**Councilmember Phipps** said I have a clarifying question; those townhomes are they a for sale produce?

Ms. Shirley said yes sir.

**Councilmember Mayfield** said what is the width of the sidewalks that we have in South End? I believe we have eight to 10-feet.

Mr. Main said we use eight-foot sidewalks, and we use 12-foot in mixed use trail situations.

Mr. Mayfield said that was going to be a question, and Mr. Harlow may have answered it and this is for the petitioner, because what I'm looking at in the note and it was noted that I guess there have been additional commitments outside of the notes, but the notes identify an eight-foot planting strip with a six-foot sidewalk. Two different things so because we already have challenges in community where people have to walk in front of each other opposed to safely being able to walk next to each other, and if we are looking at a potential new development on Beatties Ford Road help me understand, why we are not looking at an eight-foot sidewalk?

Ms. Shirley said it is shown on the C-DOT plans as an eight-foot planting strip and a six-foot sidewalk.

Mr. Kent said I should clarify that in South End residential areas we do six-foot sidewalks; in the commercial areas where we've got intense development, major retail uses and office uses that is where we go to eight-feet, so six-foot would be consistent with our residential standards there.

Ms. Mayfield said what would be helpful to know what are the current size of the sidewalks that we have along West Boulevard, because we are in the middle of having a conversation that is going to be an extreme conversation of sidewalk widening. So, what I want to ensure is that we are not having a conversation where we are truly considering a new product that is not going to address the needs of walkability, because we put a lot of energy for walkability in some areas that we are not putting in other areas. I'm looking for there to be consistency regarding infrastructure investment, because as was

mentioned this is the area of town that has seen very little infrastructure investment by government. We are seeing triggers outside investment so we it would really be helpful to look at specifically West Boulevard from Remount Road to Billy Graham Parkway to narrow it down for you in comparison to what is the width of those sidewalks in comparison to this, because I can't at this point picture what a six-foot sidewalk would look like. It would be helpful to be able to see that in comparison.

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

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**ITEM NO. 39: HEARING ON PETITION NO. 2019-018 BY CANOPY CLT FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.10 ACRES LOCATED ON THE SOUTH SIDE OF RALEIGH STREET, WEST OF SUGAR CREEK ROAD, SOUTH OF NORTH TRYON STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).**

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

**Kent Main, Planning** said this is 3.1 acres; here is the rail line, and there is the Sugar Creek Station, and there is the CATS Park and Ride Garage. This is for the property right next to that on Raleigh Street. This is Sugar Creek and just to the north of here is the concrete plant, which we just dealt with earlier tonight and approved that rezoning. This is a parcel that has a one-story industrial building on it, and this is for a TOD-CC so it could be reuse of this building, or it could be a new construction that is open per the standards in TOD, so this is as of right zoning to transit oriented development. The surroundings again, here is North Davidson Street on the other side as well and a lot of MUDD and other uses already in works over there. It is right in the middle of the Station Area and is less than a foot I guess you could say from the Transit Station Parking Garage. We do recommend approval of this plan; it is consistent with the Blue Line Station Area Plan, which does recommend TOD for this location, and the standards that would be put in place are adequate to achieve the kinds of development that we would expect in this location.

**Emily Blackwell, 619 Raphael Place** said I really don't have anything to add, and I'm just here for questions.

**Councilmember Mayfield** said right now, what we are looking at is just the edge along Sugar Creek Road as being TOD since we have a lot of industrial space in current buildings that are behind it.

Mr. Main said that is essentially right. The TOD-M is already in place for these areas over to the east of it. This is the site in question right here which is from Raleigh Street extending to the rail line so that is the piece that we are talking about rezoning now. The rest of this is still I-2; the area just to the north of here is where the concrete plant is, which is what we just finished rezoning earlier this evening to TOD. It is all right there very close together, but the area here is still I-2 and is likely to be rezoned in the near future to TOD, but this is to get ahead of that power curve now.

Ms. Mayfield said since our Planning Director is still here I would like to make sure that we are taking into consideration as we are trying to clarify TOD, TOD-CC and other things let's look at the impact of South End. Because of our language we have a number of small industrial type businesses that have been in the area for many years and our language ultimately forced them to close. So, this is also a heavily industrial area where you have a number of businesses that have been there 30 plus years. I would hope that we would learn from some of the lessons of what has previously been done, because we have the proof right in front of us, to make sure that we are being considerate to the business and industrial as we are attempting to create more opportunities for public transportation.

**Councilmember Egleston** said does the petitioner already own the property?

Ms. Blackwell said yes.

Mr. Egleston said so, the owner is the one seeking the rezoning and this makes a lot of sense for TOD on this site in my opinion as District Rep.

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

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**ITEM NO. 40: HEARING ON PETITION NO. 2019-019 BY STANCHION ASSET PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.64 ACRES LOCATED AT THE SOUTHWEST CORNER OF WEST MALLARD CREEK CHURCH ROAD AND DAVID TAYLOR DRIVE, EAST OF MALLARD CREEK ROAD FROM RE-2 (RESEARCH) TO RE-3(O) (RESEARCH, OPTIONAL).**

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

**Kent Main, Planning** said the location is West Mallard Creek Church Road and David Taylor Drive, which is the entrance to the University Research Park, or one of the prominent entrances on this edge of the Park and the location is right where these two buildings are which are One Resource Square and Two Resource Square. Located directly across the street is a Harris-Teeter Shopping Center. We also did a fairly recent multifamily rezoning just further back on David Taylor Drive. The proposal is located within this area, which has a wide 100-foot distance of an old buffer that is left over from the days of the big office park kind of development, and it is basically along the edges of these two parking lots that are the front of the building. The existing zoning is RE-2, and across the street is business; this is the area of that residential I was referring to as well right across the street. So, we've got sort of an emerging mixed-use area that is coming into play here.

The University Research Park Plan which is not that old, it was 2010, actually recommended office development for this location. I think even the University City Partners and most everyone out there has concluded that this really wants to move in the direction of a mixed-use kind of development and this proposal is sort of a step along that way to do that. The plan encourages office uses and new development should complement that. The proposal is for 17,000 square feet of retail, restaurant type uses, personal services uses, office uses, financial services and such in two buildings as you see on this plan. There are the two proposed buildings that are essentially along those parking areas in front of those two buildings. It does provide a mixed-use 12-foot trail along the front of the property, which would serve to make the connections across there. It is essentially cutting back that 100-foot buffer and making use of that with buildings that would be facing onto that multiuse trail and serving the offices buildings there so there is a little more opportunity for a mix of uses and going to lunch and all of that kind of thing as a part of this project. Staff does recommend approval of this upon resolution of outstanding issues. It does maintain the existing office buildings, but it is still inconsistent with the University Research Park Plan from 2010, but it does retain those uses and adds a mixed-use element to that in terms of retail and other such uses. It meets the needs of uses; it also provides new open space elements as a part of that in terms of seating areas and areas for outdoor dining and such as that. It will change the adopted future land use of that plan from office to office retail for this particular site.

**Keith MacVean, 100 North Tryon Street** said I am assisting Stanchion Partners. Alex Kelly is here representing Stanchion Partners. We have worked with University City Partners on this site closely on the design of the buildings and the orientation of the buildings. It does rebrand the western most entrance of the Research Park from Mallard Creek Church Road; there is a new signal that has been installed there that will help with



this pedestrian activity and node that is trying to be created here. There is a letter of support from Darlene Heater and Toby Holmes in your packet, and as I mentioned, we have worked closely with them on the design of this to the point where the petitioner and University City Partners are working ultimately to implement what you see there as the ultimate landscape plan. The petitioner will be making these improvements along Mallard Creek Church Road and then sidewalks improvements along David Taylor Drive and working with UCP to implement this grander green open space area that will be an amenity of both the users of the office buildings in the Research Park as well as the retail tenants and customers of the retail space that is being proposed here.

We will work C-DOT to address the remaining issues; I think most of those have already been addressed on the plan. The only thing we probably will not be able to accommodate is the petitioner is dedicating land for the multi-use path, will actually be constructing this portion of the multi-use path as part of the development of the buildings as well as sidewalk on David Taylor Drive. We are asking the City to reimburse us for half the cost of the path as we would normally be required to do a six-foot sidewalk, but we are asking for reimbursement of only half of that which is part of a funded project to improve Mallard Creek Church Road.

**Councilmember Phipps** said I would say working very closely with the petitioner and University City Partners on this project; it is a very desirable project inasmuch as it will bring some much-needed amenities to that entrance way and to the office park that they would be within walking distance and be able to avail themselves to different lunch and fitness and things, plus even at night it will be some amenities there for the general public to partake of. I'm excited about this as well; it fits well into the vision for the area.

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

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**ITEM NO. 41: HEARING ON PETITION NO. 2019-021 BY MCKINNEY HOLDINGS NC II, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 23.10 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF NORTH TRYON STREET AND LIBBY WAY FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO TOD-M(CD) (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, CONDITIONAL).**

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

**David Pettine, Planning** said this is approximately 23.10 acres located on the North Tryon Street next to University City Boulevard Station. The existing zoning is B-2(CD), there is some TOD-M outstanding zoning districts out there surrounding the site as well as some R-6 and R-3 residential zoning districts but primarily the frontage area is along North Tryon Street are currently zoned TOD and we will continue to be in the process of going to TOD zoning as we work on that realignment rezoning moving forward this fall.

The petition is consistent with the University City Area Plan that recommends transit supportive uses. It is within close proximity of the University City Boulevard Station; the proposed land use is for development of the site under the TOD-M uses. This was advertised prior to the adoption of the TOD Ordinance in April so we are still relevant to go forward with the TOD-M conditional plan as presented so no concerns with that. It was just a matter of timing for the advertisement happening prior to the adoption. Staff does recommend approval of this petition, it is consistent with the University City Area Plan and supports transit oriented development as recommended by the plan.

**Joel Madden, 301 South McDowell Street** said I am representing the owner of the property. Really nothing to add, just here for questions but one thing I will say, this is really a continuation and this will be the third rezoning on a larger assemblage. The previous rezoning petition was 2016-074 and 2017-079; both of those pieces are currently

under construction. Councilmember Phipps has been instrumental in getting us along the way on those first two so we appreciate that. I will answer any questions you might have.

**Councilmember Phipps** said this is one of the most premiere properties we have right in University City. It was 60-acres, a lot of it is being developed right now and this is a residual piece that is to be developed. It is right across the street from the University City Station, it is a good well-rounded project and we are glad to have it within that University City light rail zone.

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

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**ITEM NO. 43: HEARING ON PETITION NO. 2019-033 BY HK CEDARVALE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.89 ACRES LOCATED ON THE WEST SIDE OF CEDARVALE ROAD NORTH OF PERFORMANCE ROAD, EAST OF MOORES CHAPEL ROAD FROM R-MH LWPA (RESIDENTIAL MANUFACTURED HOUSING, LAKE WYLIE PROTECTED AREA) TO I-2(CD) LWPA (GENERAL INDUSTRIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA.**

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

**David Pettine, Planning** said this is 9.89 acres located on Cedarvale Road just north of Performance Road and as you can, the general context of the site is heavily wooded next to existing manufactured home community along Cedarvale Road. There is some industrial development out there and an industrial zoning surrounding the site, a lot of I-1, I-1(CD), as well as some general commercial uses along Performance Road. This is near I-85/I-485. The adopted future land use plan is the Catawba Area Plan adopted in 2010 recommends residential uses at 60 dwelling units per acres for the site, as well as for the adjacent single-family community. The area plan is pretty specific in its recommendation regarding the community on Cedarvale Road and essentially stated that unless all residential parcels in the area were assembled then we could consider office and industrial land uses as long as the site plan addressed design policies that were outlined in the community plan. The plan itself does address some of the concerns that we would have with industrial next to single-family residential; we do have some proposed buffers. The overall uses are limited from I-2 to just being a storage yard for contractors and be open to all I-1 uses. So, we [inaudible] intense I-2 uses there. We do have some general concerns that we might continue to work with the petitioner on regarding truck traffic on Cedarvale Road, as to how we might be able to work through some options that could prevent some of that from heading north more than it would need to be to lessen the impact on that single-family community. We will continue to work with the petitioner to work through some of the potential challenges with the site being industrial next to residential, but at this point, we feel like we don't recommend approval in its current form, but we have some opportunities I think to have those conversations with the petitioner and their agent to work out some of those mitigation options regarding that single-family neighborhood next door.

**Walter Fields, 1919 South Boulevard** said David has done a good job of summarizing this request. A couple of things I would offer some clarification on; the area to the north of this site, I think you referred to it as a mobile home park, is actually a form of development we don't see much in Mecklenburg County anymore. It is actually a mobile home sub-division where the people that own the unit also own the land. There are several around that were built back in the 60's. There is one along Hambright Road up in Huntersville, and there are a few others around town. It is a little different sort of development than a traditional mobile home park might have been out on Wilkinson Boulevard years ago where you just rent the lot and move on.

I did a little bit of sleuthing around out here because I knew from our original conversation with staff that they would likely not be supportive of what we were talking about here

because of what the plan showed. This area was zoned for manufactured housing when the Catawba River Plan was done and so the Catawba River Plan, not surprisingly showed it for residential use. It is interesting to note and you can see on that photograph just across Cedarvale from this community are two huge industrial facilities. In fact, I looked at some aerial photos going back as far as I could access from the City's site that is available to the public and tried to determine if there had actually been any new residential development in this surrounding area in the last decade and while there has been a lot of industrial development and if there is one that slipped through that I didn't notice I will stand to be corrected, but I don't believe there has been any new residential development in the property to the north or even up to Moores Chapel Road. This area is converting and morphing into an employment area to serve the community. It is about 10-acres; my client already has a building and operates on the front corner of this site down at Cedarvale and Performance Road. You can just barely see it there; it is just off the photograph there and his business is growing rapidly. He's got facilities in Belmont and he wants to be able to consolidate things and have them here in Mecklenburg County. He is in the infrastructure business. You all have been talking about infrastructure tonight and that is what he does. He is in the infrastructure construction business. He is hoping to be able to take this site that is adjacent to his that has been vacant for a number of years. I'm not sure the mobile home zoning doesn't go back to when the County first established zoning a few years back. It has been there a long, long time and up to this point at least nothing happened to it.

We believe that this plan that we've put forward is a perfect location; there are no residential uses along Performance Road, everything along Performance Road is industrial and if you could zoom back to a larger photograph you would see that going up Cedarvale and other places out there the industrial development is expanding. This part of town has for years been the home to a number of industrial uses; as the infrastructure has improved, as I-485 was constructed more and more people are looking at this part of the community as an excellent location for employment type uses and this site is no exception.

There are a few things that popped up in the staff analysis and David and I had a short conversation about this and some things that we hadn't heard before like the question about truck traffic and I think we can address that. In fact, I will be knocking on his door at 10:00 in the morning to talk about this case and one other. We would hope that this would be one of those times when we would find an opportunity to provide for an employment opportunity in this part of the community. We think we've got a well-established buffer because the site is heavily wooded on the north side and we would leave all that in place as you can see from the site plan. We propose an access to Cedarvale, and I think that is what David was talking about in terms of we need to see if we can do something about managing truck traffic to send the truck traffic to the south of Performance Road and then over to Sam Wilson Road rather than have it go up the edge of the neighborhood to Moores Chapel Road. Those are the sorts of things I think we can easily address.

**Councilmember Mayfield** said we know the Catawba Area Plan included language that only if all the parcels in this neighborhood were assembled would industrial development be considered, but we also have six petitions that have come through between 2016 and today. So, help understand the language since we also know that the approval of this petition will revise the adopted future land use as specified by the Catawba Area Plan from residential up to six dwelling units per acres land use to industrial land use from the site.

Mr. Pettine said the language in the plan is specific to the community off Cedarvale Road; it wasn't specific to if we look at some of the other petitions that came in with some of these CD plans. It was really just specific to what was left of this tract in this community and then this open space that is zoned RMH, so that is where the plan was. It didn't really reference it in regard to the parcels around it; it was really just this remaining area that was undeveloped as industrial.

Ms. Mayfield said there was conversation and a commitment at some point for this community to try to protect its residential status. Is this one of the reasons that staff does not recommend approval of this petition?

Mr. Pettine said it was one of the factors we looked at in evaluating the petition. I think from the standpoint if we worked through this petition with the petitioner and some of the conditional notes to mitigate some of the potential impacts to the community, we've got some buffers in place. Can we do some things about maybe mitigating any kind of traffic coming through the community that is going to access the site? That may be one other factor? Really then the outcome is you develop this site under the existing zoning and you still end up with single family against industrial, but we wouldn't have the same assurances of protection and adjacency mitigation from that. So, if we look at the petition from the standpoint of the opportunity to work to allow a use that maybe the plan didn't recommend, but we can allow it in a way that has less impacts than it would otherwise, then that may provide us with an opportunity to consider the petition in a favorable way. I think we are still in the frame of working through some of contextual issues with the petition, seeing where we can address some of those issues because the end result you may still end up with residential next to industrial but this may be an opportunity for us to facilitate that with mitigating any impacts to the community as a whole. So, that is kind of where we are with it at this point and we look forward to working with the petitioner through some questions that we may still have and then coming back to the Zoning Committee and then to Council in the future for a decision.

Ms. Mayfield said I know that we only had one attendee at the community meeting unfortunately, but we do have an active modular home community that is there. I will share that I have concerns because conversations and commitments were made to try to protect this area and with all the industrial that surrounds it. It is complete changing the community so I don't know if that means- This is a question I will ask Mr. Fields to the petitioner, if we can consider trying to do another outreach to try to connect with the current residents that are in the area just to make sure that as we move forward in this conversation we have as much information as possible. I'm really concerned about the complete surrounding of this little neighborhood with all this industrial and the impact of that. So, if we can at least attempt to reach back out to try to get those that live in this modular community to at least let them know that is going on since only one was able to attend the meeting that will be very helpful.

Mr. Fields said I can certainly do that and with regard to what David is reading from the Plan which is accurate, nothing about what we are doing here encroaches into the existing residential community, and I believe the plan was very specific about that. If someone was going to try to assemble all of those lots then it's got to be an all of nothing proposition. The piece we are talking about has never been a part of that community; there are no street extensions from that community into this site. It doesn't have any access; it has no relationship to it. It happens to have the same zoning but at least in terms of the plain language of the plan clearly. It contemplates the existing residential development that being protected unless someone assembles the entire area. We are not part of that, we adjoin it.

Ms. Mayfield said we can have a follow-up for a little more detail.

**Councilmember Winston** said something really quick for the petitioner and for us to consider on Council; this Council several months ago kind of had the reverse situation was to put residential housing near industrial zoning. I believe it was I-2 as well, and we it would have been a rezoning that would have facilitated our number one priority right now, affordable housing or diverse price point housing. I believe the vote was 11 to 1 to vote that down because of concerns about putting low income housing near industrial zones, and I presume that modular home communities are affordable now, so I just want to put that out there. I was not the one that voted to deny it but I think we've set a precedent saying that we do not want to intermingle industrial zoning with residential in general and specifically near affordable housing communities. I think that is something that we all should think about as we consider this petition.

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

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**ITEM NO. 44: HEARING ON PETITION NO. 2019-034 BY UNITED COMMUNITY SCHOOL FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.0 ACRES LOCATED ON THE WEST SIDE OF SUTHER ROAD, BETWEEN UNIVERSITY BOULEVARD AND OLD CONCORD ROAD FROM INST(CD) (INSTITUTIONAL, CONDITIONAL) TO INST(CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT).**

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

**David Pettine, Planning** said this is 10 acres on the west side of Suther Road, south of University City Boulevard. Overall the property houses several institutional uses, St. Thomas Aquinas Roman Catholic Church and United Community Charter School so there are institutional uses on the site and there is institutional zoning in the general area as well as residential zoning, some multifamily and some MUDD zoning. The real crux of the petition is really to allow a site plan amendment to facilitate the construction of elementary and secondary schools as a permitted use, remove the note prohibiting a school, add a new modular classroom building in the rear of the site and some additional future modular buildings as needed, and it increases the allowed building area from 70,888 square feet to just over 91,000 square feet. It does add a requirement for a 40-foot maximum building height, and that maintains existing development that was constructed under the previous rezoning. Again, really we are looking at the addition of a new modular classroom building and note removal for prohibiting a school and adding some square footage to the overall property. It is consistent with the Northeast District Plan, staff does recommend approval upon resolution of some outstanding issues.

**Ty Shaffer, 101 North Tryon Street** said I'm here for the petitioner; Mr. Hedgepath is with United Community School and Vince Ciccarelli with Insite Architecture, the designer for the project are here to answer any questions. This is the St. Thomas Aquinas Campus up near the University area. I just want to give a little bit of background so you will understand why we are here for this request. United Community School is a public Charter School, another tenant on the site. The property is owned by the Disease; they started leasing this rear portion of the premises in 2016, went through an initial round of permitting to occupy an existing building on this site and then a second round of permitting to add a modular classroom, and when they came back for a third round to expand the modular currently on the site they learned for the first time that a school was not a permitted use on the property. So, there is a corrective component of the rezoning request to add the school as a permitted use, update the plan to show existing buildings on the site and to also allow for expansion of the modular already on the site. A future modular is to accommodate growth of the school as necessary. I'm happy to answer any questions you might have about the request.

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

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**ITEM NO. 45: HEARING ON PETITION NO. 2019-045 BY MOORES CHAPEL HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 29.08 ACRES LOCATED OFF OF SPRINGHILL ROAD, ROCKWOOD DRIVE, SOUTH OF MOUNT HOLLY ROAD, EAST OF I-485 FROM MX-2 LWPA (MIXED USE, LAKE WYLIE PROTECTED AREA) TO MX-2 LWPA SPA (MIXED USE, LAKE WYLIE PROTECTED AREA, SITE PLAN AMENDMENT).**

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

**David Pettine, Planning** said this is about 29-acres off Springhill Road, south of Mount Holly Road, east of I-485. The site is currently undeveloped. The existing zoning is MX-2; this is a site plan amendment to that conditional plan that was approved. The adopted future land is for multifamily at eight dwelling units per acre. The proposal amends the plan to go from originally approved 192 apartments down to 152 single family attached residential units or 152 townhomes. It limits the building height to 40-feet, three stories, modifies the internal road network that still provides connections to Rockwood Drive and to the undeveloped property along the east to I-485, commits to some transportation commitments on Moores Chapel Road and also architectural standards related to building materials orientation etc. for the townhomes being proposed. Staff recommends approval of this petition upon resolution of outstanding issues, and it is consistent with the area plan.

**Walter Fields, 1919 South Boulevard** said I will not spend any of your time in case there are any questions. There was one item that popped up on the staff analysis that we are going to ask staff for some clarification on. It is the very last item about filing an administrative amendment for the 2005 petition. That is the first time we've heard that in this process; so, we will need to understand what that means before we know how to respond to it but otherwise David touched on all the bases. This is taking an existing development plan and simply changing the form of the development. The original plan done in 2005 allowed for traditional suburban multifamily on this site. We prefer now to develop townhomes there, because it will connect into and be adjacent to a new single-family community, which is also under construction on an adjacent site. That seems to make more sense to us. The technical details, we will work those out before it gets to the Zoning Committee.

**Councilmember Mayfield** said this would be for the petitioner for us to get together to follow-up, because this is also a rather narrow site, the way that it looks on here, so if we can have additional conversation to see what that looks like as well as potential amenities in the development and just for note in here, one of the outstanding issues, transportation propose eight-foot sidewalks needs to connect to the Tilden Road Extension and other proposed subdivision streets, sidewalks within the proposed development. Thinking of the earlier conversation regarding a six-foot sidewalk again, having consistency as we are talking about connectivity and accessibility.

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

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**ITEM NO. 46: HEARING ON PETITION NO. 2019-046 BY SPECTRUM DEVELOPMENT COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.16 ACRES LOCATED ON THE SOUTHEAST SIDE OF SOUTH MINT STREET, SOUTHWEST OF WEST CARSON BOULEVARD AND NORTHEAST OF WEST PALMER STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT – URBAN CENTER).**

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

**David Pettine, Planning** said this is just over two acres off South Mint Street. Just to give you some context the site is on South Mint Street, Carson Boulevard, Palmer Street and we are looking at existing zoning of industrial. There are several TOD developments around it as well as some U-MUDD development as we are getting closer to the downtown district. This petition is for TOD; it does implement the South End Vision Plan which recommended a mix of transit supportive uses as well as the South End Transit Station Area Plan for 2005, it also recommended transit supportive development. This is a conventional TOD, implements both South End's Transit Station Area Plan and the Vision Plan. It is consistent with both and staff does recommend approval.

**Keith MacVean, 100 North Tryon Street** said I am here to answer any questions and with me tonight is [inaudible] Waggoner with Spectrum Properties. As David mentioned it implements the South End Vision Plan; happy to answer any questions.

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

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**ITEM NO. 47: HEARING ON PETITION NO. 2019-052 BY BEAVER CREEK CRE LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.11 ACRES LOCATED ON THE NORTH SIDE OF EAST INDEPENDENCE BOULEVARD, PIERSON DRIVE, BAMBOO STREET AND WILSHIRE PLACE FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).**

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

**David Pettine, Planning** said this is just over two acres on the north side of East Independence Boulevard, Pierson Drive, Bamboo Street, and Wilshire Place. The site as many of you know is the old Ervin building sitting on Independence Boulevard still with the improvements that have been made it is still an accessible site. This site went through a rezoning back in 2017 and what we are considering this evening is a Site Plan Amendment that essentially removes the ability to construct an addition to the existing building located in development Area A, which is the area closest to Bamboo Street. It reduces the area that may be devoted to retail, eating and drinking establishments or personal services uses from 12,000 to 6,000 square feet in Development Area A, increases the area that may be devoted to retail in Development Area B from 6,000 to 12,000 square feet, transfers 725 square feet of signage from Development A to B, modifies phasing for Development Area B to say it is expected to be completed in three phases rather than two and makes some other note modifications in relations to principle buildings in Area B that will be constructed in phases.

Really it is Site Plan Amendment that is based on the context of development as it is moving forward on this site. There were some commitments made that were envisioned for Development Area A that were not very well clarified in the notes for Development Area B so we are here tonight, the petitioner requesting some opportunities to take some of the things that are needed from the site overall and focus them within both development areas and make it a little bit more conducive to the final outcome of the site. Staff doesn't have any significant concerns other than some minor technical revisions that are consistent with the area plan and we do recommend approval of this petition.

**Jeff Brown, 100 North Tryon Street** said the sands of the glass are going through, so I'm going to be about a minute. I did want to clarify why we are here to add to a little bit of what David said. Just simply this slide, and I will leave the rest of the slides for you all to look at. A lot of this was about the reason we are back is one of the great things about this old historic building was to try to have the historic designation to allow tax credits to help this development to move forward. As many of you know we needed the LED signage in order to make the economics work. This building has been vacant for over 12 years now. During the interim since you approved this a year ago the developer has been working to try to get and get historic tax credits on the primary Ervin Building and in doing so the tax credit authorities wanted to make sure that the entrance where we had the building addition originally where the signage was going to go, have that moved from the primary building to the other site. The reason for that is to get the credits they want the full historic building to be in view. That is really what has driven most of what we are about was to get the tax credits and doing so we are now moving the building signage to the Phase II part of the site. That actually has several benefits, not only does it open up at a much better pedestrian realm, but it also allows us to move the signage and start the development on Phase II. That is why we are doing it, and we think we are finally going to get this launched and I think it will be a great thing. We had a lot of people from the

community came earlier but obviously, the hour was late and they moved on. I want to recognize Chris Mau and thank him and Councilmember Newton also for your patience and your efforts on this.

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

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**ITEM NO. 48: HEARING ON PETITION NO. 2019-059 BY WIN DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.34 ACRES LOCATED ON THE EAST SIDE OF NORTH GRAHAM STREET, SOUTH OF CANNON AVENUE, NORTH OF I-85 FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (GENERAL INDUSTRIAL).**

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

**David Pettine, Planning** said this is about 0.3 acres on the northeast side of North Graham Street. The site is currently undeveloped; the adjacent property is I-2, the zoning on this particular property is I-1, and they are requesting to go to I-2 general industrial. The adopted future land use in the 1996 Northeast District Plan does recommend industrial uses, so it is consistent with the Northeast District Area Plan. Staff does recommend approval of this petition.

**Keith MacVean, 100 North Tryon Street** said I am representing Win Development and with me tonight is Adam Seraphim representing Win Development. I'll be happy to answer any questions.

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

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### ADJOURNMENT

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

The meeting was adjourned at 10:42 p.m.



Stephanie C. Kelly City Clerk, MMC, NCCMC

Length of Meeting: 6 Hours, 6 Minutes  
Minutes Completed: July 25, 2019