

### ZONING BRIEFING

The City Council of the City of Charlotte, North Carolina convened for a Zoning Briefing Monday, May 20, 2019 at 12:08 p.m. in the 8th Floor Conference Room of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Ed Driggs, Matt Newton, Greg Phipps, and Braxton Winston II

**ABSENT UNTIL NOTED:** Councilmember Larken Egleston

**ABSENT:** Mayor Lyles and Councilmembers Dimple Ajmera, Tariq Bokhari, Justin Harlow, LaWana Mayfield, and James Mitchell

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**David Pettine, Planning** reviewed the Dinner Agenda with Councilmembers. He reviewed the petitions requesting deferral or withdrawal.

**Councilmember Egleston arrived at 12:15 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 1:11 p.m.

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### DINNER BRIEFING

The City Council of the City of Charlotte, North Carolina reconvened for a Zoning Dinner Briefing on Monday, May 20, 2019 at 5:12 p.m. in CH-14 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, Matt Newton, Greg Phipps, and Braxton Winston II

**ABSENT:** Councilmember James Mitchell

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**Mayor Lyles** said are there any changes from what is in our book?

**David Pettine, Planning** said no, no changes to the Dinner Agenda since lunch; I will refer to Melissa [inaudible]. We did pass out a new staff report from case number 2018-127. That does have street-view pictures, as well as an update to approval that the City provides in the adopted future land plan from [inaudible]. That will be the first item on the public hearing.

Mayor Lyles said one of the questions that I have is how many petition hearings do we have in opposition?

**Councilmember Egleston** said six.

Mayor Lyles said are they in any order?

Mr. Pettine said they are spread out but all the ones we have opposition to are public hearings one through six.

Mayor Lyles said okay, we will have to assess how far we are along, because those six hearings take 15 minutes each, that is two hours, right?

**Councilmember Driggs** said it will be more than that, probably three hours.

Mr. Egleston said most of the opposition is in the front half of the hearings.

Mayor Lyles said I just want to make sure that we understand where we are going to be. I really want to get a sense of Council, if you are going to get a lot of questions about that or a lot of things. I would rather tell people that we are going to stop at 10:00 p.m. or 10:30 p.m. and not have them wait to Item No. 40.

**Councilmember Mayfield** said I still need to figure out Planning's goal, when we are looking at these projects that are being approved in areas where we have clear congestion. Highway 49 is already a nightmare for some people, and the State has already moved back the widening date, but we keep approving projects that are causing a lot of concern, and I am still waiting on the update. So, if we are actually looking at the impacted area when we are looking at these projects, especially if we have the title of workforce or affordable on it, when you look at the map, through our current language, we are re-concentrating poverty, because we are having multiple projects that have been approved, whether it is four percent or nine percent that were within a three-mile radius, and that traffic study that we currently have with C-DOT, since they are not looking at impacted are, and they are looking at projects that runoff and not looking at the impact of when side streets are being congested along with the main streets, we are setting the community up where in less than a decade, we are going to be having this exact same question that we are having now, regarding the majority of low-income housing, based on today's numbers and fast forward that and we are looking at communities that have already seen this one time. It is causing challenges.

Mayor Lyles said I was going to refer our policies for the inner-city neighborhoods and the gentrification; I think that what Ms. Mayfield is suggesting is that Transportation and Planning should perhaps look at the policies about how we get clusters of zoning actions that impact again, where we are going in terms of transportation. If we are going to do all of that, at some point, we would be doing a bond referendum for road widening. We went through boom like that when we built Route Four, those used to be just two-lane roads, and it had trees and everything. We tried to save as many of them as possible, but they are four lanes now, and you see the traffic on Randolph, all of those streets like that, so we are either going to have to spend more money on infrastructure for transportation as result. I am assuming it has to be a result. I think that someone has to get some data around it. Instead of me having an opinion, I have some facts to base that on, so maybe that is the real question. I think that the question is whether or not the Committee will have the discussion of holding some of the petitions until that is decided in a certain amount of time. That would be something we could do as well.

**Councilmember Winston** said this something that we kind of talked about today in Transportation and Planning; in regards to how we are approaching the Comprehensive 2040 plan and making sure that we have some type of working group that kind of connects different levels of government at the State, County, Local, CMS levels to have the discussion. That is more of a two-year process, but we do need to kind of, just as we did with TOD, see places that we can maybe have some more immediate policy discussions that relate to the bigger, overall plan. We did approach that conversation today a little bit.

**Councilmember Phipps** said let's cut the quick; are we talking about more [inaudible]?

Mayor Lyles said I was talking about whether or not the Committee thinks they should have a discussion around how long will it take them to get some decisions around what we are doing when we are seeing these rezonings occurring, and it is not just the idea-Transportation is one of them, the ability to move cars around, the ability to move people around, as well as having some facts around how much are we doing, even with our mixed income place in the communities. Are they all being clustered in one geographic area, and what should we do about that? That is something that comes up that would go into our metrics for housing. It wouldn't just be for one thing; it would be actually looking at the quality of life for the neighborhood instead of it being a moratorium; it would be like, well how do we insert this criterion here, there, and where. That is just an opinion that I would have.

**Councilmember Harlow** said I guess everything that you were just talking about on criteria, locations, we have the location policy, but a brand new one, so I am confused of what extra are we talking about, if we are just talking the infrastructure of the roads?

Mayor Lyles said well, that is one thing that we are talking about.

Ms. Mayfield said it is a combination. Yes, we have a policy; we also used to have a scattered site policy many years ago. When we look at what we have been working on, we have been maneuvering as hind sight, so when we look at the wedge and crescent, we put a lot of energy. Where we look at the market today and the way that development has happened and the displacement that is happening from within the inner city to moving outskirts. What we are seeing is the projects that are coming up that are deemed accessible for our workforce, there is a concentration that is happening in certain areas. If we do not get ahead of that on the front end by having one, Council saying no to some things, since at the end of the day, we only have the ability of a yes or a no but also working with the fact that we keep saying it is inconsistent with the plan, but. So, we have plans; we have utilized plans. We override our plans on a weekly basis. So, it is getting to a place where we have a very understanding of the impact, and the District Reps are out and about and you are seeing the impact, as someone who works in the area, you see the impact daily, and as we keep adding, not just in the Steele Creek area, all throughout, if we keep at the direction that we are running head-first down right now, future Councils are going to be having this exact same conversation that we are having today, oppose to us recognizing we may need to have a pause and sit at the stop sign for a minute and figure out which was we are trying to go?

Mayor Lyles said Taiwo; you are hearing this.

**Taiwo Jaiyeoba, Planning Director** said I'm hearing this.

Mayor Lyles said I know and now that you've heard it one [inaudible] would be to try to figure out what would be appropriate for us to do. Do you have any ideas or suggestions that you see us moving – should we be doing something differently or should we stay the course? What are your thoughts?

Mr. Jaiyeoba said I would caution you against a moratorium.

Mayor Lyles said you never heard me say that.

Mr. Jaiyeoba said I have been in a city where that happened and it hurts the economy more than anything else when it comes to land-use development. I think as we think about the nexus between transportation and development shouldn't just develop [inaudible]. It should be the package. Whatever we do with regards to the transit side of this in some of those areas where we have them or maybe improving the frequencies of bus services. I know that John Lewis isn't here, but I have spent the bulk of my career in public transit, so I can speak to that comfortably that if you make changes to the frequencies of existing bus services or you introduce new bus services in certain areas, it can actually help with congestion to a degree.

Also, some of those area plans that we think are recent, they are not necessarily recent. The 2015 Area Plan, sounds like it was four years ago, but that doesn't mean that it was recent, because 2015 was a different time ago in a development world than it is today, hence the reason where we are talking about comprehensive plan. Is a comprehensive going to be the solution to all of this? I do not necessarily think so, but it is going to set some policy frame work in place that will help you to change the way things are.

Finally, what I will also say is that regardless of our recommendation, you do have the ability obviously to say no to some of these projects if the impacts are going to be more burdensome on the community than they are today, but if the benefits outweigh the cost, then you have to be very careful in terms of what you say no to, because overtime, some of the benefits can only increase while we can find a solution to fix other problems. We do not want us to get insufficient where [inaudible] as a result of development. People

may be able to live closer together, because they are building developments in some of those areas. So, I think that we just have to make sure that we look at all of those things together. I think again, like I said earlier today, it is a system approach. That is the way that we have to look at all of this. It is a system. We cannot just look at land-use development, transportation. There is not one single problem; I think it is a total thing that we have. It is not just one factor. It is kind of a package of things that we have to take a look at.

I will just say that if you are thinking about moving in the direction of slowing development or pausing development, I would not necessarily encourage that at this time.

Mayor Lyles said are there polices that we have in place that are preventing us from making better decisions around those areas of clustered housing or transportation?

Mr. Jaiyeoba said I mean, we have some policies in place right now that do not allow the second types of development, abut even for [inaudible]. I think we want to bring some things up to you probably early June, sharing here hopefully at some point in the future [inaudible] to make a better decision, because [inaudible] some of those policies are out dated, and I cannot continue to say that we have to wait for two years to build a comprehensive plan just to be really before we have a solution. What do we do in this problem in this entire year, so really, we can come up with some solutions for you in the next couple of weeks.

Mayor Lyles said so, you will be bringing those changes back to the Council in early June. I know that tonight has a lot of the things that Ms. Mayfield is addressing with these decisions and hearings. I think that we are going to be able to listen and hear what Planning recommends in early June, then address the question of whether or not our locational policies are sufficient to accomplish what we see as mixed income and what geography, because I think that we are doing fine on the mixed-income project, but how many projects within an area I think is the question that Ms. Mayfield is raising. Could you get the data work with the housing folks and look at the data for that and address that in June, and we will decide how far it needs to go of how it goes to committee.

Mr. Jaiyeoba said that is actually one of the things that we wanted to discuss with you, but suggest we would interject with our attorneys first. We think that we have a pretty good idea [inaudible].

**Councilmember Newton** said it is important that we get the full picture; there are developments occurring that, with the paper work we have received, we are not aware of, and my hope is that we are able to incorporate the existing [inaudible] or currently developed developments or being developed developments kind of makes a greater picture as well. We do not have a benchmark. We talk about locational policy; we have a lot of numbers. We saw this with the nine-percent deals recently. We do not have a bench mark of what those numbers mean to us. What is the threshold. Where is it acceptable, and when it is it not based upon either the total sum or maybe even by category.

The meeting was recessed at 5:30 p.m. to move to the Meeting Chamber for the regularly scheduled Business Meeting.

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## ZONING MEETING

The City Council of the City of Charlotte, North Carolina reconvened for a Zoning Meeting on Monday, May 20, 2019 at 5:34 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, Matt Newton, Greg Phipps, and Braxton Winston II

**ABSENT UNTIL NOTED:** Councilmember James Mitchell

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## INVOCATION AND PLEDGE

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

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## EXPLANATION OF A ZONING MEETING

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

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## INTRODUCTION OF THE ZONING COMMITTEE

**John Fryday, Zoning Committee** introduced the members of the Zoning Committee. They will meet Tuesday, June 4, 2019 at 5:30 p.m. to make recommendations on the petitions heard in the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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## DEFERRALS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer the following: a decision on Item No. 4, Petition: 2018-110 by Mattamy Homes to June 17, 2019; a decision on Item No. 5, Petition: 2018-147 by Laurel Street Residential to June 17, 2019; a decision on Item No. 6, Petition: 2018-165 by NRP Properties, LLC to June 17, 2019; a decision on Item No. 7, Petition: 2019-001 by The 6125 Company, LLC to June 17, 2019; a decision on Item No. 8, Petition: 2019-005 by Ardent Acquisitions, LLC to June 17, 2019; a hearing on Item No. 19, Petition: 2018-163 by SunCap Property Group, LLC to June 17, 2019; a hearing on Item No. 26, Petition: 2015-027 by Charlotte Housing Authority to December 16, 2019; a hearing on Item No. 27, Petition: 2018-128 by James Poutier to June 17, 2019; a hearing on Item No. 28, Petition: 2019-021 by McKinney Holdings NC II, LLC to June 17, 2019; a hearing on Item No. 29, Petition: 2019-027 by Liberty Property Trust to June 17, 2019; a hearing on Item No. 37, Petition: 2019-009 by Joseph Rhodes to June 17, 2019; a hearing on Item No. 39, Petition: 2019-014 by Mission Properties to June 17, 2019; and to withdraw the following: Item No. 9, Petition: 2018-153 by Browder Investments, LLC and Item No. 41, Petition: 2019-017 by Chelsea Building Group, LLC.

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## DECISIONS

**ITEM NO. 10: ORDINANCE NO. 9557-Z, PETITION NO. 2017-186 BY DRAKEFORD CO. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.87 ACRES LOCATED ON THE NORTH SIDE OF WEST KINGSTON AVENUE, WEST OF SOUTH TRYON STREET FROM R-22MF, HD (MULTI-FAMILY RESIDENTIAL, HISTORIC DISTRICT OVERLAY) UR-2(CD), HD (URBAN RESIDENTIAL, CONDITIONAL, HISTORIC DISTRICT OVERLAY), WITH FIVE-YEAR VESTED RIGHTS.**

The Zoning Committee voted 7-0 (motion by Wiggins, 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 Central District Plan, based on the information from the post hearing staff analysis and the public hearing and because: the plan recommends retail for the subject site; however, we find his 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 located at the edge of the Wilmore Historic District. West of the site are single family homes, also part of the historic district. East of the site are commercial uses. The proposed residential density of 19.10 dwelling units per acre provides a transition between the commercial uses along South Tryon Street and the low density single family along the north side of West Kingston Avenue. The existing R-22MF (multi-family residential) zoning would allow residential development at the density being proposed. The building setback shown on the site plan matches the setback of the buildings currently located on the site and is compatible with other setbacks along West Kingston Avenue. The approval of this petition will revise the adopted future land use map as specified by the Central District Plan, from retail to residential up to 22 dwelling units per acre for the site.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because: the plan recommends retail for the subject site; however, we find his 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 located at the edge of the Wilmore Historic District. West of the site are single family homes, also part of the historic district. East of the site are commercial uses. The proposed residential density of 19.10 dwelling units per acre provides a transition between the commercial uses along South Tryon Street and the low density single family along the north side of West Kingston Avenue. The existing R-22MF (multi-family residential) zoning would allow residential development at the density being proposed. The building setback shown on the site plan matches the setback of the buildings currently located on the site and is compatible with other setbacks along West Kingston Avenue. The approval of this petition will revise the adopted future land use map as specified by the Central District Plan, from retail to residential up to 22 dwelling units per acre for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 204-205.

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**ITEM NO. 11: ORDINANCE NO. 9558-Z, PETITION NO. 2018-012 BY HARRISON TUCKER & JOHN PEROVICH AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.173 ACRES LOCATED AT THE INTERSECTION OF NORTH DAVIDSON STREET AND EAST 17TH STREET FROM R-8 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Majeed) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to provide the residential land use recommendation in the BLE Transit Station Area Plan, but is inconsistent with the density recommendation, based on the information from the post hearing staff analysis and the public hearing, and because: the plan recommends residential uses, at a density of up to 12 units per acre; however, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: explanation provided by the Rezoning Manager shows significant changes have been made to trees, sidewalk and planting strip location, and parking proposed on the site. The site is in proximity to a transit station. The relationship of buildings to the street seems appropriate. The approval of this petition will revise the adopted future land use as specified by the Blue Line Extension Transit Station Area Plan, from residential land use at up to 12 dwellings per acre to multi-family residential land use over 25 dwellings per acre.

Motion was made by Councilmember Egleston, seconded by Councilmember Bokhari and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to provide the residential land use recommendation in the BLE Transit Station Area Plan, but is inconsistent with the density recommendation, based on the information from the final staff analysis and the public hearing, and because: the plan recommends residential uses, at a density of up to 12 units per acre; however, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: explanation provided by the Rezoning Manager shows significant changes have been made to trees, sidewalk and planting strip location, and parking proposed on the site. The site is in proximity to a transit station. The relationship of buildings to the street seems appropriate. The approval of this petition will revise the adopted future land use as specified by the Blue Line Extension Transit Station Area Plan, from residential land use at up to 12 dwellings per acre to multi-family residential land use over 25 dwellings per acre.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 206-207.

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**ITEM NO. 12: ORDINANCE NO. 9559-Z, PETITION NO. 2018-126 BY EXETER MEADOW OAK, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 47.46 ACRES LOCATED AT WEST SIDE OF THE INTERSECTION OF BILLY GRAHAM PARKWAY AND WEST TYVOLA ROAD FROM R-22MF AIR (MULTI-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO I-1(CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Westside Strategic Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends business/office park and industrial land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: the proposed light industrial land use is consistent with the adopted future land use for the site. The site is surrounding by industrial uses, located just south of Charlotte-Douglas International Airport, and north of the more office oriented uses along West Tyvola Road. The proposed industrial zoning is more compatible with the area than the currently zoning of R-22MF. The proposed site plan includes road connections which would improve connectivity in the area.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Westside Strategic Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends business/office park and industrial land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: the proposed light industrial land use is consistent with the adopted future land use for the site. The site is surrounding by industrial uses, located just south of Charlotte-Douglas International Airport, and north of the more office oriented uses along West Tyvola Road. The proposed industrial zoning is more compatible with the area than the currently zoning of R-22 MF. The proposed site plan includes road connections which would improve connectivity in the area.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 208-209.

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**ITEM NO. 13: ORDINANCE NO. 9560-Z, PETITION NO. 2018-132 BY ALLIANCE RESIDENTIAL COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.50 ACRES NORTH SIDE OF RIDGE ROAD, WEST OF PROSPERITY RIDGE ROAD, EAST PROSPERITY CHURCH ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL), WITH FIVE-YEAR VESTED RIGHTS.**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to provide the mix of uses recommended for the site by the Prosperity Hucks Area Plan but it is inconsistent with the recommended density, based on information from the post hearing staff analysis and the public hearing, and because: the Prosperity Hucks Area Plan recommends a mix of uses to include retail/service, office, institutional, and residential up to 12 units per acre; however, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: the petition proposes a mixed-use development that is consistent with the land use recommendation for this site, as per the Prosperity Hucks Area Plan. The proposed density of 24.8 dwellings per acre (DUA) exceeds the 12 DUA recommended in the Plan for this site. The density is concentrated on the front portion of the site, away from existing single-family homes, and along a major thoroughfare. This lessens the impact on existing single-family homes, and focuses density in more appropriate area of the site. This site can be viewed at a more comprehensive level as it relates to the overall goal of a mixed-use node in this area. The land use recommendations include several parcels, and this is one of the first parcels that can activate an overall mixed-use area. With public street connections, pedestrian amenities, and a mix of uses, this proposed project can integrate with future development to continue to facilitate the goals of the Area Plan for Policy Area C2. The proposed project is providing a public road connection that will provide connectivity to an undeveloped parcel to the west which will further integrate an overall mix of uses as the area develops. The site meets the intent of the design guidelines for the plan with road improvements to Ridge Road including sidewalks and planting strips and a bike lane, and additional right-of-way needed to complete an NC-DOT widening project, and buildings oriented toward the street. The site is within the Prosperity Church Road Mixed-Use Activity Center, which is intended to become a highly integrated and walkable place with a mix of uses and a focus on retail, restaurants, and community gathering spaces. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan, from a mix of uses to include retail/service, office, institutional, and residential up to 12 units per acre to a mix of uses to include retail/service, office, institutional, and residential over 22 units per acre.



Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to provide the mix of uses recommended for the site by the Prosperity Hucks Area Plan but it is inconsistent with the recommended density, based on information from the final staff analysis and the public hearing, and because: the Prosperity Hucks Area Plan recommends a mix of uses to include retail/service, office, institutional, and residential up to 12 units per acre; however, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: the petition proposes a mixed-use development that is consistent with the land use recommendation for this site, as per the Prosperity Hucks Area Plan. The proposed density of 24.8 dwellings per acre (DUA) exceeds the 12 DUA recommended in the Plan for this site. The density is concentrated on the front portion of the site, away from existing single-family homes, and along a major thoroughfare. This lessens the impact on existing single-family homes, and focuses density in more appropriate area of the site. This site can be viewed at a more comprehensive level as it relates to the overall goal of a mixed-use node in this area. The land use recommendations include several parcels, and this is one of the first parcels that can activate an overall mixed-use area. With public street connections, pedestrian amenities, and a mix of uses, this proposed project can integrate with future development to continue to facilitate the goals of the Area Plan for Policy Area C2. The proposed project is providing a public road connection that will provide connectivity to an undeveloped parcel to the west which will further integrate an overall mix of uses as the area develops. The site meets the intent of the design guidelines for the plan with road improvements to Ridge Road including sidewalks and planting strips and a bike lane, and additional right-of-way needed to complete an NC-DOT widening project, and buildings oriented toward the street. The site is within the Prosperity Church Road Mixed-Use Activity Center, which is intended to become a highly integrated and walkable place with a mix of uses and a focus on retail, restaurants, and community gathering spaces. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan, from a mix of uses to include retail/service, office, institutional, and residential up to 12 units per acre to a mix of uses to include retail/service, office, institutional, and residential over 22 units per acre.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 210-211.

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**ITEM NO. 14: ORDINANCE NO. 9561-Z, PETITION NO. 2018-137 BY LAKEWOOD APARTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.48 ACRES LOCATED ON THE NORTH SIDE OF LAKEWOOD AVENUE, WEST OF ROZZELLES FERRY ROAD FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Lakewood Neighborhood Plan, based on the information from the post hearing staff analysis and the public hearing and because: the plan recommends office/retail/residential land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: the proposed site plan is consistent with the land use and density recommendations for this site. The proposed development is consistent with the Lakewood Neighborhood Plan goals for reducing vacant lots in the area and to continue revitalization efforts that improve the overall quality of life within the neighborhood. The adjoining property along Rozzelles Ferry Road is zoned B-2, which allows for residential uses up to 22 dwellings per acre (DUA). The proposed site plan provides a Class C buffer along the single-family residential lot adjacent to the site.

Motion was made by Councilmember Harlow, seconded by Councilmember Egleston and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Lakewood Neighborhood Plan, based on the information from the final staff analysis and the public hearing and because: the plan recommends office/retail/residential land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: the proposed site plan is consistent with the land use and density recommendations for this site. The proposed development is consistent with the Lakewood Neighborhood Plan goals for reducing vacant lots in the area and to continue revitalization efforts that improve the overall quality of life within the neighborhood. The adjoining property along Rozzelles Ferry Road is zoned B-2, which allows for residential uses up to 22 dwellings per acre (DUA). The proposed site plan provides a Class C buffer along the single-family residential lot adjacent to the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 212-213.

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**ITEM NO. 15: ORDINANCE NO. 9562-Z, PETITION NO. 2018-146 BY NORTHSTATE DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.39 ACRES LOCATED ON THE EAST SIDE OF SHOPTON ROAD WEST, NORTH OF SLEDGE ROAD ACROSS FROM PINE HARBOR ROAD FROM R-3 LLWWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE WATERSHED PROTECTED AREA) TO MX-1 LLWWPA (MIXED USE, LOWER LAKE WYLIE WATERSHED PROTECTED AREA).**

The Zoning Committee voted 7-0 (motion by Ham, 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 Steele Creek Area Plan, based on the information from the post hearing staff analysis and the public hearing and because: the plan recommends residential uses up to 4 dwelling units per acre for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: the proposed land use and density are consistent with the adopted land use recommendations for the site. The area is surrounded by low density residential uses. The proposed site plan provides a road network that supports connectivity in the area. The proposed site plan includes an existing cell phone tower, and allocates for the distance requirements for residential uses from cell phone towers. The request proposes an overall density of 3 dwelling units per acre, which is lower than the adopted plan recommendation of 4 units per acre.

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

Permitted Uses and Maximum Development:

3. Long-term rentals will be restricted to no less than six-month leases. Daily or nightly rentals are specifically prohibited.

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

Motion was made by Councilmember Mayfield and seconded by Councilmember Driggs and to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because: the plan recommends residential uses up to 4 dwelling units per acre for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: the proposed land use and density are consistent with the adopted land use recommendations for the site. The area is surrounded by low density residential uses. The proposed site plan provides a road network that supports connectivity in the area. The proposed site plan includes an existing cell phone tower, and allocates for the distance requirements for residential uses from cell phone towers. The request proposes an overall density of 3 dwelling units per acre, which is lower than the adopted plan recommendation of 4 units per acre.

**Councilmember Mayfield** said I do want to acknowledge that on this petition, the petitioner has worked closely with the Steele Creek Residents Association. I had a conversation with not only the petitioner, but as well with our City Attorney regarding the Steele Creek Residents Association are in support of this petition, provided that the homeowner documents prohibition of short-term rentals. That is not something that we can mandate, but it is a conversation that the petitioner had with staff.

A vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 214-215.

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**ITEM NO. 16: ORDINANCE NO. 9563-Z, PETITION NO. 2018-148 BY BEACON PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.84 ACRES LOCATED ON THE NORTH SIDE OF WEST BOULEVARD, EAST OF SOUTH TRYON STREET AND WEST OF HAWKINS STREET FROM B-1 (NEIGHBORHOOD BUSINESS) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT - MIXED USE, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Samuel) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the 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: both plans recommend a mixed-use transit supportive uses and design guidelines for the subject site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: the subject site is within a ¼ mile walk of the East/West Transit Station on the LYNX Blue Line. The proposal allows underutilized sites to convert to intensities appropriate for transit supportive development. The 160-foot building height optional request in Development Area B is 40 feet greater than what is allowed by ordinance standards. The requested building height is attenuated by stepping the building down in Development Area A which is closest to the single-family neighborhood across South Tryon Street. The site is providing a mixture of uses, providing ground floor activation, and screening parking structures at the ground level. The petition includes a central plaza which will be accessible from East Boulevard; ground floor active uses on all public streets; and sidewalk/streetscape improvements on all streets. Together, these improvements will significantly enhance the pedestrian environment for the subject site.

**Councilmember Mitchell arrived at 5:53 p.m.**

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera and carried unanimously to approve 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: both plans recommend a mixed-use transit supportive uses and design guidelines for the subject site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: the subject site is within a ¼ mile walk of the East/West Transit Station on the LYNX Blue Line. The proposal allows underutilized sites to convert to intensities appropriate for transit supportive development. The 160-foot building height optional request in Development Area B is 40 feet greater than what is allowed by ordinance standards. The requested building height is attenuated by stepping the building down in Development Area A which is closest to the single-family neighborhood across South Tryon Street. The site is providing a mixture of uses, providing ground floor activation, and screening parking structures at the ground level. The petition includes a central plaza which will be accessible from East Boulevard; ground floor active uses on all public streets; and sidewalk/streetscape improvements on all streets. Together, these improvements will significantly enhance the pedestrian environment for the subject site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 216-217.

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**ITEM NO. 17: PETITION NO. 2018-152 BY KYLE SHORT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.56 ACRES LOCATED AT THE SOUTHWEST CORNER OF NORTH SHARON AMITY ROAD AND EMORY LANE, EAST OF RANDOLPH ROAD FROMR-3 (SINGLE FAMILY RESIDENTIAL) TO UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Samuel) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends single family detached residential land use, and the proposed density of 7.1 units per acre meets the criteria set forth in the General Development Policies, for an increase in density up to 8 units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the scale and building orientation/pattern promote compatibility with the existing character of the surrounding existing homes. Site has frontage on a thoroughfare, and is located across the street from an institutional use. Units that front Emory Lane provide a front setback similar to the established setback and pattern of development along Emory Lane, and provides a transition along the street. Proposed project will provide improved sidewalk and streetscape through an 8-foot planting strip and 6-foot sidewalk along Emory Ln., and a 16-foot planting strip and 6-foot sidewalk along N. Sharon Amity Road. Petition provides certainty on the number of lots, building envelope, and tree preservation. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential up to 3 dwelling units per acre to single family residential up to 8 dwelling units per acre for the site.

Motion was made by Councilmember Newton and seconded by Councilmember Mayfield to deny Petition No. 2018-152 and adopt the following Statement of Inconsistency: the proposed development is inconsistent with the South District Plan based on information from the staff analysis and the public hearing, and because the plan recommends single family detached at a density of 3 dwelling units per acre. Therefore, this petition is not reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because the proposed use seeks to over intensify or over build the site; the proposed use would create additional traffic and increase safety concerns at the intersection where it is located; and, the proposed use is not in character with general development patterns in the area.

**Councilmember Newton** said I would initially contend that this is not consistent with the South District Plan. It is only consistent to the extent that the GDP is applied to that plan. I want to start by thanking the petitioner for his work on this. I know that he has made numerous concessions, and he has attempted to work with the community; however, I am still not satisfied given my concerns, and I also believe that I am compelled for that reason to vote no on this petition.

This is something that would increase the density of a small tract of land that is otherwise surrounded by 1220 acres of a community by more than two-fold. The current zoning and even land-use plan itself would require an R-3 density; this more than doubles that. The other basis of course of the GDP, which I think when we look at the specifics of that GDP, the criteria that they are in are not all that hard to meet. We have had conversations about one offs and these one offs creating a new character within a community. I think that we can point to this and say that this is one of those one offs. There isn't a similar density scheme anywhere outside of one or two in the immediate vicinity. In this particular instance, it is the exception to the general rule, but if we keep making exceptions, and I think this is the substance of the conversations that we have had, we keep making the exceptions and all of a sudden, the acceptance becomes the general rule, and we start to see a whole new character that was never envisioned or intended for our community.

What I think is even more compelling for me is the serious dangerous propensity of the intersection at Sharon Amenity Road and Emory Road, so much so that we have disallowed left turns. There is an acknowledgement on our own behalf that during certain hours, it is too dangerous to navigate. We do not have a plan to mitigate that; there is no design. This was something that was asked of C-DOT earlier today in our Zoning Meeting, and they confirmed that we do not have a plan for this. I just do not feel comfortable increasing the propensity of that dangerous intersection there without a plan.

To the developer's credit, it is not their responsibility. Having said that, I can't ignore the potential harm when I have a chance to prevent that harm. Motorist turning left at certain hours, which are not even peak hours, their disability to do that demonstrates that the problem exists. In conclusion, there is a blind spot there, and it might be addressed by grading but I doubt it is going to be solved by it. This belittles the need for pedestrian crossing in the vicinity, which is also ignored in this petition. This isn't a moratorium that I am suggesting here, but we do have the ability to say no, and I am saying no tonight.

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

YEAS: Councilmembers Ajmera, Eiselt, Mayfield, Mitchell, Newton, and Winston

NAYS: Councilmembers Bokhari, Driggs, Egleston, Harlow, and Phipps

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**ITEM NO. 18: ORDINANCE NO. 9564-Z, PETITION NO. 2018-155 BY NORTH STATE CAPITAL PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.39 ACRES LOCATED AT THE END OF DIXIE RIVER ROAD, EAST OF STEELE CREEK ROAD, SOUTH OF I-485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MUDD(CD) (MIXED USE DEVELOPMENT, CONDITIONAL) & I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Ham, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Steele Creek Area Plan, based on the information from the post hearing staff analysis and the public hearing and because: the plan recommends residential up to six units per acre for this site; However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: while the petition is inconsistent with the adopted plan recommendation, the plan also states that a development with a mix of uses would be considered for this site. The proposed development includes office, retail, and hotel uses, plus certain very light duty industrial uses of a commercial nature. In addition, the site is in an area that has experienced tremendous development pressures following the opening of the Charlotte Premium Outlet Mall just west of this site. Because of this, the Planning Department initiated a Development Response process in March 2017 to update development considerations for the area near the mall. The proposed development is generally consistent with the guidelines of the *Steele Creek Development Response*, which called for higher intensity development in this area, with a mix of uses, in a pedestrian friendly setting. The proposed site plan includes the street network recommended by the Steele Creek Development Response, and lays the framework for future connections as development occurs.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because: the plan recommends residential up to six units per acre for this site; However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: while the petition is inconsistent with the adopted plan recommendation, the plan also states that a development with a mix of uses would be considered for this site. The proposed development includes office, retail, and hotel uses, plus certain very light duty industrial uses of a commercial nature. In addition, the site is in an area that has experienced tremendous development pressures following the opening of the Charlotte Premium Outlet Mall just west of this site. Because of this, the Planning Department initiated a Development Response process in March 2017 to update development considerations for the area near the mall. The proposed development is generally consistent with the guidelines of the Steele Creek Development Response, which called for higher intensity development in this area, with a mix of uses, in a pedestrian friendly setting. The proposed site plan includes the street network recommended by the Steele Creek Development Response, and lays the framework for future connections as development occurs.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 218-219.

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**ITEM NO. 20: ORDINANCE NO. 9565-Z, PETITION NO. 2018-164 BY TZEKGAI YOHANNES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.92 ACRES LOCATED ON THE WEST SIDE OF NORTH SHARON AMITY ROAD, NORTH OF CENTRAL AVENUE FROM O-2 (OFFICE) TO B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Eastland Area Plan, based on the information from the post hearing staff analysis and the public hearing and because: the plan recommends office land uses; however, we find this petition to be reasonable and in the public interest, based on information from the post hearing staff analysis and the public hearing and because: the adopted policy is intended to concentrate retail and commercial development near the intersection of Central Avenue and Sharon Amity Road. The subject property is located directly behind retail uses fronting Central Avenue, with one remaining lot zoned O-2 (office) located between the site and the abutting single family residential zoning and land uses, which will serve as a transition to the abutting residential uses. No building expansions are proposed and the required tree save area is located abutting the multi-family residential zoning and land use at the rear of the site. A new planting strip and sidewalk along N. Sharon Amity Road will be added. A 25-foot "Class B" buffer is required abutting the residential zoning land use to the rear of the site, which may be reduced by 25% with the installation of a fence, wall or berm. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from office uses to retail uses for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Eastland Area Plan, based on the information from the final staff analysis and the public hearing and because: the plan recommends office land uses; however, we find this petition to be reasonable and in the public interest, based on information from the final staff analysis and the public hearing and because: the adopted policy is intended to concentrate retail and commercial development near the intersection of Central Avenue and Sharon Amity Road. The subject property is located directly behind retail uses fronting Central Avenue, with one remaining lot zoned O-2 (office) located between the site and the abutting single family residential zoning and land uses, which will serve as a transition to the abutting residential uses. No building expansions are proposed and the required tree save area is located abutting the multi-family residential zoning and land use at the rear of the site. A new planting strip and sidewalk along N. Sharon Amity Road will be added. A 25-foot "Class B" buffer is required abutting the residential zoning land use to the rear of the site, which may be reduced by 25% with the installation of a fence, wall or berm. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from office uses to retail uses for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 220-221.

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**ITEM NO. 21: ORDINANCE NO. 9566-Z, PETITION NO. 2019-004 BY C4 INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.54 ACRES LOCATED ON THE SOUTHEAST CORNER OF WEST ARROWOOD ROAD AND WEST HEBRON STREET FROM INST (INSTITUTIONAL) TO R-22MF (MULTI-FAMILY RESIDENTIAL).**

The Zoning Committee voted 7-0 (motion by Samuel, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Southwest District Plan, based on the

information from the post hearing staff analysis and the public hearing and because: the plan as amended by the previously approved rezoning recommends institutional use; However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: although inconsistent with land use recommendation amended by the previous rezoning, the site was originally recommended for multi-family land uses. There is a mixture of uses and zoning districts in the area including commercial, light industrial, institutional, single family and multi-family. The site's location on Arrowood Road, proximity to a shopping center, and walking distance to the CPCC Harper Campus makes it appropriate for uses allowed in the proposed zoning district. The proposed zoning would allow uses consistent and compatible with the mixture of zoning and uses existing in the area. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan from institutional use to multi-family use at 22 units per acre for the site.

Motion was made by Councilmember Mayfield and seconded by Councilmember Harlow to approve 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 as amended by the previously approved rezoning recommends institutional use; However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: although inconsistent with land use recommendation amended by the previous rezoning, the site was originally recommended for multi-family land uses. There is a mixture of uses and zoning districts in the area including commercial, light industrial, institutional, single family and multi-family. The site's location on Arrowood Road, proximity to a shopping center, and walking distance to the CPCC Harper Campus makes it appropriate for uses allowed in the proposed zoning district. The proposed zoning would allow uses consistent and compatible with the mixture of zoning and uses existing in the area. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan from institutional use to multi-family use at 22 units per acre for the site.

**Councilmember Mayfield** said I do want to acknowledge that since this was a conventional rezoning, which means that they did not have to have a community meeting, I do want to thank the petitioner, as well as those that are being represented for C4 Investments for having a meeting in the community and taking the additional step of doing a generation comparison regarding traffic, because that is a concern in the area. We have another project that is very close to this one, but this particular project is in direct correlation of higher education, that institution being Central Piedmont Community College, but I did want to acknowledge and thank all of the residents, because the residents were very active in asking really good questions and sharing their concerns. We also need to figure out a way to bring in both school, board members, and County when we are having these conversations, because there were a number of questions that came up that fall outside of City Council's role, and I just want to thank the residents for being engaged on this project as well as the interest of the petitioners to hear the concerns, since we were together since 8:30 p.m. last week. I wanted to just acknowledge that. Thank you.

**Councilmember Winston** said I see a sign about segregating schools, and I heard the discussion that there were discussions that included CMS. Can anybody give any background to the concerns there?

Ms. Mayfield said we have a couple of concerns. It is noted in this petition a charter school that is up the street. Unfortunately, a number of the immediate community do not have access to this charter school, since charter schools do have the ability to be selective in the students, so a lot of the overwhelming number of the student population comes outside of the immediate community. So, there were concerns there as far as what is the community given back for this project? Also, recognizing as a private entity and with CMS having very little to no comments and as well around the corner, less than four minutes



from this particular location if you catch traffic on a good day, CMS build a brand-new school, and when it opened, it opened with trailers.

So, there is a lot of growth population that is happening, and Nations Ford Elementary was closed and is getting ready to become a charter school. So, they built a new school. That new school, smaller than Nations Ford Elementary had trailers, so we have to figure out somewhere how we have a better conversation between CMS, but unfortunately, we do not see the CMS representatives at the neighborhood meetings as actively, and they were invited to this meeting that was held last week but unfortunately were not able to attend. So, that is a conversation I believe for the City Manager's Office where we have to see if we can build a better relationship when we are talking specifically about housing, for the fact that there are going to be children, and what is that impact going to be?

Mr. Winston said so, if I get it right that the thought is that this R-22 would further overcrowd?

Ms. Mayfield said there is a thought that it will; the reality is we do not know who the future residents will be. The way that I look at that area, because of its proximity of Central Piedmont, I really see the target audience being a lot of the staff at Central Piedmont Community College, whether it is the professors or the assistants or even those who help maintain and run the building because of the proximity and possible students for Central Piedmont Community College, yet the building, we do not tell people where they can live. So, there may be students, but it is very difficult to identify if children that are under 19, 18 will be living in the development, but really the target audience nine out of 10 chances will be those that are directly attached to Central Piedmont Community College.

A vote was taken on the motion and carried as unanimous.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 222-223.

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**ITEM NO. 22: ORDINANCE NO. 9567-Z, PETITION NO. 2019-011 BY MILESTONE INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.17 ACRES LOCATED ON THE EAST SIDE OF THE INTERSECTION OF YORKMONT ROAD AND PARKWAY PLAZA BOULEVARD FROM O-1(CD) (OFFICE, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Samuel, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Southwest District Plan, based on the information from the post hearing staff analysis and the public hearing and because: the adopted plan recommends multi-family residential and office land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: the proposed residential development is consistent with the recommended land use for the site, and is compatible with the existing residential development into which it will be integrated. The site is located within the Old Coliseum mixed use activity center, as per the Centers, Corridors and Wedges Growth Framework, which envisions an activity center with a more robust mix of uses, including moderate density residential. The site is surrounded by a mix of scattered single-family homes, apartments, townhomes, commercial, institutional, and office uses, and vacant land, making this proposed project compatible with the existing land uses in the area.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs and carried unanimously to approve 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 adopted plan recommends multi-family residential and office land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: the proposed residential development is consistent with the recommended land use for the site, and is compatible with the existing residential development into which it will be integrated. The site is located within the Old Coliseum mixed use activity center, as per the Centers, Corridors and Wedges Growth Framework, which envisions an activity center with a more robust mix of uses, including moderate density residential. The site is surrounded by a mix of scattered single-family homes, apartments, townhomes, commercial, institutional, and office uses, and vacant land, making this proposed project compatible with the existing land uses in the area.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 224-225.

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**ITEM NO. 23: ORDINANCE NO. 9568-Z, PETITION NO. 2019-012 BY LIDL US OPERATIONS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.84 ACRES LOCATED ON THE SOUTHWEST CORNER OF SOUTH TRYON STREET AND MOSS ROAD FROM NS (NEIGHBORHOOD SERVICES) TO NS(SPA) (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT).**

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with Steele Creek Area Plan, based on the information from the post hearing staff analysis and the public hearing and because: the adopted plan as amended by rezoning petition 2014-042 recommends office/retail land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: the site plan provides for a retail use at a location previously approved for other retail development, in proximity to other commercial and institutional uses at the intersection of South Tryon Street and Moss Road. The plan provides for a building along the street edges with appropriate sidewalk circulation and landscaping, and parking located to the side/rear of the building. The project will provide for retail services in proximity to single family and multi-family residential neighborhoods.

Motion was made by Councilmember Mayfield, seconded by Councilmember Harlow and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because: the adopted plan as amended by rezoning petition 2014-042 recommends office/retail land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: the site plan provides for a retail use at a location previously approved for other retail development, in proximity to other commercial and institutional uses at the intersection of South Tryon Street and Moss Road. The plan provides for a building along the street edges with appropriate sidewalk circulation and landscaping, and parking located to the side/rear of the building. The project will provide for retail services in proximity to single family and multi-family residential neighborhoods.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 226-227.

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**ITEM NO. 24: ORDINANCE NO. 9569-Z, PETITION NO. 2019-016 BY LENNAR CAROLINAS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 42.13 ACRES LOCATED ON THE SOUTH SIDE OF HAMILTON ROAD, EAST OF STEELE CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS.**

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to propose the recommended residential land use in the Steele Creek Area Plan, but it is inconsistent with the recommended density, based on information from the post hearing staff analysis and the public hearing, and because: the adopted plan recommends residential uses up to 4 dwelling units per acre (DUA); however we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: the proposed project is generally consistent with the Area Plan and would facilitate the overall goal of the plan for residential uses. The proposed project would provide multiple points of ingress/egress to the site and construct an interconnected network of public streets. Petitioner will be providing a high-intensity activated cross-walk (HAWK) beacon for pedestrians across Hamilton Road. Pedestrian trails shall be provided internal to the site. Project will provide a 12-foot multi-use path along Hamilton Road, and a 6-foot wide sidewalk along Smith Boyd Road and all internal public and private streets. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential uses at 4 DUA to residential uses at 6 DUA for the site.

Motion was made by Councilmember Mayfield and seconded by Councilmember Driggs to approve and adopt the following Statement of Consistency: this petition is found to propose the recommended residential land use in the Steele Creek Area Plan, but it is inconsistent with the recommended density, based on information from the final staff analysis and the public hearing, and because: the adopted plan recommends residential uses up to 4 dwelling units per acre (DUA); however we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: the proposed project is generally consistent with the Area Plan and would facilitate the overall goal of the plan for residential uses. The proposed project would provide multiple points of ingress/egress to the site and construct an interconnected network of public streets. Petitioner will be providing a high-intensity activated cross-walk (HAWK) beacon for pedestrians across Hamilton Road. Pedestrian trails shall be provided internal to the site. Project will provide a 12-foot multi-use path along Hamilton Road, and a 6-foot wide sidewalk along Smith Boyd Road and all internal public and private streets. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential uses at 4 DUA to residential uses at 6 DUA for the site.

**Councilmember Mayfield** said I do want to also acknowledge the Steele Creek Residence Association has been very busy, as you can tell tonight. I do want to acknowledge that the Chairman did send a notice on behalf of the Steele Creek Residence Association in response to this. Again, their concerns are primarily traffic congestion and the additional students for the already overcrowded schools, because you have Olympic High School out there, which is overcrowded. Again, that is a conversation with CMS, and hopefully we can start trying to change those conversations. I actually had a brief meeting with Commissioner Jerrell, as well as Commissioners Leake and Cotham, where we are going to start looking at how we can work more closely together, but I want to thank the Steele Creek Residence Association for all the time that they commit to attending the meetings with the petitioners and asking the hard questions. I also wanted to acknowledge that we need our State at the table, since the road widening we are talking about State maintained road. I want to thank the petitioners for having the multiple meetings with the Steele Creek Residence Association.

A vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 228-229.

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**ITEM NO. 25: ORDINANCE NO. 9570-Z, PETITION NO. 2019-041 BY EASTSIDE CONNECTIONS JV, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.18 ACRES LOCATED ON THE WEST SIDE OF EAST INDEPENDENCE BOULEVARD GENERALLY SURROUNDED BY MONROE ROAD, IDLEWILD ROAD, INDEPENDENCE BOULEVARD AND LONG AVENUE FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) AND NS (NEIGHBORHOOD SERVICES) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT) AND NS SPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT).**

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Independence Boulevard Area Plan, based on the information from the post hearing staff analysis and the public hearing and because: the plan recommends mixed non-residential 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 property is commercial development approved in 2017 a portion of which is complete and part is under construction. The petition seeks a 15,000-square foot increase, from 68,000 square feet to 83,000 square feet, in the allowed building square footage for the MUDD-O areas. The proposal will allow the petitioner flexibility to accommodate tenants and possible future building expansions. The proposal maintains/ carries over development standards and commitments from the previously approved petition.

Motion was made by Councilmember Newton, seconded by Councilmember Winston and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Independence Boulevard Area Plan, based on the information from the final staff analysis and the public hearing and because: the plan recommends mixed non-residential 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 property is commercial development approved in 2017 a portion of which is complete and part is under construction. The petition seeks a 15,000-square foot increase, from 68,000 square feet to 83,000 square feet, in the allowed building square footage for the MUDD-O areas. The proposal will allow the petitioner flexibility to accommodate tenants and possible future building expansions. The proposal maintains/ carries over development standards and commitments from the previously approved petition.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 230-231.

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#### HEARINGS

**ITEM NO. 30: HEARING ON PETITION NO. 2018-127 BY BLUE AZELA-PROVIDENCE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.08 ACRES LOCATED AT THE INTERSECTION OF VERNON DRIVE AND PROVIDENCE DRIVE, NORTH OF WENDOVER ROAD AND EAST OF PROVIDENCE ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said you can see the context of the site, surrounded primarily by single-family homes, townhomes, attached single family at the rear of the property. The existing zoning in the surrounding area is predominantly R-3 with that R-8(CD) back there on High Street off of Vernon Drive for that attached product, the townhome product

right behind the proposal. The adopted future land use for this area from the South District Plan adopted in 1992 does recommend residential uses for up to three dwelling units per acre; however, when the GDP is applied to this potential site, that gets us up to eight dwelling units per acre, so the petition is consistent with the General Development Policies.

As you can see, the proposal has three attached, duplex units, one facing Providence Drive, then you have an internal facing, one on lot two and lot three both have access off of Vernon Drive; lot one has access off of Providence Drive. They do have internal parking to the site. They also have some architectural treatments that will treat those side facing parts of the building along Providence Drive to look like fronts. They have done some architectural renderings in these conditional site plans for reference. They do have some setback of five feet on that back portion and that does back up to those attached products that are similar in nature. They do have an increased distance in the proposal for the homes that are existing now to those existing single families that are adjacent. Staff does recommend approval of this petition upon resolution of outstanding issues related to site design, transportation, and some technical issues. Again, it is consistent with the South District recommendation for residential uses and consistent with the general development policies that support up to eight dwelling units per acre, and you can see the staff's rationale for that proposal. We would be happy to take any questions either now or following presentations.

**Joe DiZazzo, 15318 Cannore Street** said I am the owner of Blue Azalea Asset Management here in Charlotte; I am the petitioner and sole representative of the company before you tonight. I have been a resident of Charlotte for over 20 years. For many of us in the audience, the City has grown a lot over that time. There is a huge demand, which continues, and I expect it to continue to grow as our City attracts people to the uptown core. This property is located approximately a 10 to 15-minute drive from uptown, and people are looking, obviously, to right size. They are looking to go into townhomes and condos, as you have all seen, throughout the City. As part of that right sizing, their internal mobility concerns are important, to having a master on main. They look for landscaping and someone else to take care of the lawn and all of that other work and to be close to transportation that is being built out around the City and be mobile. I believe strongly that Darlington Manor addresses all of those points, and it would be my pleasure to take you through some of the slides and add to what Davis has highlighted already as part of the zoning approval.

On the first page, this is an artist rendering of the homes; they are consistent with the architecture and style within the community. They are attached duplexes as you will see in the rendering to the right; that is a front elevation from Providence, showing the entry to the site. They are approximately 3,500 square feet, three bedrooms. I am committing to new six-foot sidewalks, eight-foot planting strips along Vernon Drive, in order to help with transportation and walkability in the area. It is a beautiful neighborhood and also in keeping with the neighborhood, obviously new privacy, landscaping for the street and adjacent neighbors, and I will get into some of the additional details as we move through the proposal.

Next slide, it looks kind of the same, but it is different. This is the first rendering that we had when we sat down the neighborhood and their representatives during the process. I should also say that it has been about a year since we had our first meeting; we have worked very diligently I believe strongly in a development company that will listen to neighborhoods and zoning in following the rules.

I have noted here a lot of the feedback and constructive comments from the neighborhood when we presented this first. We had one entrance off of Vernon and we tried to create, like many other properties in Myers Park, that part of town, kind of a self-enclosed community, or at least these were the examples of projects that we have seen improved in the past by City Council, and I guess that the biggest point that the neighbors came back with was they did not want to see walls; they did not want to see the separation and enclosure. They really preferred more of an open look. That was the real first one point. They want to see a better incorporation of these homes in the neighborhood, so we

removed the proposed wall and sidewalk on Providence Drive; they also did not like the sidewalk on Providence Drive, so we took that out as well in conjunction with the Zoning team, and we moved the front door location, instead of facing inwards we faced them outwards so again, it would be more consistent with the neighborhood.

Setbacks, extremely important, I know that is a sensitive area for a lot of the developments that come before you. In the next slide, I will show you exactly what we were able to achieve, but if we could go back one just for a second, I want to make sure that we get through all the points raised by. As David also mentioned, there were traffic and parking considerations. I am sure the neighborhood who is against or the group who is expressing will communicate this in more detail. Obviously, Vernon is a cut-through street. It cuts through from Providence on to Wendover. The City is part of their review process, studied this in detail and really in going from three, currently there is one duplex and two single families on the property, we are going to three duplexes, so there are really two additional homes, families that we are adding as part of the proposal. That is an additional 30 trips per day. In terms of the total volume, I am sure that we will come back to that point in a moment.

Storm drainage and water pressure were also points that were raised, both addressed as part of the review with the City. When I talk about the setbacks, I will show you some of the contingency plans that we put in place to handle that storm drainage. Finally, tree save, so the property currently has a number of beautiful trees on it. In conjunction with the neighbors, I took their recommendation for an arborist who evaluated the site, and I have a full recommendation of how to conduct a tree save, and it is identified on the final petition, as well as landscaping plans to keep it consistent with the rest of the neighborhood. It has been a journey I can say, and I can thank the neighbors here that are present. They have contributed to making this a better proposal than what we started out as.

These are the setbacks. We effectively in listening to the comments about making it front facing, about not having a closed in property, we ended up with a project that has R-3 equivalent setbacks in the front of the property, facing not only Providence Drive but also Vernon. So, you can see 30 feet all along the front along Providence, and as you turn that corner along Vernon, 60, 40, 30, and 30, so we have essentially created a project that maintains R-3 setbacks from the front of the properties and also along the sides. If you look at the adjacent neighbor, we have 32, 30 feet, and 20 feet backing on to that adjacent neighbor. That space is what exactly will give us more flexibility to handle that storm drainage. So, when we work through the permitting process with the City, we fully expect to have their feedback on to how to deal with water through the property but that additional space on the front and the back of the property will help tie in with the sewer mains at the back, but again, that gets resolved as we move through the permitting process.

Again, this is just a brief summary of some of the main points and features. I think that I have covered most of them. As David mentioned, we added additional parking. I am also open to discussing with the City what additional curb side parking could be added to the project. I have appreciated the input from the neighbors on this topic and definitely any other support that I can provide as part of this cut through. There is no standing traffic per se on the project, but again in terms of the additional properties, I want to be clear on this point, there are currently and it is currently zoned in the future for four homes. We are looking to add two more to get to six, so there are currently three buildings. We are proposing three buildings. Yes, the coverage and yes, the square footage increases, but we are well within the setbacks for R-3. What does that mean? If I or whomever takes ownership of this property in the future, if they wanted to build by-right a duplex at the front, that duplex can be built. You can build two single-family homes in those two back lots, but they will be just about the same size, maybe 1,000 square feet. I can show the calculations that we did during the preliminary evaluation for this property. But you are basically looking at a floor-level, basically about 4,000 square feet per unit, and many of the neighbors occupy that space along with their garage.

Also, an important point, the City zoning asked us to incorporate garages into the units. They did not want to see a separate garage building. We accommodated that. We had to

lose a dining room, but we put it in there. At the end of the day, that helped us with the onsite parking that a lot of other properties don't have.

To close it out the presentation Council, this is the side elevation; this is the view of what the adjacent neighbor and also the properties on Vernon would be looking on to. Again, we build high-quality product. Pleased to be supported and represented tonight by my project manager and my builder and my agent and my architect. They are also available for any question that you may have, and I look forward to responding to any questions later.

**Mark Erwin, 1531 Providence Drive** said sadly, our second speaker tonight, Dr. Tiffany Jones, could not be here. She is on call, so she will not be here. My wife Joan and I live on Providence Drive, and we are joined here tonight by many of our neighbors, who are very concerned about this. We have been circulating a petition, and so far, we have 120 neighbor's signatures, and we are in a little teeny neighborhood. If you see the green on this slide, you will see that all the green are neighbors who signed our petition in opposition of this. We oppose this for several reasons. On the next slide, you will see the current coverage of the site now with the three homes or one duplex on the end and two houses, then what is proposed. The setback on the rear side up against Chip and Camden is going from 40 feet to five feet, and we think that is too much. It crowds the site too much. It is too intense a development for the site. This is the condition of the existing properties that are there now. These properties, two of them are abandoned. The third one is semi abandoned. This is the Bless home. The Bless' are here tonight, and they are right next door to it, and if you see the tree on the right-hand side, that tree is on the - neighboring property, the site that we are speaking of. That tree has a 100-foot diameter drip line. That is a gigantic legacy tree.

Our neighborhood is made up along Providence Drive of about half and half, half original cottages. This is the Smith house. Judge Smith is here I think, and you saw the Bless house. So, half of our street is made up of the smaller houses, the original houses going back to the 1940's, 1950's, and 1960's and half are these newer houses that were built in the last eight or 10 years I suppose. So, we have a good mix; we have a good pricing mix. We have a great mix of neighbors. We have a safety issue. Providence Drive has a major problem. It is 18-feet wide. One of my neighbors who has lived on this street for 30 years said that they use to call this the goat path, and unfortunately that is about it. It is an 18-foot wide street, and you can see what happens. This is not staged; this is what happens every day. The people here will tell you this is what happens every day, because it does, and you have to dodge cars going up and down this street. We do get a lot of cut-through traffic on this street, and Vernon Drive gets a huge amount of cut-through traffic, but we do too, because people come down Vernon Drive; they run the stop sign at Vernon Drive and Providence Drive in many cases. We just had a wreck there this past week, at the other end of Providence Drive and Providence Road, then there was a wreck down here at this end too. So, we have large safety issue with the smallness of this street, but as you can see, there is no curb, no sidewalk, and we just do not need more intensity. There is another one, and again, this happens quite often, someone dropping off equipment.

That is that legacy tree I mentioned to you; that tree is 100 feet wide. Now, the developer, I give him a lot of credit; we did hire Bartlett Tree. They came out. I have hired Bartlett Tree many times in the past to survey properties for me, and what they will tell you is that, we do not guarantee any trees, but we will do everything within our power to try to save these trees, but when you have a 100-foot canopy on that tree and the tree base is on their property, you can't not disturb that tree. In addition to that, there is the other canopy along the site, and there is another huge oak in the back, and that is on the back side of the property. That definitely has to go, because that is five-feet of setback on the backside of that property. So, that is going to go for sure. Those are major concerns for us.

There is a drainage issue. The site runs 17 feet in elevation from the front at Providence Drive to the rear of the site. There is a 17-foot fall, and most of Providence Drive drains across that property heading down to Briar Creek. Briar Creek already has flooding problems and draining problems. They addressed it several years ago and it has silted

back up again. These properties have in fact had drainage problems on them. The traffic issues of the small roads, this is my summary. It is too dense for this amount of development, and the Providence Road corridor is highly congested already. We have lived in Charlotte 40 years; we have lived on Huntington Park Drive for 13 years, and we use to be able to make a left out of Huntington Park Drive, which is just down the road a little bit. We cannot make a left anymore; we have to make a right, go down, and make a U-turn and come back up, because Providence Road is so highly congested. I understand from the traffic folks that there is no plan for relieving that congestion on Providence Road. There is nothing. There is no money. There is no long-range plan to relieve that congestion, so there is not a lot of hope there.

The last thing that I would do is ask you some questions to ponder. How does this rezoning benefit our community? As you all decide this, you and the Zoning Committee decide this, how does this rezoning benefit our community? What is in the best public interest, and what is the compelling reason to change the zoning here. Four units are plenty. The cottages are in terrible shape now; they can be restored, or they could be torn down and four units could be built. Restoring them would be better for keeping a diversity in the price range of properties, because these six units that Joe is planning to build are going to be approximately a million to \$1,200,000 I was told at the meeting, a piece. The cottages, if they are restored, are \$500,000, \$600,000, or \$700,000 places, and we have a number of those already on our street. Who benefits by allowing this increase in density? We, the neighbors, do not think that we benefit, in anyway, by allowing this much density. With the current zoning, as I said, you can have four units. In fact, they have four housing units there now. Why is that not enough? What is the compelling reason? Ask yourself why you should rezone, not why shouldn't you rezone it. That is the real question; why should this happen? I cannot see a compelling reason for the community to do it.

Mr. DiZazzo said I just want to recognize Mark as a former ambassador for this country to [inaudible] for their service to this country. I respect him; he is one of the largest developers in the history of the City. I am sure I have a lot to learn from him.

Mark and the neighbors have raised a lot of points. There is nothing new in terms of what they brought to your attention, but I feel like, and the first point I want to make is that we have followed the rules to a tee. I want my business to show the example of what a good developer looks like in this City. I want to learn; I am listening to what is happening in the market. As I said, there is a very clear reason why this City needs to add more units. There is a demand, and God bless that there are people can afford this property. You are creating the jobs that allows this kind of economic development in Charlotte, let alone the people that go into building these homes.

First, I would like to cover and the closest to my heart is tree save, and as Mark said, yes this was a point that was raised. I have demonstrated examples on my other development projects, which have not required rezoning up until today, where I have saved trees. I have moved buildings; I have changed layouts in order for trees to be saved. That tree on the corner was originally brought up by a neighbor as being very important, not only any kind oak but a special kind of oak, and yes, it does have a 100-foot canopy, but you would not develop anything in Myers Park along Queens if you were just judging based on the canopy, and by moving those setbacks back those 30 or 40 feet, there is more than enough room to allow that root system to set. Again, there is no guarantees, but I am letting you know that part of the reason we made these adjustments is in order for that tree system to work. That tree save is there; it is part of the proposal. I am committed to it. The five-foot setback at the back backs on to the back of garages on that multi-family development. There is absolutely no impact to that neighborhood for having a five-foot setback backing on to them.

The width of the street, I am not the root cause of the problem for neither Vernon nor Providence. I am adding two additional families on to this street, not 20, not 40, not 100, I have committed to additional parking.

**Councilmember Bokhari** said first just a couple of take aways for staff and a few others over the next month that I would like to hear from; I would like to engage the City Arborist



and directly get him to look at some of these items, particularly not just trees and canopies but also health and life expectancy of some of the larger trees in relation to kind of what that- he really gives us a solid view and balance. I would appreciate that. Also, C-DOT, looking at those roads, I do not live far from here. It doesn't surprise me at all that that is what it looks like during the day, and I would like an analysis of what that looks like aside from this development right here and that narrowness there. To some extent, the Planning Director, and more importantly the Zoning Committee, we have seen this a number of times where Providence Road, that corridor and just a disaster of congestion that exists makes a lot of cases that otherwise we might look at like a no brainer hard decisions. I have not seen the plan that is going to make it better yet, so I would ask you all to come back and in your discussion, help me understand, how do we think about these going forward? From this point and before, I think about these corridors like Providence Road and the volume and the capacity ratios as just something that is a pain point that we have not solved yet and not something that I want to lay at the foot of the developers, yet however we keep having these conversations, so I do not want to do that, but I do want to understand how we should think about our rezoning in relation to unrelated, yet adjacent problems that are driving concerns. Particularly the Zoning Committee; I will say that I will rely very heavily based on the nature of what we have seen here, something that by right to be honest give or take a few trips per day or amounts of density is not that significantly different. So, I will rely very heavily on the conversation that you guys have as our appointed members and experts in this area, to let us know there and the community.

The other thing, thank you guys for coming out. I drive past your neighborhood every single day on my way to work. I understand the pain points and a lot of the things that you have talked about. It sounds like you guys have done a lot of work with the petitioner over the last year. Thank you for that. It seems like there has been a lot of changes to the plan. We have one month left. So, while I will rely heavily on that, my hope is also that if there are final concessions to be had, final things to be changed, come in good faith to the table and let's use this last month to see if we can come to a conclusion together, because the worst thing that I want to have happen is to decide between two parties right now, both making very compelling cases. So, if there is an opportunity to do that, I will come to any meeting that you would like me to be at; I will help gather any information that you need. Coming in good faith is an important part of this next month for me. So, I would appreciate that.

**Councilmember Egleston** said one simple question from a parking standpoint, the garages in each unit are two car garages?

Mr. DiZazzo said that is correct.

Mr. Egleston said for staff, this may be something that you are not going to have a quick answer for, but maybe we could get one later. I like Mr. Ervin; prefer to see those cottages restored and saved. I think given the value of that land and the condition that he showed those houses that is unfortunately unlikely. So, given that the probably more realistic path forward would be that those houses would be demolished and something would be developed by-right on those lots, I would be interested to know. There was obviously a stark difference in terms of the footprint on the site between the current and proposed. I would be interested to know where in the middle would be allowed by right, if that makes sense so what the foot print could look like by right, because obviously, I presume it could be a far greater footprint than it is today but maybe not as large as proposed, then what the comparison could be in the by right setbacks versus the proposed setbacks so we have a better idea. I think often we compare existing to proposed, and we do not often enough consider what would be allowed in the middle by right. So, having that comparison I think would be useful as we make the decision.

**Councilmember Phipps** said you have made it known that the community would be more conducive to by right development with four houses on the lot. Given that, how comfortable would you be that the legacy trees would be preserved on the development scheme, given the by right with four units on the lots as opposed to six?

Mr. Erwin said I think that, if I understand your question correctly, the existing trees, especially that huge tree on the corner that I showed you of but that one on the back too, would most likely be preserved under a by right development, because they are such a great asset to that property. The whole street admires those trees, we really do. Some of our neighbors who have been there 40 years, they love those trees. They remember them growing up there. So, I think that they would be preserved. I think that they could be preserved, but when you have to regrade a site like this one, which has that 17 feet of fall front to rear, you have to move a lot of dirt around. You are going to disturb a lot of tree root systems and so on and so forth. I have done a little bit of development in my day, and unfortunately, I will say I have killed a lot of trees, and some of them we said we would save. We tried our hardest to save them. We spent lots of money, and I know you are dedicated to saving them. You will spend a lot of money, and they still do not save in many cases where there is so much disturbance around it.

Mr. DiZazzo said you asked a very important question, because the opposite of that is also true. If it goes to by right, there is no tree save requirement, so there is no obligation, and this is something that came up with the neighbors, and I just want to re-highlight. With a conditional rezoning, you are obliged to do a tree save, whether I develop the project or someone else in the future does it. They can cut down any tree they want. So, I just want to highlight that. I believe the conditional petition helps protect those trees, and I am glad that Ambassador Erwin agrees that the tree should be saved. At least make every attempt to do so, which I would be obliged to do. I just want to reemphasize that point.

As for the fall, that lot from front to back is over 210 feet, and we have 30 feet between the structure and that tree, so that gives plenty of room. You do not want to disturb the root system or the grade that it is at, but it gives you room to graduate build a small retaining wall to make sure that is preserved, and that was a feature that we pressured during our discussions Council.

Mr. Phipps said the proposed petition development would reduce three curb-cut driveways to one entry point on Providence Drive. Would that reduction in anyway mitigate and concerns about still the conditions in traffic on Providence Drive in your opinion?

Mr. Erwin said one curb cuts better than three curb cuts I would say, but having two homes there so close creates a problem with all the excess parking that takes place on small streets. The delivery trucks, all the guest coming to your home, landscape trucks, and so on, just fill that street up already, and this would just be a continuation of it. If I could, I wanted to just also mention that the five-foot setback that is going down from 40 feet to five feet is where that large tree is on the back side. It is in that 40 feet of setback, but Joe said that the five-feet would not have an impact on the Chip and Camden people that are behind them. There are 13 out of the 15 Chip and Camden residents who are totally opposed to this, part of the reason being that that development is going to be five feet off their property line, and they are already having water problems in their development because of all that flow coming down that way. So, I would be very interested in seeing how that water is going to be handled. I was told by the Planning staff that they do not address that yet. They have the Storm Water people address it after the zoning. Well, that is too late in my opinion. I think that it should be addressed now, because it is a storm water problem all the way down to Briar Creek, and it all goes across that property. So, I think that it is a huge problem. I would request that someone look at that carefully, the storm-drainage problem.

Mr. DiZazzo said like you said, there are currently three units Councilmember on Providence Drive; the proposal reduces it to two, and we introduce two parking spaces plus an additional space at the back for service vehicles. Again, valid point regarding that five-foot setback at the back and I think to Councilmember Bokhari's suggestion, there is definitely an opportunity to have further discussions, and for me to lay out the plans for addressing that storm water problem. The best way you address water problems in Charlotte is to work with your neighbors, not against them. Manage the water as a team, and again, I have had in depth discussions with the adjacent neighbors on how to tie in

the runoff to the storm water solution for this project as well. Happy to have that discussion with you all.

**Councilmember Eiselt** said what are the number of parking pads there? Every house has two garages, but what is the parking pad situation?

Mr. DiZazzo said each garage accommodates two cars. Each driveway in front of the garage is 20-feet wide, so it can accommodate one if not two, then there are driveway sections in front. So, the two pads are located, and it can be used as a turnaround as well to get out to the street, but it is two parking pads in the front units facing Providence Drive, then when you come in off the Vernon entrance, you will see that is a much longer driveway, and that is approximately 80-feet before you get to the driveways. We widened the driveway coming of Providence; they are probably about 14 feet if I am not mistaken.

Ms. Eiselt said I am struggling with Providence Road over all. You can look at this project and say two units by right really isn't a big deal. They look like nice units, but overall, I think that we have to figure out what we are going to do about density on Providence Road.

David, I asked you, and we have not had a chance to touch base. You were going to look at all the units that were in the pipeline for Providence Road or have been approved in the last year that maybe aren't out of the ground yet. Do you know what that number is?

Mr. Pettine said we have currently looked at the rezonings that have been active over the last two years and the ones that have been improved over the last three, that was some information provided to you earlier. We can go back and look at some of the pending developments. We can maybe get a count on things that have been built since then that were just approved through rezoning, so certainly we can expand some of that research that we have already done and develop or fold in some of that existing development that was either by right or following a rezoning to take a look at some of those numbers for you.

Ms. Eiselt said I think that it would be good for Council to get that information early enough in this month-long process and to be fair to the developer as well, because if it brings back other issue. My concern is that there are more projects in the pipeline down Providence Road, which I think extends into District 7. Again, we look at these things as a one off and say, oh, it is not that bad, and it looks nice, then the fact of the matter is it is dumping a lot of traffic out on Providence Road and on to Wendover. Today in the zoning lunch when we were talking about that intersection at Wendover and Providence, how awful that is, we didn't mention the one at Providence and Fairview, but I am just trying to formulate in my head what we do when a by right proposal already does add density, all be it one in this case, but in other cases it will be more. When do we say, that is enough? You can already improve that property by adding density by right, but where do we draw the line and just say it is too much for an area that has no plan for transit, no plan for improved transit and no plan for storm water, which is really all of Charlotte frankly. We are really struggling to keep up, especially in Ms. Mayfield's district, the entire neighborhoods that we know we cannot keep up with the capital demands, whether it be NC-DOT or Storm Water, so where do we say, yes, maybe the General Development Plans said we could do this, but we know the reality of what is happening.

Thursday night, I went from Myers Park. I was going down to the MORA event, Monroe Road Advocates Event, and I have lived in the South Park area, and I thought, well about 20 minutes. It took me an hour to get there, because I cut through that way, and I shouldn't have. I should have gone through uptown, down Independence Boulevard to get there, which is just counterintuitive for someone who has lived in that area for so long, but the fact is, all those streets you use to cut through, you cannot get through anymore. So, I am just I guess in general asking us all to think about why do we go ahead and approve more density beyond a by right situation that will add density, and where do we draw the line when we are not justifying light rail or any other investment in the area? I think that we have said in the past five-year vested rights. Why are we doing that for this project?

Mr. Pettine said staff does not support five-year vested rights on this petition.

**Councilmember Winston** said I think that some of my comments are mostly honestly philosophy for us on Council and staff to think about. I was talking to Mayor Pro Tem Eiselt, and the more that I think about this, this is pretty interesting, because it kind of pushes and pulls on a couple of different of our priorities. At first glance, it doesn't seem like it; it seems like a couple of houses on a corner, but we have talked about, as we deal with housing issues in general as a whole, we cannot think of units, but we have to think of neighborhoods. We also have to think of not just a diversity in price point but diversity in housing types. So, on one hand, it seems like the petitioner is potentially providing choice in housing types that doesn't exist in these duplex units, but the price point that has been said and you look at the old houses that were built in the 1940's or 1950's compared to the ones that were build eight to 10 years ago. The diversity of price point in this neighborhood in this part of town, where it can be seen increasingly difficult to get diversity of price points, even though it is not generally what we think of as affordable. We might lose an opportunity, when you are talking about \$600,000, \$700,000 versus a million. That is a half a million-dollar difference, and that is a totally different type of mix, especially over time. So, some houses are so much more modest, and others on Vernon Drive as well as Providence Drive. So, how do we kind of tackle the potential of maybe rehabbing these houses that do exist and creating a diversity that will not exist should we go forward with this rezoning. It is just an interesting philosophy that I do not think that we are really tackling in the way that we are approaching building neighborhoods in general. We are just not thinking about this. I think that it is specific to this part of town too. I think that we need to think about that. I think that we need guidance on what our priorities are around this.

Also, thinking about this issue of the trees, Mr. Bokhari brought up life cycles and a lot of details, and I think what we are skirting around is how do we engage our goals, not just around tree canopies. We know that we are possibly recalibrating our goals around that, but I think that it speaks to the larger policy issues around the SEAP, and how do we kind of look at things like the tree saves and mature trees versus the opportunity to plant more trees in our land-use decisions and how that gets us closer to our goals that we have set. I think that we need to think about those things, and I do not know if we are looking at issues like this in that manner, and I think that we should.

**Councilmember Driggs** said how many trees are on the site, and how many would be removed? I am not sure that I am following exactly what stays and what leaves. So, do you know how many trees in total are on this site now?

Mr. DiZazzo said we would have to get back to you on the exact count. I know that I conducted a survey of all trees greater than, I think it was 12-inch diameter, and I believe there were approximately 15 to 20 trees, and the tree save area had then identified where most of those trees are. A lot of the trees are along Vernon Drive, and of course the large oaks along the left hand of the property and along the back, but along the back, a lot of the bigger trees are along the corner inside those 30, 40-foot setbacks. So, we can as part of the follow up. I believe that was a good suggestion with the City Arborist is to have an objective opinion, and I would also look forward to having that view as well Sir.

Mr. Driggs said as a more general comment, every time I hear Providence Road in a rezoning context now, I kind of cringe. We have Rae Farms coming on. I have one in my district. You have one in yours, high density type of development that the only thing that I would say is we do not have any sort of a plan or policy around this. We cannot make the policy on a case-by-case basis with our zoning decisions. So, I have been calling for a couple of years for a more informed congestion policy. I think that a moratorium is not the right idea as such, but you could have like a specific Providence Road sub plan or something like that, so we are in a bit of a bad place about Providence Road. It is just an issue. Something like this comes up, then the question is alright, we do that there, and 10 other people are going to say, hey me too. So, I will be looking at that. I guess my other question is just in terms of appearance, and I have not been there yet, I guess we are going to go next week, but are we creating something that really contradicts a lot of what is in that street right now and the kind of feel that the street has at the moment?

Mr. Erwin said I would say that Mr. DiZazzo's plan is a good plan. We like what he has proposed. We like the changes that he made. The problem is the density of it generally,

and the trees are a big concern, and we know trees live and die. They have life cycles and so on, and I want to reiterate that there is going to be a huge amount of grating that takes place across there. Speaking of the rezoning along Providence Road, there are two developments proposed right now that I am aware of at the corner of Wendover and Providence, two. There is a third corner that is probably going to come after that. We are going to see a lot of activity.

Mayor Lyles said we can see those for sale signs, and the zoning is listed on the for-sale signs so that people know how it works.

**Councilmember Ajmera** said I am not going to repeat what some of my colleagues have said about overall planning for the area, and I do agree with what some of Ms. Eiselt had mentioned about infrastructure. My question is specific to a public safety issue that Ambassador Erwin had brought up. Could you comment on that?

Mr. DiZazzo said I am not aware through the studies that were done through the Zoning Commission of any incremental issues that this development would result in. We are talking about two additional families for this zoning. I am sure, as Mr. Bokhari suggested, when we go through the by rights, which will end up with a duplex on the front, just as you see it there, and two single families in those rear lots, you will end up with bigger homes than what is being presented, and you will probably end up with families that have two to three children in them. You will probably end up with more people in that. I will leave it to the studies and people who have a lot more experience than I do. All I know is this, duplexes for people that are right sizing, as Mr. Erwin did into the neighborhood about five months ago, will result in fewer kids running on the street, and I cannot speak to Providence Road specifically in terms of the traffic issue. The root cause is that there is too much traffic on Providence Road, as you have highlighted, so people use it as a cut through, solve the problem on Providence Drive and this cut through problem also addresses it. I want to repeat as well, creating additional parking spaces, I am open to suggestions around curb cutting and putting additional space, as long as it doesn't cut down trees, because that is what I was also trying to avoid during the problem-solving aspect of this project, but I cannot speak to the safety or the risk factors. All I can say is this project will contribute to less risk and smaller and at least less younger children in the neighborhood. That is my assumption anyway.

Ms. Ajmera said I am looking at the comments here from the Fire Department, and it looks like there are no outstanding issues in terms of the ability for EMS or fire trucks to get through this neighborhood, correct.

Mr. Pettine said that is correct; we are not aware of any issues that were raised during the review.

Mr. Ajmera said I guess I understand from the petitioner's perspective, I guess what Ambassador Erwin and his neighbors brought up was for emergency vehicles to get through the neighborhood. Is there anything in addition that you would like to, specifically on the public safety issue, that you would like to comment on that I have not addressed?

Mr. Erwin said we have had a situation where EMS has had to back out, because they could not get through with their big equipment in the past, and if you put up the different plan that shows the on-site parking, there is no extra on-site parking to speak of, so there is going to continue to be service vehicles on Vernon Drive and on Providence Drive, because there is not enough on the site. His effort to have more green space is a good thing. I am fine for that, but there is just not enough on-site parking.

Ms. Ajmera said I think that if we can go back and look at that, because it looks like there was an issue in the past, and with this development, what I am concerned about that we are increasing the problem, specifically around emergency vehicles to be able to get through.

The second point that I have is around the set back. What is proposed is significantly different than what the other houses are in the neighborhood. So, I do not have the design

in mind, but I am just thinking about how that is going to drastically change the neighborhood character. Would you comment on the neighborhood character and the setbacks that is going to change the character of the neighborhood?

Mr. DiZazzo said I believe that Ambassador Erwin answered that question better than I could; the neighbors are not opposing the architectural standard or the building quality of what I am suggesting. In the next month, I have my architect here, and we can go through some different styles of what we discussed leading up to this proposal, which we all felt was the best one. In terms of the setbacks, I will also repeat, this respects R-3 setbacks. It has a 20-foot rear yard, a 30-foot front yard, and five-foot side yard. It is an R-3 setback on all three lots, so there is no difference whether through the by right or what the proposal is here. We worked to find a solution that gave the neighborhood the same result, and we can do studies on the homes that would be built in an R-3 environment with or without trees, as to what that would look like as well. I do believe strongly, and I think that the neighbors as Ambassador would highlight, the architectural standard is acceptable. I am open to change. I am open to suggestions.

Ms. Ajmera said I think that over the next month as Mr. Bokhari had mentioned, hopefully there would be some consensus on all of this, including the setbacks and the density.

The last comment that I have is on sustainability. I know that one of my colleagues had brought up a point around SEAP that we had approved last year, and I think that we have got to have a section in our rezoning that talks on sustainability, and some of the rezonings that we are approving, how does that further help us meet our 2030 and 2050 goals specifically around sustainability and resiliency? We have got to start looking into that as we approve some of these developments.

Mr. Bokhari said I have discussed with both of you before this, we have 30 days and some work to do. On our side, I will be working with staff, arborist, C-DOT. I will rely very heavily on our Zoning Committee's deliberation in their role, and again, I would encourage, plead with both of you as leaders on either side of this to continue to do what you have done to this point for the last year. Continue discussions. I will be there for you, and if there are concessions to be had that could bring us to a consensus and ask us to do one thing, then let's break our backs trying to do so, and I will be, aside from our Zoning Committee's opinion which will weigh very heavily, be looking at the good faith efforts of both sides. If you come to the table and say this is the plan and that is it, it will not end up well, and vice versa. I think that if we do that, if we take a very good faith effort approach, we can get something that everyone will be pleased with, and I am confident that can happen.

Motion was made by Councilmember Mayfield, seconded by Councilmember Bokhari and carried unanimously to close the public hearing.
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**ITEM NO. 31: HEARING ON PETITION NO. 2018-145 BY BRENDAN MYLTON FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.25 ACRES LOCATED OFF ST. GEORGE STREET, SOUTH OF CENTRAL AVENUE, AND EAST OF MORNINGSIDE DRIVE FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said just to give you some context of the site, backing up there off Central Avenue, it does back up to portions of the greenway that is adjacent to Ivy Drive. There is no road connection back to that existing single-family neighborhood just there on the left of the screen. The existing zoning is R-3. You do have a myriad of zoning district surrounding this property, both office, business, single-family residential of R-4. You have MUDD-O. You have R-22 and R-43, so there is quite a diverse zoning existing in this area, and again, this request would be for an R-8(CD). The adopted future land use plan does recommend single-family dwellings up to four units per acre; the General

Development Policies; because this plan was adopted in 1993 as a district plan, we find those GDPs do get up to a density of eight dwelling units per acre, so it is consistent with that. You can see the future land use does look like it is showing the entire property for greenway, back when they did those district plans in 1993, they essentially look that entire flood area and designated it as greenway. It doesn't necessarily translate to each individual property along that. I just wanted to make sure that we clarified that is why you see that large green swath. As you can see, the proposal here has eight single-family lots on St. George Street. They will have to do an extension of that street to make it consistent and in line with what would be a residential street per C-DOT standards. They are committed to doing that. Again, these single family uses would all have access off St. George, both on street parking and parking for the site itself through garage and driveway. They do have architectural standards, be it hardi-plank, architectural shingle, metal roofing. They will build this in phases. The site plan does reflect an updated survey that show the base flood elevations, 654 feet. The proposed elevation for the first finished floor would have to be 655.7 for all those houses, so we do build those houses outside of that floodway.

Staff does recommend approval of this petition upon resolution of outstanding issues related to the environment that has to do with tree save requirements. Again, it is consistent with the residential land use recommendation of the Central District Plan and does meet the General Development Policies for an increase of up to eight dwelling units per acre.

**Troy Knight, 1108 Catawba Street, Belmont** said we are here tonight to petition the Council and the staff to rezone a parcel at 1521 St. George Street from R-4 to R-8. We would like to build eight homes instead of five. Originally, we came to the zoning staff and the community to build 12 duplex style townhomes, and after meeting with them and working with the petitioner, we decided to scale that down to only eight units. Other rezoning options were then UR, which was our original intent, R-12 with CDU did originally suggest or R-22. R-8 the uses permitted by-right are desirable for my petitioner, Evolution Investments for single-family detached dwellings. After the concerns from the community with the environmental concerns, impervious, and overall environmental, we just had to scale down to the R-8 to build eight homes where 10 would be allowed in the hopeful rezoning of R-8.

The initial General Development Policy, when we first came to zoning staff, did support R-12, which would have been up to 15 dwellings. We did not want to over build the area. It is a small street, relatively tight, and we wanted to afford a normal living environment for them. The amount of open space that we have is in line with the zoning guidelines. We have a total-land area of 1.25 acres, which is around 55,000 square feet. We are building on around 18,000 square feet, which puts us just under 50% of that. So, of that, the grass natural area will be 36,000 square feet, which is considerably larger than where we started this process at. We are surrounded, as David mentioned, we have a myriad of zoning districts from R-22, B-1, MUDD and I think there is an R-43 in there somewhere. So, we are just trying to get a little bit of residential in an otherwise over dense area.

The property when we purchased it had an unrepairable home, trees down everywhere, buried cars, buried fences, buried posts that were sticking halfway out of the ground, barrels full of toxins, so we have since cleaned that up and removed any hazardous material and the home that presented safety concerns as well.

The environmental factors that have been brought up, we did have an endangered species assessment conducted, as well as a wetland delineation, and neither one of those were found to be of concern by neither the mitigation company or the State. Six mature trees and approximately eight young trees with a diameter of six inches or less were removed during the flood plain development process that we began working on in January with the Floodplain Administrator. The western portion of the property will be replanted with a variety of hardwood and flowering trees to repopulate that hardwood growth, and this will be dedicated as a tree-save area. That was the last condition, to get the approval was to have tree-save area. We are just uncertain if it needs to be a common area or

individual parcels. We have worked with both in the past, but we will continue working with the staff to delineate that change.

This is the survey I have shown as when we purchased the property. It shows the road dead ending about a quarter of the way into the property. The black dash line going sort of diagonal through the property is the floodplain and the community floodplain, two very important factors to remember as we move forward here, but the existing structure and driveway were removed with our floodplain development.

The proposed site plan does show eight homes with setbacks in what we feel are consistent with the surrounding neighborhoods. We have setbacks on the sides, anywhere from five up to eight feet. Front setbacks are 20-feet, and the rear are anywhere from 45 up to 95-feet. The parking pads in front of the homes will house two cars, and the garages will house two cars. After speaking with C-DOT, we are widening the street by an additional eight-feet to house on-street parking throughout the entire street there.

As David mentioned, the main floor, the community has a community floodplain elevation of 654.7, and they require you to build at a minimum one foot above that, which is about 655.7. That is our current elevation. The current elevation of the first floor we intend to be another six to nine inches above that, just depending on construction standards at the time.

This is the updated topography site plan that shows that we have brought the site plan out of the floodplain. The very dark line is the base-flood elevation, not the community flood plan elevation, then the line just above that between that dark line and the structures is that 655.7, and you will notice on the left side of the screen, that final parcel has not been finished out, and that is just due to an oversight from the retaining wall company, which is part of our flood plain development permit.

As I mentioned, the elevations of the homes will be about two feet above the base flood elevation and a little over a foot and a half over the community floodplain. The community adopted the community adopted floodplain elevation after the two floods of 1995 and 1997. FEMA came out with a study that said if you filled every inch of the floodplain, then the floodplain would rise about a foot, so the City of Charlotte adopted a stricter community floodplain and said okay, well if you fill our entire floodplain it is only going to rise by 2.4 inches. Now, of the entire Charlotte floodplain, we are only filling .002%, which you add two more zeros, and that is what you get. If you filled the amount of space that we filled, every day, it would take you over 13,000 years to fill the entire floodplain. So, with the Charlotte floodplain ordinance, our homes will be built anywhere between one foot and 1.75 feet above the community floodplain.

One concern that was addressed in our earlier meetings with the community were the distance between the homes to the rear of us and to the rear of our proposed homes. At first, we had proposed the condos with roof-top terraces, and there were privacy concerns, so that was one of the decision-making elements that turned us to single family, and the average difference between the back of their house and the back of our proposed houses is 211-feet. That ranges anywhere from 143-feet up to 293-feet. These are some sample architecture drawings that we would like to use in the project. As David stated, our site plan does have the architectural standards listed in our site plan comments. These are in line with the dozen or so houses that Evolution Investments and myself have partnered together to build over the last few years.

**Allen Nelson, 1509 Ivey Drive** said this is a small project; unfortunately, it has had a fairly big impact so far. There are a lot of layers and complexities and some unique overlapping between City and County issues. If it were not for the floodplain aspect of this, we probably would not have any concerns at all. It is adding just some moderate density, and frankly, it could probably support more density if the site could support it, even taking the floodplain out of the picture. We are close to the urban core. This is right off Central Avenue which will be a mass transit line for the Gold Line at some point, so the density and all that stuff really isn't a concern from that regard. The community's main concern is essentially the environmental impact, and a lot of it is the access to the future greenway, and we currently have a dirt way that has been newly designated in the past



year in this same area. This is not accurate anymore as far as where the flood mapping is. It shows what the site was like before the petitioner elevated the site.

Backing up a little bit, the order of operations so far on this one has been unusual for us. Normally as they teach in the planning academy and other stuff, it is best for the petitioner to come to the neighborhood first so we can discuss some stuff. We found out about this via letter right before Christmas, and there has been a tremendous amount of work done already to the site. It is basically taking away our ability to negotiate a lot of things. That is one of our concerns. Their site plan, the red squares highlight the [inaudible]. The upper part of Ivey Drive is much higher; there is a big berm there. The lower part is housing. The most impacted is still not a major, major concern. The green area there is where the dirt way and the greenway access point starts. That is always kind of mushy land there.

This quickly, we learned a lot about the floodplain issues from this project; we haven't dealt with one of those before. This is in the outer two layers of the floodplain. The lesser two, you do not normally mess with the inner two layers. The outer two, there is protocol for developing the floodplain, so that was something that we shared with our residents as we learned it too.

One of the big concerns from a human safety aspect and frankly with this project is the second to last one, dry land access, and that is really what it sounds like. This is a dead end in a floodplain. So, in a flood event, there is no good way to get out. We are not concerned about the human safety as long as people stay in their houses, but you can imagine a heavy-rain event at night and people decide to leave, and they think that they are going to be safe in their SUV. The problem is that the home where the foundation of their homes are going to be will be out of the floodplain. All eight drive ways exit down into the floodplain, and the creek flows away from Central Avenue, not towards Central Avenue, so it is basically that cars could get swept off into the woods, down into the creek.

I do not know if there is a good solution for that, but it is just something that we think seems like a major concern for putting people back in the floodplain in a scenario where this could happen. We understand the frustration is probably on the petitioner and for us too is unique, because there are so many things, especially related to the floodplain in this situation where a lot of questions that we have, the answer that we were given originally was well, they will determine that in the permitting phase after the rezoning, so there are a lot of chicken and egg things. As far as many of the concerns being environmental things, it is tough to get answers. More recently, City/County staff have been very, very helpful, and we appreciate the time that they have put in on this. In the last week or so everyone has been digging in a little deeper to get some better answers for all of us. I am just here laying out some of the concerns that I have mentioned already, ground access being one. Their concerns so far are just sort of doing so much work beforehand where we could not really have a chance to negotiate certain things like tree save when the site was almost all cleared. From my understanding essentially on sites like this for infill type stuff, you want to stay under an acre as far as disturbing what is there, and this is a one and a quarter acre site, and almost everything is cleared, so there wasn't much left to work with.

This article that I mentioned that we linked to on the bottom there is just interesting because it is not far away in York County, and they have had a lot of problems, and they are recognizing the issues with sediment runoff, and that is primarily where the petitioner's flood experience is so far, so I think we do have a stronger ordinance here. This is some of the pictures of what we have been dealing with so far. We have heavy sediment running all the way across the street from their site through for the wetland area that is county land into the creek on numerous occasions. Again, this is just the last several months. We have documented some of this stuff. You can see the upper right; there is not much left of the site. That is in the grading, tree save; they kind of blew past all the tree save. The stakes were there, but not much was saved, and even some trees were taken out on the other side of the road from their property. They were in the right-of-way. There was a discussion around just last week the petition mentioned he had the option to do a 30-foot road, maybe a 24, maybe a smaller one. Two big trees were taken out if they haven't decided they were going to do a 30-foot road. Maybe those trees could have been saved.

In the flood zone, trees are important, because they soak up a lot of water. It is kind of one thing after another with the environmental issues.

There were also some issues that is a distressed district corridor, I am not going to dwell on that right now, but there is a policy that should be looked at. Obviously, our area is not destressing anymore at this point, and when this was created it was probably done to encourage development, and we do not need any encouragement at this point in this area, and it concerns me more that some of those rules may allow projects to avoid certain environmental controls, and that doesn't seem like a smart thing to do.

On a positive side, Charlotte Mecklenburg is known as a national leader on floodplains. That is very important; we do not want someone who is backwards, but we should pat ourselves on the back, because this Bloomberg article and if you just google Charlotte shows how to beat flood. It is a short read, important; I think that we have done a great job, and we need to keep doing a great job. Basically, a lot of what we do is get people in buildings out of flood plans, so here we are putting them back in, so it kind of raises some questions on the strategy. Another concern is long-term fiscal [inaudible] and the County bears some of that.

Lastly, on the greenway, the lake after the grading, the pictures on the right of this slide, this is not on your regular copy, but this is actually this weekend before last. Most all the runoff now is being directed to the area where the red squares shown on the pictures. That is County land. It is also an access point between the homes for future greenway access, so right now we have some concerns about the amount of run off that is being directed in one concentrated spot.

**Nancy Pierce, 1637 Flynnwood Drive** said my neighbors and I are stewards of Briar Creek and its floodplain immediately upstream of this parcel. In recent weeks, the petitioners have dumped hundreds of truckloads of dirt on their 1.24-acre parcel on the west bank of the creek to raise their planned foot print; across the creek in the 1960's, apartments were built doing the same things, and decades later when the FEMA flood plain zone lines were drawn, they basically outlined the edges of these apartments and in some cases enclosed them. Today, these 240 so apartments, along with hundreds of others who share the same dense street network, are decent, naturally occurring affordable housing. I checked last night, and I could rent a three-bedroom apartment for under \$1,000. Next door, Charlotte Housing Authority operates 50-unit Oak Valley. Why do I bring this up? What the petitioners have done is compromised the natural and very useful function of a flood plan by creating a hill where the flood plan used to be. They have denuded the land and narrowed the channels, so there will be an exponential increase in the water velocity going down stream. What will this increased water volume do to the hundreds of low-income family homes on the east bank of the creek? They are asking you to double the density, double the allowed impervious surface, double the lawn fertilizers, pesticides, herbicides, dog and cat poop sediment, automobile oil, metal tailings, and all the plastic [inaudible] human existence, all rushing more efficiently into the creek, unfiltered by dense soil or large tree roots. So, even if the very good people in Storm Water Services assure us that the impact can be mitigated with post-construction controls, if they do not choose the payment-in-lieu option, consider this, land is increasingly rare in the City's core. The development pressure for floodplains will only increase as more and more people want to live in the central city. There is no doubt in my mind that the quality of life of the future will be the Cities who have protected vast, connected water based green spaces to cool the body and calm the soil to filter the air and clean the water for human use, density we need but not in the floodplain. So, we are asking to deny this rezoning request and sent the message that Charlotte's floodplains are simply not available for more intensive use, now, here, or anywhere in the future.

Mr. Knight said I just want to hit Allen's points quick; access to the greenway/dirt way, we will be adding 17 to 20 on-street parking spots, giving future access to the County to access the dirt way/greenway and the current gravel parking lot. Dry land access, we are and will be exempt from dry land access so long as we adhere to the standards. They are section 4.5, the Flood Plain Technical Guideline put out by the City of Charlotte. The sediment runoff, we have had silt fences up since day two probably. There is a known

water leak under St. George that caused a lot of that red clay that you saw in Mr. Nelson's pictures. The City of Charlotte just fixed that I would say Thursday or Friday. Now we are still working with Storm Water to figure out where this French drain is coming from that is still dumping water up-street from us and carrying sediment down. The run off directed to one spot that had not changed since we purchased the property. That was always a low spot on the development. There are old car parts over there, old pieces of wood, tires and lots of neighbors do use that pathway a lot. We would love to clean it up. Unfortunately, it is not our property; however, we are willing to take responsibility for that.

Nancy mentioned an apartment complex that was built in a floodplain. At the time, it wasn't a floodplain, but now it is affordable housing. I support affordable housing; as a realtor and developer, it gets harder and harder to find affordable housing, especially in Charlotte in an area such as Commonwealth or Plaza Midwood. I know that it is not the most ideal situation, but we do have to draw a positive out of some items. The increased water volume, I kind of touched on that as far as the increase of the floodplain through the process of fill. I showed you how little we disturbed over the grand scheme. So, the amount of water volume would be maybe a cup or two.

**Councilmember Egleston** said can you address the opposition's slides talking about disturbing more than an acre without a permit and that in this case it looks like an acre and a quarter was graded without a permit. Can you speak to those rules and to their point about whether there were some allowances made based on this being considered a distressed business district or business improvement zone?

Mr. Pettine said I do not know that I could speak to those directly; we were not responsible for issuing any permits to conduct any of the grading. I believe that some of those were issues maybe by the State, but I can certainly check with our Storm Water folks to get some info and give you a follow up on that, but without those being permits that we are overseeing, I wouldn't be comfortable giving you any specific answers on that without a follow up.

Ms. Egleston said I think that as much as we have control over it, we probably do need to be reviewing. If we allow looser controls in circumstances where we want to see investment and development, we need to reanalyze those from time-to-time, because certainly no-one would consider Commonwealth/Morningside/Plaza-Midwood area a distressed business district anymore. It is one that everybody wants to invest in and develop in, so we certainly shouldn't be allowing anybody to cut corners there if we should be allowing them to cut corners anywhere, but whether or not that happened I think is important for us to know. For the petitioner, if we could go back to your slide where we talked about the FEMA study on the floodplain, there was a lot there, so I wanted to make sure that I was understanding it. When you say if the entire flood plan were filled, then the floodplain would only rise 2.4 inches, are you saying that if the entire flood plan in the City of Charlotte was built out as impervious surface, that the flood plan would only rise 2.4 inches?

Mr. Knight said the base-flood elevation along Briar Creek is 654, so let's say Briar Creek is 650. That four feet of fill, that difference is your 100-foot floodplain. Part of that is the flood way, which you cannot fill, per FEMA, unless you do expensive studies. So, that last 80% of that four-feet of elevation difference is considered a flood plan, and if you were to fill that entire four-feet along the entire flood plan of the City of Charlotte, which is 27 square miles.

Mr. Egleston said the third tier?

Mr. Knight said no, it is the entire. From the 100-year mark, which is from the Briar Creek I think on our property is 200 and some odd feet from the center of Briar Creek, if you were to fill that entire area with dirt to bring it up to 654 feet in the whole City of Charlotte, then the new flood plain for 100-year flood plain would be 655 feet, so that is why the City of Charlotte adopted 654.7, because they said, well, if you fill all of this, it is only going to change 2.4 inches, so they adopted a more restrictive floodplain guidance than FEMA put out.

Mr. Egleston said maybe staff can take the Council through a flood-plain 101. I might be the only person in the room that is having a little trouble wrapping my head around all of this, but I do think that generally to me it seems counter intuitive that local government would have spent, and I was around when Dural and Cavalier Apartments were occupied, and I was also there after they had been taken down. We worked with some of the surrounding neighborhoods, and we planted a bunch of trees there, so I have seen both sides of that parcel's lifespan in the 15 years that I have been here. It seems counterintuitive that we would be investing \$14.3 million on a site like that along the same creek system and then increasing density upstream from it. I know that you have done a lot to address a lot of these concerns in how you have modified the layout of this site, and I appreciate the work that you have done on that. I do wonder if there is somewhere in between the allowable five units and the requested eight units that there could be a happy medium and staff could address now or later whether if a unit or two were removed from this plan and there were some sort of retention or detention facility created in its place, how much help that would be to the concerns about flooding, but it does seem like the Charlotte-Mecklenburg, for all of the things historically that maybe we have not gotten quite perfect, it does seem like we have been pretty proactive and pretty successful with trying to proactively address floodplain issues, and I know that maybe this is a small difference, but I do think that we ought to have a pretty cut and dry policy about where it is appropriate and where it is not and not be undermining our own local government efforts to address itself.

**Councilmember Winston** said three things, in regard to storm water, I kind of agree that we need between now and a month from now some kind of storm water 101 about what the effects of this could be. Last time we were all in Washington, I got to sit in a committee meeting where our Congresswoman Alma Adams, they were discussing federal floodplain and dealing with floods and the changing of the climates and the storms. That article and our plan was presented as the national best practice for how other municipalities should be approaching it, especially given that it seems that there have been already changes. I would love some analysis from our experts before we make a decision on this, because I feel like that is something that we usually get and we say hey they have to clear permitting after, but I think that we need to need that information to make an informed decision.

When I am also looking at the map and thinking about our priorities that we have set as a Council and again thinking about building neighborhoods, if this plan were to be approved in the way that it is drawn up right now, I personally want to see a connection between St. George Street and Lyon Court. This is something that we talked about again today at lunch, the ability to leverage private investment with public dollars to create things like more walkable neighborhoods. If there was ever an opportunity to, now would be the time. Like I said, if this were to go forth as planned, and if not now, then when? How are you going to connect these houses to the parks and other parts of the neighborhood? If you do not do that, you are creating another cut off kind of stub street, and I do not think that is something that I can support, again given our explicit priorities. As the Mayor mentioned, this does have some similarities to the last rezoning that we looked at, because I think that we really need to look at the development and how we are dealing with Central Avenue. It is something that we deal with month after month. This would add eight units, families, left turns off Central Avenue. We're already dealing with so much congestion and dangerous intersections. Again, the whole idea, we want it to be walkable; we want it to have people out on the street. I think we can't go much further along Central Avenue really starting from Hawthorne all the way to Eastway without really reckoning with how we're going to do this in a way that takes into account where we're going, and we don't have that yet.

**Councilmember Harlow** said Mr. Nelson and Ms. Peirce, thanks for coming down. Quickly in your presentation, you, you had a map of the kind of the flood plain I guess, delineations FEMA in the community flood plan here within the petitioner's thing; We hear about the community floodplain. Explain it to me that there is this community floodplain, is this just something that neighbors agreed upon?

Mr. Nelson said I think Mr. Egleston's first question too about some of the stats here. We, we found, a gentleman, David Goode, he's one of the folks in the Storm Water Services. I believe he's more on the County side. He was extremely, extremely helpful, just helping us wrap our head around all this stuff. He can probably, as you were kind of wondering if there was someone who could help, you know, clarify all that stuff, he's probably your guy. For us, just learn the basics on flood plains. There's four main sections. So, the inner two, you don't touch them unless you've got millions of dollars to do like full on flood studies and hydraulic analysis and everything else. The outer two layers, are what can be reasonable sometimes depending on various circumstances.

So, in this case then the outer two are the ones that before the grading and filling, you know, roughly half of this site was in the outer two layers of the flood plain, but it wasn't anything that we gave the name that like the community, you know, the outer, there's like the community encroachment zone I think is one of the more inner. There's the flood way, which is obviously they like the inner part of the creek itself. I think the community corrections zone and then the outer two are the ones that are still serious, a lot of hoops to jump through but not, not anything like when you're messing with the inner two layers.

Mr. Harlow said thank you, and Mr. Pettine for you, so we have a floodplain ordinance from a policy standpoint, and this fits that. This does not go against that.

Mr. Pettine said as far as we know, no, it does not go against it. There are parameters of doing work within the floodplain. There's our guidelines for those, whether that evolves, as they've done here, filling it, modifying it. Some of that modification goes without having to remap the entire floodway. That's the kind of modification that's been made here, where they've done minor modifications to kind of change the directional aspects of where some of that flooding will occur and then based off of that, they have to then comply with the floodplain ordinance that we have, which really talks about where the structures can be located and what the base flood elevation, how much higher they have to be from that base flood elevation. So, as long as they work within those guidelines, then it would meet the restrictions in the regulations within that floodplain ordinance. So, a lot of that will still be fleshed out through permitting. Again, just during the entitlement phase, right now all they're doing is going through that flood, community floodway modifying that, but as far as getting into construction and permitting, they'll have to go through the whole gamut of the flood plain ordinance at that point.

Mr. Harlow said then just a comment, I think for us as Council and for anybody wanting to be on future Councils, as we get to this comprehensive plan, Mr. Jaiyeoba over there and we think about what our goals around, you know, an environment and quality of life and living, I'm just adding something else to think about I guess and our comp plan around knowing that developable land is shrinking by the minute on in this City. So, I imagine some of these flood plain areas will become even more desirable possibly. How do we want to address that? So, there's some, you know, concrete kind of certainty around where are we going and where we want to go when we come to developing sites like this.

**Councilmember Ajmera** said could we go to this presentation that was done by the neighborhood association? Are there any serious concerns at this point? That slide, the last bullet point that says the violation of the City ordinance. Is there a violation?

Mr. Pettine said I would have to double check with our folks. I'm not sure if there's been a violation. Again, we don't handle the permitting for that type of activity through the rezoning process. We can certainly check with staff and provide that with the guys in a follow-up report whether there was a violation if they've gone through a state process to obtain permits. I think the petitioner can also speak to some of this. If they've gone through another separate process to do the floodplain work, then there may not be a violation in place, but it's just a matter of what process they've gone through to start doing some of that work that they've already conducted on the site. We can certainly provide that in a follow up from our standpoint from the City's requirement.

Ms. Ajmera said so, this is a City ordinance?

Mr. Pettine said there's probably a combination of ordinances play here. There's going to be city ordinance; it's going to be county ordinance. There's probably going to be some state and federal guidelines, because you're getting into flood plains. So, there's going to be some different entities that probably we're all involved in getting to the point of where they've started to do some of that work within the floodway.

Ms. Ajmera said okay, so I know you said in the follow-up report you'll check on this violation. So, could we get a report on all those? I know this is just, we only look at the city ordinance, but I think as we look at the rezoning, we ought to look at it from the holistic perspective if there is a violation. Just from looking at a presentation and very detailed analysis that neighborhood has done, I feel like we are forcing the development to the site. I'm not an expert on floodplain, and I think that's something I'll probably need to sit down with the staff to understand this, but at what point are we really impacting the quality of life? Are we forcing it just because there are certain standards that are being met? Is it a gray area? I think if we can look at that over next one month, it will help us understand as we move forward with this petition.

**Councilmember Phipps** said if this particularly rezoning was approved, would the owners of these properties have to purchase flood insurance?

Mr. Knight said honestly, that's a question up to the mortgage lender. Now, having prior mortgage lending experience, in my best opinion, no, because of the structure is not in the flood plain, and it's above the County freeboard, which is that one-foot difference between the community flood plain, which is set by the City of Charlotte, not the commonwealth community, but we're out of that free board, which is where you can't have any electrical, mechanical, or living space. So, no but if you go to BB&T down the down the road, they may say, oh, well your driveways in the flood, so if your driveway is in the flood plain and you leave your lawnmower down there, we're going to have to cover it, then they might require it, but large banks generally don't.

Mr. Phipps said in regard to the letter from the, I guess the Flood Administrator that was issued in 2004?

Mr. Knight said no, the permit number is 2004, and it's all confusing, but now it was issued in February I believe, and that's when we began the work on the home.

Mr. Phipps said I guess I was confused by that. I didn't know, sorry. This is a recent letter?

Mr. Knight said that's correct. Yes, the flood plain development is permit number 2004, and it was issued by Jonathan Bellamy, with the Flood Plan Administration Office. That's the only permit required for what we did.

**Councilmember Mayfield** said the question is for staff, as my colleagues have already shared, we invested hundreds of thousands of dollars to remove homes, because they were in flood plain area. We have received awards and recognition because of being progressive and forward thinking. It is concerning that staff would bring this forward with a support based on some conditions. Help me understand, you said it potentially a city, potentially a state, regarding what they have shown us as far as clear cutting that was done before we became to this meeting as a public hearing, which again even if Council had questions regarding tree save, what is the actual process that is in place today, that should have caught before that first additional tree was cut that would have protected this particular area or any area around the City?

Mr. Pettine said so, in order for them to get the permit to do that work, they had to submit grading permit requests to Land Development here at the City. You know, review those, issue those based on the requirements for that project. If they went forward with just a by-right project, they'd have to do the same steps. So, they'd have to submit to get a grading permit to conduct any grading on the site; that would then be reviewed. If they're disturbing under an acre, they get that grading permit to move forward. If they've got some of the floodplain stuff, the County would review those. The County works as an entity under a representation of FEMA. So, they go through that step to then work through the

flood plain aspect of it. So, all those can be done and were done prior to them going forward through the rezoning process.

Now, if the rezoning process doesn't work out, they likely would still have to go through those steps to conduct any type of other development on that site. If they wanted to do an R-4 development, get four houses on that site and split those lots up, they'd have to conduct those same steps. So, it's almost as if they went through that process thinking, we'll either move forward with the rezoning, or we'll move forward with some development on the property, but they went through those steps, through that process to get grading permits to move forward and conduct some of that land disturbance. Now, if the rezoning doesn't go through, those are still intact; they can still move forward to the by-right project. So, those are all done through kind of a separate part of our general development process, not just the rezoning entitlement process.

Ms. Mayfield said I want to share what I heard, because part of this conversation is this is not the first petition where we are having flooding issues in the area, nor are we have any conversations about clear cutting. I will let the petition know, and no I am not asking you a question. I'm just stating, to me it looks like asking for forgiveness opposed to permission or doing the first step and just continuing whatever you want to do. I am not a fan of it; at this initial that I'm seeing, I'm not supported this petition.

Where staff comes in is when any developer comes in, it is then our responsibility to make sure that the inspectors are going out and verifying that what is written is actually what is being identified, because there are too many conversations that are coming before Council, where community is having to go out and take pictures and they're bringing us pictures showing where clear cut has been done, and there was no bringing back that 60, 70, 80, 90, year-old tree. So, if we are not staying on top of our responsibility and this is more so unfortunately our Assistant City Manager is here tonight, but the video is going so the City Manager's going to hear it, as well as the City Attorney, as well as our Planning Director, that we have a permitting process, if we are not working either directly with the County or if it falls with that City staff and we are not staying on top of these projects on the front end, this idea of, oops, I cut down an extra 80 trees than I meant to, isn't going to suffice, because some of us were around when we decided to write those checks to buy out complexes because of the flood plain problems. That whole idea of a hundred-year flood, well we've seen in less than eight years, multiple hundred-year floods come through the City and the impact of those in this City because of other developments that we have done. I really want staff to take into consideration the true impact of community and start looking at it, not only through an equity lens but through the lens of those, but a handful of staff that's still actually live in the City, the impact of your neighbors.

**Mayor Lyles** said I want to echo what Ms. Mayfield said. You know, it's your risk. You decided to tear down the trees; you decided to clear cut, your risk. I understand, but to me, this decision, the first question I would have is when these houses would go on the market, but we asked the Realtors Association, what would be the requirements to disclose the flood plain evaluation and assessment before they buy? One of the worst things that we do is allow something like this and yet when it's sold, they come in and they say to us, how did you let this happen? I don't know what the requirements are; if there are any, I'd like to know those, because that is important.

The other thing that I would say is that all this question about permitting and who's on first, when we have a rezone in decision, who's on first ought to be there right now with us. So, those comments about no comment, I'd like to know the process and the timing of it, and I don't think it's fair to ask us to make a decision that will result in a permitting issue later. That just, it just doesn't seem to me to be-

Mr. Pettine said we do, I think, have folks from staff in the seats with us who would be happy to come up and answer some specific questions if we've got some Storm Water questions; they can come down and if we'd like to get some of those answered, we can certainly.

Mayor Lyles said I don't worry about that. I want to see a process and the timing. I want to see a flow chart that says permitting, zoning, permitting, zoning, whatever it is and

timeline it out, because there are certain decisions that need to be made in a sequence before one is not or before the other. So, that would be mine. The other question I had about this project is that the developer talked about adding on-street parking spaces and that St. George Street, it is currently paved?

Mr. Pettine said that portion is not.

Mayor Lyles said so, it would have to be paved.

Mr. Pettine said they would have to build that.

Mayor Lyles said when we talk about how much run off there is now, we're increasing the run off with additional asphalt, and that's on public right-of-way, and that ought to be included in the calculation, because without that, we wouldn't be doing that. So, when we say that this is, you know, what type of flood or how much is being done, it has to take in consideration what the City is also going to require for coverage, not just what's on the lot.

Mr. Pettine said for a by-right project, if they did four units, they would have to upgrade St. George Street and build that portion as well. So, we would calculate that in if they went through permitting by right. So, we can certainly try and take a look at that and provide that for you.

Mayor Lyles said that's another point, and I'm just going to I'm agree with Ms. Mayfield, a hundred-year flood before is not the same as what we're dealing with now, and to protect people from having to come in and say, I just bought a home, and the water is rushing through, I find that we have a responsibility to actually look at this differently at this time. I'm just not willing to go with the calculation of everything being separate and nothing coming together as a total look at what this development would do, and I know theirs by right, and I understand that, because then we wouldn't be making that decision. You'd be going through that process on your own risk and all of that, but if we are going to make a decision for the people that are going to live in those homes, we have got to make sure that they're safe and it's fair. So that's the way I am on this.

Mr. Pettine said we'll provide that for you guys for the next meeting.

**Councilmember Egleston** said couple of quick things and I'll put a bow on it if nobody else has anything. One, so the Mayor's point about whoever's first in this process needs to be here to be part of it. I do think in the future, we had identified when this got the deferred last month that this was almost solely based on the flood plain as far as the concerns, and so I would ask that in the future if we've got something that's specific and there's a county entity involved in whatever that specific concern is, that we ask if they can have someone present for that rezoning hearing so that we can ask those questions and get answers immediately.

I hope that the petitioner and the neighborhood can get back together. What I'd like to see that I think you've heard from enough Councilmember's concern, clearly there's probably going to need to be some more tweaks here, I would ask that maybe the petitioner in the neighborhood get back together and find something between that five that are allowed and the eight that are being asked in terms of the number of units that go on this site. Can that be scaled down and some more mitigation for the flood water, storm water concerns be implemented in place of one or two of those units? I think there's probably some common ground there on the neighborhood side that they might give a little if the petitioner is willing to give. So, I'd ask that, that conversation take place, because I do think there's probably somewhere in there, in the middle, that Council could support, the neighborhoods could support, and would still work for the petitioner.

Finally to a Dr. Harlow's point, to Planning staff, as we go through the comprehensive plan, we just in neighborhood committee meeting last week, I guess, talked about the tree canopy goals, and I think that something he said sparked this thought in my mind, that we really ought to be looking at these creek floodplains areas as opportunities to, not only



preserve but to add to our tree canopy, because not only is the land less buildable, so it's more appropriate to have the trees there, but in near floodplains, the tree has served that much more purpose, because they're soaking up that much more water and they're helping to mitigate the floodplain. So, there really ought to be somehow codified in our vision plan, our new Comprehensive plan that we look to preserve and add to the tree canopy in those corridors whenever possible, so just food for thought as we go through that multi-year process.

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

\* \* \* \* \*

**ITEM NO. 32: HEARING ON PETITION NO. 2018-167 BY VERDE HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.74 ACRES LOCATED ON THE EAST SIDE OF SARDIS ROAD, BETWEEN OAK CREEK DRIVE AND CREEK VALLEY DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said you summed it up really well for us. We have a proposal here for R-3 to R-8(CD) Multi-Family Residential Conditional. As you can see, the proposed site here is on Sardis Road, between the two local residential streets. Existing zoning, predominantly R-3. There's some R-4 back on North Sardis View Lane, but again, mainly a single-family R-3, R-4 zoning. You do have a school facility right across the street from this potential property. The future land use is for against single-family residential land uses up to three dwelling units per acre. The GDP does apply in this South District Plan adopted in 1993. It really supports only up to four dwelling units per acre for this petition, so it is inconsistent with the both the land use plan and the general development policies.

We do have potential 12 age restricted, single-family attached dwelling units. They do have some internal access to the site, which you can see written runs along the side portion of the property line with some additional parking and then another alleyway that provides them access to the proposed townhomes I was in the back. We won't get into the specifics, just in the essence of time, let folks have time to speak. As you had mentioned, staff does not recommend approval of this petition in its current form. It is inconsistent with the Southwest District Area Plan. In addition, it's inconsistent with the density of four dwelling units per acre and overall just generally out of context from what we see with development patterns in the area.

**Paul Pennell, 2219 Wittstock Drive** said it's been a long night so far. We'll try and be quick and concise and to the point. Thank you for all that you do, and we appreciate the opportunity to present this rezoning petition 2018-167. I am with Urban Design Partners. I'm here with Ron Staley with Verde Homes and Mina Vazeen, who is the current property owner. We are here to propose and request a R-8 MF rezoning, along Sardis road. It's an existing parcel that is 1.74 acres. It's a bit of a remnant and a little bit of an odd parcel considering its size and its geometry onsite. It's directly across the street from Fletcher School, if you're familiar with the area. There are a few rezonings in the area. We will concede that this is squarely in an R-3 district. There is an existing R-20 MF and a UR-2 rezoning not too far from the site. This is the current adopted future land use plan. As I had previously mentioned, the red star is the current site, but it is squarely in the midst of an R-3 district.

We would like to talk to you a little bit about a market analysis study that has been done. The perimeter of this site, which is shown represents approximately 2,400 acres, just to give you an idea. Within that market analysis study area, we have studied an age specific, age restricted community to be located within this boundary area. It's a desirable location within the community, because it provides police, fire, medical services and amenities for potential baby boomer residents; 20% of the county currently today is of the age 55 and

up. That's actually up 16% since the year 2000. It's the second fastest growing demographic in the Queen City, and the Sardis area has the highest percentage of individuals 65 and up in the City of Charlotte. That percentage is 17% current. Typically, within these market areas, typical is 9%. One third of the median age in the project area is 44 to 65 years old, and currently right now there is a limited availability of age targeted homes that are catering to the 55 and up age demographics.

This is the project area. We're currently proposing 12 townhomes on the 1.75 acres. Even though we are requesting an R-8 MF district, we are conditionally restricting that density to a 6.9 DUA. There has been a lot of concerns when working with adjacent homeowners. We would like to try and address some of those here preemptively before they speak, and we're more than happy to discuss some of that in detail after they present their concerns. Most importantly, I believe there's been a lot of concerns regarding the topography onsite. It was quite a lot of fall from Sardis Road to the rear of the property. Section cut, which we have represented on this graphic here is further represented by the section elevation that you see here. The townhomes, which we are limiting to two stories fronting Sardis and two stories internally, they'll have elevators and then there'll be a park beneath, for internal vehicular access. So, they will all be vehicularly internally oriented. A lot of the slope across the site will be picked up in the front townhome units that are directly adjacent Sardis Road, through a two-story elevation fronting Sardis, then a basement level, which will effectively be the garage. So, somewhere in the neighborhood of 12-feet of topography can be transitioned through those front townhomes. The remaining topography will be picked up in the rear in the form of a required detention basin, which will need to be there to help mitigate any sort of storm water runoff concerns on site, which I believe is a large concern of the adjacent homeowners, and I believe that there's a solution to help alleviate some of those issues on site.

This is the current site plan. There has been a lot of discussion about what this site could be. We have done a quick study for everyone's reference. It's currently zoned R-3, so currently today, the site can support up to four single-family residential homes. We wanted to at least share that, with everyone, just so they can see it from a point of reference of what would be allowable by right and what would be effectively available if the site was rezoned as R-8 MF.

**Ron Staley, 7427 Mathews-Mint Hill Road, Mint Hill** said I want to thank you for the opportunity to speak to you tonight about a need I feel that is currently in Charlotte. Verde Homes has been developed in infield opportunities for the last eight years, primarily in areas like Plaza-Midwood, Villa Heights, Belmont, as well as near Johnson C. Smith University. This was our first attempt at rezoning and not going to a by-right project. One of the things that we've looked at is over the last eight-years, we've primarily been focused on new opportunities infield downtown Charlotte. As we grow or as Charlotte grows, competition increases from other builders and other developers, such as Shea homes, Ryan Homes, other develops in Charlotte. As a small, infield developer, I quite honestly can't compete with those guys. So, it led me to look at other opportunities, and the age restricted came up.

One of the things I realized is that there is a big hole and a big void in Charlotte. There are several other developments in and around Charlotte at our age restricted and 55 and up, but most of them were quite honestly in Pineville, Mint Hill, Lake Norman, other areas where it's far enough away to where someone that currently live in that area, it's no longer convenient for them. When I say convenient, I mean, going to the same church that you had previously, going to the same beauty salon, going to the same grocery store that you were going to previously. I think that just because you're a senior doesn't mean you have to move out of your home. I think that there are a ton of opportunities if we're all in agreement that we can build an age restricted community within Charlotte. Thanks so much for your time.

**Mina Vazeen, 8515 Sardis Road** said I'm speaking here tonight to ask you to please give me and people like me an option to stay in the Sardis Road community that we helped to build. I have lived on Sardis Road since 1987. I started my family here, and I raise my kids here. Now, I'm pleased to mention that I've become a grandmother of two lovely little

girls here. In my opinion, me, my friends, and my family, and people like me, represent what it means to be Charlotteans from Sardis Road. One, we love the growth and exciting development in the City and the many, many people moving here. I can't help but feel like grandparents like me being left behind and forgotten, and I don't think that's fair. For years, as many of the folks here, who drove by my house, can testified that I have cut the grass, wash my windows, and raked my leaves, and clean my gutters. As I am getting older now, these chores are becoming harder and harder there. It breaks my heart to look around and see there is nowhere for us to downsize to. I don't want to leave my doctor. I do not want to leave my grocery store, and I do not want to leave the second family who meets me at McAlpine Park every day. This is our lives. We deserve to age with dignity in a small, friendly community in our neighborhoods that is designed especially for us.

**Mike deMilt, 139 Creek Valley Drive** said I'd like to just begin by recognizing my neighbors who decided to attend the meeting. I think you guys will see guys make some noise. There we go. So, just to get started here; in the interest of time, this proposal is inconsistent with the City of Charlotte's approved plans, policies, and precedent, and we'll set a new level of precedent in the City. This proposal is inconsistent with the South District Plan for long range planning, which recommends single-family residential land use, at a density of three per acre up to four. Obviously, you just mentioned. It'd be inconsistent with the City of Charlotte's precedent for rezoning residential properties itself. There's not a comparable that's even remotely close to this that has been done in the south district. It's inconsistent with the general development policies or GDP and consistent with Charlotte's zoning ordinance policies specifically. It's inconsistent with those centers of corridors, wedges, growth framework that's been provided in the past as well. States that existing neighborhoods or to be preserved and enhanced. It's also inconsistent in general, just with the character of the Sardis corridor. Approving this rezoning would set a totally new precedent that is completely inconsistent with the City of Charlotte's plans, policies as mentioned.

As we look here in the next slide, again, just a macro perspective here, you can just see it's very clear that this is all R-3, as the previous gentleman mentioned. The majority of the properties that have been rezoned are concentrated along major highways or major roads, Providence Road, Monroe Road, to the right and Providence on the left, and again of the ones that have been rezoned, even to different increased densities, they consist of single-family homes.

The one example which does stand out, which I would like to bring to everybody's attention, is the Sardis Court Townhouses, which was the comparable that we did pull up, but as you'll see here, it's not comparable by any means. This is the last rezoning that's been done in this area from R-3 to R-8 MF(CD), and it was done in 1998. It's also ordered from Whitehouse Manor, which is a commercial property on the left, and it's also bordered by Sardis Presbyterian Church and a graveyard on the right. It is also very significant buffer that's on the back end of the property that separates the houses. So again, extremely inconsistent for all of these reasons. Any new development that's been done on this corridor is single-family homes.

So, as we get into the disruption of existing neighborhoods, the surrounding neighborhoods are all multiracial, multiethnic, and multigenic generational. We have a quiet, stable neighborhood that many residents have been here for over 20 years. The proposed development will disrupt existing affordable-senior housing, and they're strong neighborhood opposition, as you can see, by all my community that has been at this meeting. In addition to that, we've circulated an online petition, gone door to door and met with our neighbors as well. We have over 600 people that have signed the opposition of this proposed plan. So again, existing, it's inconsistent with everything and again, strong opposition against this.

**Katheryn Yarbrough, 121 Creek Valley Drive** said the part that I want the part that I wanted to speak with 55 plus, because I'm real familiar with that demographic and have been for a while. Senior housing as it is generally defined has transportation, has medical facilities and has shopping. This has none of those. There's no transportation; there's no bus route along Sardis Road all the way until you get to Randolph Road between Highway

51 and Randolph Road that I could find the closest shopping is Food Lion, and it's 1.8 miles away and a 40 minute up and down hill walk, not going to do that. Medical, the closest medical is Ortho Carolina, which is two and a half miles away, moving on up to Novant in Matthews, and that's three miles away, and CMC Main is 8.6 miles away. One thing that we noticed and doing research on active senior housing is that it all includes amenities. This would not include amenities of any kind.

The second point I'd like to make is there's no need for it in this area there; at the bottom of your page seven, there's several facilities that are already in place that are 55 plus active senior housing. There are five that are close to where we are talking about, and they all include amenities. There are two more that are 55 plus apartments that are close by, including Over Tour at Charlotte on Randolph Road, right at Cotswold, 158 units. Those are beautiful, brand new, and have amenities, and then of course we have the senior communities, such Brightmore Plantation Estates that start with active senior housing and then build up. So, my point with this is we already have active senior housing; however, I don't really want, as an active senior, I kind of like where I live. I kind of like young people; young people kind of keep me going, and I really don't want to be stuffed into an area with just a bunch of old folks, my opinion there.

On this map that Mike showed you, I just wanted to reemphasize that map. If you look at that map, this is the immediate surrounding neighborhood. Only one person declined to sign that petition, but as I was walking around getting petitions, I will tell you we got a bunch of seniors in my neighborhood. I would kind of guess, and I don't want to insult anybody back there. I would have kind of guessed that plus or minus 40% of us are active seniors; on Mike's and my street is a one block street. There's six houses on our side of the street, and on that side of the street, four of us have active seniors. So, there's no need; the facilities are already there. Somebody wants to be wedged into something like that, but for the rest of us, I think we're kind of happy where we are, and this catch phrase, a 55 plus, I think that's just become something to be able to get more dense housing, which we don't need, and by the way, all of you have copies of the petition signatures, and they're more sets I printed does since I had those printed out.

I want to go to Storm Water. We do have an issue with storm water on the right side of this property, there are so several culverts, and they all empty into a creek or a stream, and I've been told there's no creek or stream back there, but these are pictures of that creek or stream that it is not there, and this is not when it's just rain. This has been a couple of weeks after. Sure, a month with no rain, that thing draws up, but there's a stream back there, and the important thing so far is floodwater is concerned, storm water is this stream not only carries the water from the culverts, it carries water from the existing property itself. Okay. Now, for that driveway to be built where it is, there's a 22 foot drop in elevation, and that would have to be built on some sort of retaining wall or berm and that would increase storm water over to the abutting properties on the right.

They're active; they're open cases downstream, but downstream at the top of the map. abutting properties on the right also get also get existing storm water. This is an issue that I don't think has been a dress from the sidewalk on Sardis Road, straight down, and this is 11 feet from the curb. There's a straight down drop. I don't know exactly how high that drop is, but I know it's more than twice how tall I am, which really might not be all that tall, but I'd say maybe 15 feet or more. There's a straight down drop. So, 11 feet out they're going to have to start building straight out to get the sidewalk and the green area that they've prescribed. I wanted to show you this too. This is the impervious area; on the left is the green space the way we have it now. On the right is the green space the way it would if we went with the proposal, this is going to increase storm water. This is going to increase runoff to the areas where we already have runoff.

Mayor Lyles said this is Mr. Bokhari's District. I am sure he will be available at any time to talk to you about this.

In rebuttal, Mr. Pennell said so regarding precedent, we all know that a Council does not set precedent based on rezonings that are approved. Petitions are reviewed on their own individual merits, and we believe that this parcel is unique and should be reviewed on this

parcel and this location's individual merit. Those merits being the parcel being a unique geometry in the area, the size of the parcel. Again, it's approximately 1.75 acres, it being located across the street from an existing school institution, the Fletcher School. So, I believe previously it was mentioned that the past rezonings along Sardis that had been approved we're adjacent institutional uses. That is the case here as well. Sardis Road has an existing turn lane, and in addition, the concerns here or this is a for sale product, and while some seniors are looking for homes that will cater to their needs, many of the available options in this area are for rent; this would-be a for sale product. Not all Charlotte teens can continue to care for their homes, and it should not be asked of our Charlotte natives and our Charlotte citizens to move to Denver, North Carolina or 12 miles down 521, that much further away from the hospitals that are two miles away, the grocery stores that are one and a half miles away. With that, I think we can go ahead and move to questions.

**Councilmember Bokhari** said thanks first for everyone coming out and hanging it. We don't usually have such wonderful signs on both sides of the argument. So, what we normally do in this case is you have to go in the lobby and fight it out, West Side Story and then we see who wins. No, thank you for coming. I think I'll repeat similar guidance and offline questions to staff as I did for the last case in my District, which is, we've got a lot of items in this nice book that you guys created that outline inconsistencies with plan, but of the other side of the coin, you've got a South District Plan that was created in 1993. We've got some pretty clear-cut reasons why the density and the things that are being asked for, probably at a glance, are inconsistent and wouldn't be something that are a no brainer; however, we have a known need at least citywide, and we'll figure out specific in this area of senior housing that is going to be here, not just today and what's there, but also as folks start moving out as properties gentrify in certain ways where folks might be pushed out. We're planning for the future with some of these things. So, what I'll ask again is for the Zoning Committee, particularly here, to look at this, not just that we know how staff is positioned right now with some of these things, to look at how we're evolving, maybe staff can arm you also with some of the questions that were raised by the opposition on how many existing senior facilities that locked in senior units are in the area, or is there a need in this area and what that looks like in the future to really think that through, but I guess the guidance I'd throw back is kind of the same guidance as before, which is work together. We've got 30 days. What concessions can be made? The only asterisk I'll put is unlike the last case, I think you the petitioner has a much higher hurdle to jump given what you're asking for in relation to what staff's position already has been stated and what is already inconsistent. So, I'll just say, please both work in good faith. I'll be there for you any meetings you'd like, anything like that, but you're going to have to meet a pretty high hurdle of concessions, at least in my own opinion, given what you're asking for here, and that'll have to be done in partnership with them.

**Councilmember Egleston** said Katherine, I just wanted to tell you, I appreciate your comments on young people. We should get a beer sometime. Back to something that I'd said earlier, so I'll just mention it briefly, I don't know whether this should be a task for staff or a task for the petitioner when they're asking for something like this, but the opposition here used the same very compelling graphic that demonstrates impervious surface currently versus impervious surface in the proposed plan, and again, I think that that middle ground context would be really valuable to understand that clearly, I mean, this is a beautiful looking home and a beautiful looking home site would that, it could stay one and three quarter acre forest with one house on it. That's probably not going to happen. So, it'd be I think, it would be useful for us again, as it would've been earlier, to see what that impervious surface or that building envelope could be in a by-right scenario that might be a useful exercise for the petitioner and trying to make the case for this being a reasonable proposal. So again, I don't know if that's something we might start asking of petitioners or whether the staff could mock up building envelope that would comply with current zoning in some of these instances. Oh, okay so the driveway is on there; I did not see it originally.

Mayor Lyles said yeah, the driveway, it is like a round-a-bout.

Mr. Egleston said okay, I apologize. I missed the conceptual that you had on there. So, from a coverage area, I would say that it sounds like there's some work to do on this still, but for the opposition, I would say that we certainly need to be looking at this from a what's allowable, versus what's proposed, because what's there currently though I'm sure, wonderful, is probably not the future for that site. So, I hope that we're looking at it in that context as we're trying to do a Mr. Bokhari asked and find a middle ground.

**Councilmember Driggs** said we have plans that are out of date and therefore often don't provide us with good guidance. So, when I look at something like this, I'm looking for a cue that says that lots of development nearby is not consistent with the plan anyway, or this is an infill, or it's not suitable for what the plan contemplates. So, I guess what I'm wrestling with and I'll just tell you, we can talk more offline, but what I'm wrestling is why couldn't this just be single-family homes, like the ones all around it? We talked a little bit about this; if we have an infill which is an orphan piece of land and it doesn't lend itself to development in the way that the area plan calls for and the area plan is old, and we know, that's routine. I would just like to have a reason for doing this that wouldn't be held up by everybody else that comes along and says, hey, me too, a reason that was unique to this or a special circumstance, to say that we should not apply the area plan GDP to this, and I'll just tell you, with where the staff has come out, I think you're sailing into some headwinds here. This is going to get tougher as a result with that. I'm waiting to hear also what the Zoning Committee says, but in light of the very vocal opposition from the neighbors and the staff recommendation, it's starting to turn into a more of a case of why should we do it than not. So, that's my advice to you. We'll talk some more offline, and I'll wait for the Zoning Committee. Thank you.

Mayor Lyles said I want to would agree on our, on our page two of seven, we talk about age restricted, but there's no drawings, nothing to what it will look like. Just going through that list, I think just going through that list, it is important if you're going to proceed, then I think Mr. Driggs said it well; this is surrounded by single family, and it's just there.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera and carried unanimously to close the public hearing.
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**ITEM NO. 33: HEARING ON PETITION NO. 2019-002 BY LAUREL STREET RESIDENTIAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.45 ACRES LOCATED AT THE CORNER OF EAST 7TH STREET AND NORTH ALEXANDER STREET FROM UR-2 (URBAN RESIDENTIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said we mentioned they've got a current zoning of UR-2, proposed zoning is to the new TOD, transit oriented development commercial center. This is located East Seventh Street, as well as North Alexander Street and Myers Street. The site itself contains a part of the church, which I believe is a AME Zion Church and two relocated historic homes that are on the site as well.

To give you some context of the existing zoning, as we'd say, it is UR-2. We do have a lot of surrounded zonings. It's UR based; we also have some MUDD zoning, as well as some U-MUDD zoning, typical of what we see in the uptown area. This is an application for a TOD zoning classification. It does fall within the guidelines of the transit oriented development ordinance that was just passed. We are within a certain distance within a transit station that would be the station up at Seventh Street with the Lynx Blue Line. It also is located within the Center City Activity Center. That significance or that is just areas that we like to continue to see more density and increase in some of those more dense urban environments. Again, not a typical of what we would look for a within center city itself.

The adopted future land use for this petition is consistent with the intent of the plan. The petition itself encourages future development, preserve, and enhance the existing center city neighborhoods. So, this petition with the TOD based ordinance with it being a community center, with the proposal being slated for a multi-family residential, it does move that intent of that vision plan forward. So, it is consistent with the Charlotte Center city 2020 Vision Plan, and staff does recommend approval at this petition.

It is a conventional petition, as we were seeing with all TOD's moving forward at this point. So, we do not have a site plan really get into the details and specifics. The petitioner can answer some questions about what they're proposing on the site, but again, those would have to be taken very lightly in terms of the context. They can't be conditioned, because they don't have a conditional plan that's associated with this proposal. So again, with that, we do recommend approval, and we'll be happy to answer any questions following presentations from the public.

**Dionne Nelson, 511 East Boulevard** said I am with Laurel Street residential. Laurel Street is pleased to have been selected as the developer partner for the Little Rocks Community Development Corporation on a proposed development at Seventh Street and Park Side in uptown. We have been working in coordination with the City staff for approximately a year and a half to comply with your guidelines and housing framework to use surplus land as a mechanism to support mixed income housing development. As such, we Laurel Street residential, work with city staff to submit a conventional rezoning petition for both the City owned parcel and the parcel owned by Little Rock Zion, AME Church to support such a concept. With that, we'll get into some details as we move forward, but we look forward to your question.

**Dwayne Walker, 401 North McDowell Street** said I'm so very pleased to stand along with Ms. Nelson at Laurel Street Residential to talk about this very exciting project that we believe would be an asset to our community. As you may know, Little Rock Church has been in that area since 1884 and has always been very active in First Ward, and we look forward to being a part of the solution for affordable housing in the City of Charlotte. We have members of our church who are here and I've very excited about the opportunity to partner with the City and with Laurel Street, and they are here. I am so pleased that they're still here. They are not used to sitting for over an hour. So, happy to see them still here but we are so excited about this opportunity, and we look forward to going forward with this a very wonderful project that we are blessed into the City of Charlotte and to the community that we serve.

**Lee Cochran, 511 East Boulevard** said so, I'll take you through a few of the particulars. The first thing I want to highlight is, while this is a conventional rezoning so it doesn't require a community meeting, we have also last week submitted our application to the City for funding from the Housing Trust Fund and the new choice funds, the private funds being administered by LISC, and as part of that, we've scheduled and mailed out invitations just on Friday for a community meeting that's going to be on June 4, 2019, 6:30 p.m., at Little Rock Cultural Center. So, folks that live in the neighborhood may or may not gotten that; it make me in their mail today, but just we wanted to kind of put it in the public forum that we will be having that community meeting, and we'll actually be able to go through more detail than typically in a rezoning where you don't talk about incomes; you don't talk about who you're serving; you don't talk about financing, because this is a request to the City and all of you will see this. You'll see a lot more details about this submission through that process. We'll be able to share a lot more in that community meeting than we would typically would on a, on a normal rezoning community meeting. So, we look forward to anybody that wants to come out and looking forward to that community meeting at the Cultural Center on the site itself.

One point as I go into this and you'll see it as we talk a little bit about TOD, is that regardless of whether we were doing this or not, we do feel this site is appropriate for the TOD zoning, and I'm going to walk through a little bit, and this brand-new TOD zoning you just adopted. What it does is sets the development standards for sites that are in and around transit, and you'll see all, not only transit but also other walkable amenities. So, you'll see two stops on the Blue Line Extension in blue, the Seventh Street and the Ninth

Street Station. You see the Gold Line on Trade Street. We're also about equal distance to the Gold Line on Trade Street. You see First Ward Park on either side of First Ward Park. You've got, ImagineOn Public Library, Children's Library; you got the UNC Center City Campus, and you even have First Word Elementary, which the purple dot just didn't show up, but First Ward Elementary is also within this half mile ring of the site. So, it's really perfectly suited for someone that wants in a walkable transit oriented, wants to live that lifestyle. This isn't perfect to say nothing of the employment options that are from every income level. You can imagine, obviously uptown has employment at every income level, so being able to live, work, and play all in the same area, this is kind of the perfect for it.

So, that's really why it's ideal for a TOD. So, what this would allow us to do is really build a non-auto centric residential community so that folks that want to live downtown do not want to rely on a car for their employment, for their education, for any of their activities. They can live here and not own a car, and so part of our design will look at bike storage, scooters, spots for scooters, spots for ride sharing for all of that. We will design that into the site, so you can live here without being reliant on an automobile, which will give a lot more opportunities for folks to live downtown that could never live downtown. The last slide, I'm going to look at, and I got time for it, which is good, is some of the concerns that have started coming to us about the site, we think we can address, and we'll address again at the community meeting.

There are two important buildings or three important buildings on the site. Most importantly, the Cultural Center where we'll have the community meeting, because it's part of the parcel that were rezoning and we'll be using the vacant part of the parcel, the parking, as part of our plan, it's included in the rezoning. The Cultural Center is going to stay in the ownership of Little Rock AME Zion Church. There are no plans to redevelop or do anything, with that building, other than habit stay where it is. We think the programming there could be enhanced by the folks that ultimately would end up living in the apartments that are built around it. So, the Cultural Center is not going anywhere. The second piece on the site are the two shotgun houses; those two shotgun houses are owned by the Gantt Center, and they are not occupied or designed to be occupied on the site as housing. Part of our process and working with the City of Charlotte will be bringing in and working with the Gantt Center as part of our application for funding is to figure out the appropriate place to relocate those houses.

That is going to be a collaborative process between the Gantt Center, the City of Charlotte, Little Rock and Laurel Street, and we think we can all figure it out together. We were certainly not redeveloping the site until those houses were relocated to an appropriate location, but we will certainly at the community meeting get into that and can answer any questions as well.

**Meghan Miller, 732 East 8th Street** said I would like to take this opportunity to speak about the rezoning petition by Laurel Street Residential. As a homeowner in this neighborhood, I believe the rezoning of this parcel would be a detriment to all current and future residents. For the past two years, I've had the privilege of being a part of this neighborhood. In the fall of last year, we had the opportunity to purchase the home we had been renting and decided to put down roots and start a family in uptown Charlotte. After living all over the country for work, my husband and I chose to return to Charlotte to settle down. We felt as though nowhere else had a community that aligned with their values and would be a safe and unique place to live like Charlotte. With the rezoning of the plot behind our new home, we're left with the decision about whether or not the City has our best interests at heart.

The expansion of Trinity Episcopal School has given us the insight into our future if this rezoning is pushed through; the surrounding streets are clogged with congestion from our proximity to the expanding school. North Alexander Street has become a parking lot for parents picking up and dropping off their children. The chaos created by parents parking and traffic as they wait has made it impossible for normal traffic to continue along these streets. Outside of normal pickup and drop off times, commuters and construction workers alike have exacerbated parking issues along North Myers, North Alexander, and Eighth



Streets. These streets have open parking that allows anyone to park for free all day, which has become a huge issue for current residents. Defined open parking near their own homes. Adding more residential housing to this area would create a further parking issue and drive more traffic to an already overwhelmed area. Cars and are often parked illegally, blocking the visibility of stop signs, crosswalks, and fire hydrants. Personally, I've watched pedestrians have to walk around cars parked in crosswalks into traffic and almost be hit by cars speeding down Eighth Street. The combination of too many cars lining the streets, creating low visibility for pedestrians and drivers alike, as well as distracted and speeding drivers, will only be worsened by the addition of more housing and more businesses.

By adding in another building in this area, residents along Parkside Terrace and Eighth Street would be losing the privacy of our own homes. Currently, the plot is a green space that creates a natural buffer along busy Seventh Street. By building on this narrow plot, you're eliminating that green space, costing us natural sunlight, which is very rare and highly desired and uptown and replacing it with noise and light pollution. Businesses that are open early and stay up late will disturb the streets of single-family homes with additional light pollution from spotlights and retail, as well as adding noise for more people and traffic.

The privacy that this lot allows our residents in their own homes is invaluable by adding apartments or businesses that look directly into our homes, you're robbing us of that privacy. While we understand the City's desire to continue to grow, we do not believe that the current request to develop this land is beneficial to everyone. We also do not believe that the request of rezoning it to TOD-CC is the appropriate action. According to the Transit Oriented Development regulations, it is not only not recommended for uptown, it is not intended for sites adjacent to a single-family zoning district or a single-family use. This space is not separated by a limited access highway, parkway, boulevard or avenue of at least four lanes, a rail corridor, or by a public amenity greater than three acres in size as the policy state. The narrow lot is only separated from the single-family homes by a regular two-way city street. By allowing a building to be constructed so close to these single-family homes, with the maximum height of 130 feet, you're sending a clear message to the current residents of these homes that you value revenue over residents. We are asking, at the very least, that any zoning be under TOD-TR, which would limit the height of the building on the lot to 50 feet. While this is still not recommended, it would at least allow her neighborhood to retain some of its privacy while allowing the City to expand where necessary. The Charlotte Center City 2020 Vision Plan is supposed to encourage for future development to preserve and enhance the existing center city neighborhoods. This rezoning does neither to preserve or enhance our existing center city neighborhood.

**Diatra Fullwood, 715 Parkside Terrace Lane** said I am along-time resident of Park Side at First Ward. In fact, I was among one of the first people to sign up with a new development, when it was announced from the Old Earl Village. At this stage, when few facts and plans are known, I have three main concerns about the new development. Number one, my first concern is retaining green space and open areas, which are critically important to me and neighboring families. The street is Park Side Terrace Lane after all. Second, maintaining our neighborhoods character and visual aesthetic, love the skyline view from my front porch rocking chairs, but what will I have to look at going forward? Third, the impact of traffic volume and parking for current residents. Parking already is an issue, given our proximity to the arena, uptown offices and attractions. These are my current concerns, and thank you for this opportunity.

In rebuttal Ms. Nelson said first of all, we appreciate hearing the feedback from the neighborhood residents. We look forward to having a community meeting where we can flesh out some of those details and answer some of those questions. So, those comments are duly noted. Obviously, the parcels are in uptown, and we believe that this parcel is appropriate for Transit Oriented Development. We met with City staff very early on, probably more than a year ago to talk about what the options were for a zoning classification that would be appropriate for the work that we're trying to do. So, it is with their support that we have pursued the TOD ordinance, and we frankly have differed a bit, because you were going through the rewrite of the ordinance, and we were willing to

comply with the new rules of the new ordinance, and so we intentionally deferred so that it would be clear that we are fully prepared to comply with all those new requirements.

Mr. Cochran said the one thing that I would add is that the current; we're not proposing in our development that we will show at the community meeting something more dense than what's allowed under the current zoning, so we're not up zoning for density in this case.

Mr. Walker said I just wanted to say how much we are very concerned about the community and our relationship with the community. We have been very much a part of the community and intend to provide services along with this project that will enhance even further the lives of those who we are called to serve. So, thank you so much for your consideration.

**Councilmember Egleston** said first, I'll address some questions and comments to the petitioners. First, Reverend Walker and members of the Little Rock family that are here, thank you for being here. I have been in your place of worship on multiple occasions. You're always very open and welcoming, and I appreciate that hospitality that even extended to me, and I appreciate your willingness to try to help us tackle what we've identified as a top priority and one of our most critical crisis crises that we are facing as it regards affordable housing. Given that this is a conventional rezoning, I cannot ask anything as a condition of the rezoning, but you mentioned yourself, unprompted, that the intention was to maintain the structure that you have there, and I would wonder, not as a condition of the rezoning, but just as a friendly suggestion, if there might be the opportunity to have some sort of deed restriction placed on that structure that would assure the community of its preservation.

Mr. Walker said yes.

Mr. Egleston said I think that would be, again, I have no doubt of the validity of your intention, but I think that for a long term, a perpetual preservation of that building, I think that might make people feel better. The shotgun houses and I think maybe we've talked about this, but if we haven't or you haven't yet reached out to them, I'd be happy to facilitate. The shotgun houses I think could be a great part of the story that's told at the Charlotte Museum of history, and they've got some land there. So, that could be a possible solution for that. Certainly, as someone who cares deeply about historic preservation, those three structures are very important to me. I know they are very important to you and your congregation as well.

Mr. Walker said yes sir, we were very happy to reacquire the Old Little Rock Church, which is now used to Little Rock Cultural Center, from the Afro American Cultural Center, which is now the Gantt Center and have been involved in a long-term relationship and the compensation with the Gantt Center concerning the two homes. We also want to assure the community that that particular building facility was built in 1911, and we have no intention of destroying or compromising that structure in any way, because it's so important to our legacy and our tradition.

Mr. Egleston said and I had no doubts about that. I think it would just help put some of that anxiety to rest. To the neighbors' concerns, I think I'd asked that C-DOT take another look at this, if possible, with given our neighborhood traffic calming policy, there are parking issues there. There are issues with people going through stop signs speeding. I would ask that C-DOT take a look at what options might exist under our new neighborhood traffic calming policies. If there are intersections that are not four-way stops, if we could look at the traffic counts through those intersections and see if four-way stops are possible, see if in certain places speed humps are speed tables might be possible. If there are areas that we don't have signs up indicating the 25 mile an hour speed limit, maybe those could be signed accordingly, even though it's obviously already 25 miles an hour, maybe it's not as obvious as it should be. I think that is a very valid concern regardless of this petition. I think that's something that we need to figure out. The other thing would be, is there the opportunity? I knew in certain parts of First Ward, like the Garden District, I know there are a residential parking permit programs in place. Is there an opportunity in other parts of First Ward where maybe that doesn't exist, that at

least during certain days and certain hours a permit would be required to park so that you don't have some of the issues that you've identified? I would want to clarify two things, and Mr. Pettine, if there was a comment made about how TOD would not be appropriate adjacent to single family. My presumption is that the way that's written would be single-family zoning, as opposed to existing single-family condition, which there is no single-family zoning in anywhere on this map. There is single family that it's there, but it's not zoned that way. This is all zoned MUDD, UR urban residential. Am I understanding that correctly?

Mr. Pettine said that's correct. Yes sir.

Mr. Egleston said okay. So, I did just want to clarify that point that the TOD not being appropriate next to single family, means single-family zoning, and there's not any single-family zoning here. So, that would speak to why that staff would deem this appropriate. It is currently, I can appreciate that over time we got accustomed to the way things are, not the way they're zoned necessarily, and that that has become sort of a de facto part. I would note, and I don't know that everybody has access to this, but in looking at it on our book here, this is currently zoned as UR-2, which I believe is a 17-dwelling unit per acre allowance. So, whether this was rezoned TOD or not, it could be developed at about a density of 17 units per acre. So, somewhere upwards of 10 or 11 units, I think by right probably. Ms. Nelson's nodding. So, this could be developed as urban residential tomorrow without coming through a rezoning. So, I don't want people to perceive the options here as it either stays as this de facto park, or it becomes an urban type of residential product, because I think that's inevitable. It's just a matter of what kind of residential product does it become? So, I just want to set realistic expectations in that regard, but I appreciate all the comments and again, appreciate the willingness of the church to try to help us tackle what is a critical need and certainly in an area that is walkable, is accessible to opportunity, to transit into all the things that we want affordable housing to be accessible to.

**Councilmember Winston** said I like to just point this out as an example, you know, something as we deal with growth in our City, the ability to create relationships and build relationships. I know when I was first sworn in, some of the first conversations I had was with members of your congregation, Dr. Walker about this parcel and the potential for developing it, and they were some real concerns about the ability to move forward. So, I hope we see this as an example, and we can continue the example to build relationships between the community and the development community to come to some common ground, and hopefully we'll keep getting there, because they had taken the extra step of having this further community engagement where they don't have to. That's an example of good faith efforts I think that we need to employ and promote moving forward.

I am sentimental to the idea that the school creates this traffic problem in the neighborhood, and I think Taiwo, I think this is something, again, another opportunity that we can interact with our counterparts at CMS for our Comprehensive 2040 Plan, because I think that's a problem all over the City, this culture around ferryboat lines, or whatever is schools call it, that really do impede on the experience in the neighborhoods. It has real environmental effects I imagine. If you did environmental studies around three o'clock around the City, they would be a spike around schools in our most vulnerable populations. So, I think we need to find solutions to that in general, that are policy based and not just case by case basis. I would like staff to show us next month when we have our Lunch Briefing how this does fall in line with the new TOD and how they're waiting game and execution have matched with our new land use policies.

**Councilmember Phipps** said I guess we wanted to echo Mr. Egleston's comment on thanking Pastor Walker and the faith community stepping up to help us with some of these problems, especially with affordable housing, and so many other faith communities have also done, but I wanted to direct your attention to some comments that were made, I guess the petitioner and towns of walkability and pedestrian friendly and scooters and bikes. Are you saying then that this project is not going to make any provisions for parking?

Mr. Cochran said no, no, it will; it will definitely have parking.

Mr. Phipps said okay. So, we will definitely have some cost centric aspects to this property then.

Mr. Cochran said yes, but I think the point is that many of the residents who live there will probably not have a car, but we will have parking at the complex.

Ms. Nelson said I may add that the intent of rezoning both parcels was because without Little Rock CDC's contribution of a portion of the undeveloped land on the Cultural Center parcel, we could not accomplish our parking goals and so they're putting land into the deal to allow us to do it in a very reasonable fashion.

Mr. Phipps said I would also like to refer to Mr. Egleston's comment. I guess he seems like he's volunteering the Charlotte Museum of History to take on yet another two parcels of a shotgun homes in addition to the Silone School that we're trying to get them over to the museum also. So, I don't know how they would feel about all these projects, but I do think that's going to be a real challenge trying move those two shotgun homes, historic homes to somewhere, as I've come to realize just trying to orchestrate the movement of this one particular Rosenwald school over to the museum. So, I would be praying for you in your endeavor to move those things.

**Councilmember Ajmera** said I do want to applaud Ms. Dione Nelson about delaying the project to comply with TOD ordinance. It is a model that you're creating, in addition to help us tackling affordable housing issue that some of my colleagues had mentioned. In terms of some of the concerns that are raised by Ms. Miller around traffic and congestion, I think that sort of falls on our shoulders to figure it out through our comprehensive planning to address this traffic and congestion, along with CMS and County for our long-range planning, but I think in order for us to address that, we cannot address this on a case by case. It has to be a long-range planning, and I hope that with our 2040 visioning and some of the work that we are doing in UDO will help address the traffic and congestion issues.

**Councilmember Mitchell** said Rev.; you mentioned your congregation's been here a lot longer than on your sermon on Sunday, correct? So, I'm going to try to help you out, will all members of Little Rock AME Zion Church, please stand and be recognized at this time.

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield to close the public hearing.
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Mayor Lyles said I think this is a serious conversation. We make light because I think it's a little bit late. I remember when those shotgun houses were moved there. I hope they will be able to be moved somewhere else. I also remember a volunteer project where we outfitted them with furniture where the closets were full of clothes that people wore during that time, and they are a significant part of our history, and I hope they'll be preserved and for many others to see what living in our community was like for a very long time. I also think that our neighborhoods need to be versatile and have a mixed income and mixed use, and I know that we hope for the compatibility.

A vote was taken on the motion and carried as unanimous.

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**ITEM NO. 34: HEARING ON PETITION NO. 2019-003 BY LAUREL STREET RESIDENTIAL, LLC FOR 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).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said we're going from an I-1 Light Industrial and I-2 conditional district, as we mentioned, to a TOD transit oriented development community center district. The petition, just to give you some context, sits right here at University City Boulevard and North Tryon street. Existing zoning, as we've mentioned, is I-2(CD), as well as I-1 surrounded by some B-2 districts as well as some B-1 and some MUDD districts within that area as well some residential, a little bit further up University City Boulevard. The adaptive future land use is office, retail for this site. So, the proposal is inconsistent with the plan; however, we felt the general site of this location on the transit corridor with the petition going to TOD-CC, it's within less than a half mile of University City Boulevard Transit Station, as well as less than a mile from the McCullough Transit Station. TOD-CC is applicable really with any site within that half mile of a transit station. It would allow some of the mix of uses that would be recommended, so while it's inconsistent with what we generally understand of what would the outcome of this petition would be, overall there are some consistencies. So, staff didn't have any significant concerns with that. We do recommend approval of this petition. It is conventional, so again, there is no site plan to get into the details of comments or questions on that. I'd be happy to answer any questions following any follow up from the petitioner in their agent.

**Dionne Nelson, 511 East Boulevard** I am with Laurel Street residential. This is the second parcel that we've been talking with your City staff about for probably about a year and a half. The intent again here was to use the City surplus land to support mixed-income housing development. As a part of that process, we evaluated what zoning districts would be most supportive of development on the site; in collaboration with staff up in the housing department and in the Planning Department we came to the conclusion that TOD would be the most appropriate and flexible ordinance or land use for this parcel. We support moving forward with the zoning request, although I will clarify that in the recently issued city RFP for funding, we have not submitted a plan for this proposed site. So, this would be something that if it moves forward for our mixed-income housing development proposal would come at some point later in the future, but because we were two thirds of the way through a rezoning process and there was real consistency that this was appropriate land use for the site, we would like to continue to move forward with the rezoning request.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2019-006 BY AMERCO REAL ESTATE COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.63 ACRES LOCATED ON THE EAST SIDE OF THE INTERSECTION OF FREEDOM DRIVE, ASHLEY DRIVE AND TUCKASEEGEE ROAD FROM B-1SCD AIR (BUSINESS SHOPPING CENTER DISTRICT, AIRPORT NOISE OVERLAY) TO BD(CD) AIR (DISTRIBUTIVE BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY) AND B-2(CD) AIR (GENERAL BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said for orientation here is Freedom Drive at Ashley Road, and it's the site that you see there; it is the old Lowe's Home Improvement store that has been closed 20 years I'm sure at least. Right across the street is the Valerie Woodard Center,

which was the former Freedom Mall, which was redeveloped by the County as some of their office space. So, the proposal here, and it includes a fairly a torturous looking at zoning line between BD, which is distributed business and B-2 Conditional for this reuse of that particular building. Now, it is empty; there is also an empty drugstore here. So, there is some need for some rejuvenation here, and there is one Subway right in the center of it all. There's two wonderful little art pillars right there, because this is the entrance into the Freedom Drive business district. So, this is the site that is under consideration. It does not involve the rest of the shopping center, just that main parcel right there. The existing zoning is B-1(SCD), which is an old, old shopping center district. The surrounding, you've got a multifamily directly behind. There's a laundromat; there's an urgent care center right in the corner there as well. The adopted future land use for this plan is the 1993 Central District Plan. So, it's got some age on it, but it does have some very specific recommendations for this. It calls for this area out.

Let me go to the rationale here where we can quote more specifically. The Freedom Drive corridor functions as a regional mixed-use activity center. The west side of town needs shopping opportunities along Freedom Drive redevelopment for industrial uses would diminish the retail possibilities. It goes on to say that they recommend promote redevelopment of Freedom Drive principally as a general business B-2 corridor. So, that's the context of the plan. Again, it's got some age on it, but I think it still has some validity. In looking at the proposal, there is a rather torturous line that comes out here into parking lot, and right off in the front there is a section that is for BD, which calls for a mini storage, the small units with the roll up doors, which is in the front parking lot in front of this building. It also calls for reuse of the existing building for a BD uses, and that is something that we have done and have approved in other circumstances for a building in a similar situation, but in those conditions, we've generally pushed for everything to be internal inside the building and not extending out into the front. This sight was last rezoned in 1987 and included some trees that were never built, because the plan was never carried forward that are not in the parking lot today, and even in looking at some of this, we are not seeing, which is in B-2. We are not seeing the kinds of landscaping that we would expect to see for redevelopment in this area. So again, this is an area that needs some redevelopment. We think that there may be some ways to work through some of this, but we think that as presented right now, we do not support the plan as it exists today. It is not consistent with the retail emphasis that that plan has in place.

**Jeremy Horton, 61 E. Morehead Street** said I'm with Timmins group, the engineer for the project. We worked with staff to determine the best zonings for the different uses there, the mini storage inside, as well as the units and a truck and trailer rental outdoors. We are meeting the tree ordinance in terms of the require parking. The striping that's out there now would be removed, but we are meeting the tree requirements in terms of a parking and providing those tree islands.

**Councilmember Mayfield** said this building, looking at the design, the building has actually been split. One piece of the parcel that we're discussing right now, specifically for a company; help me understand, where would the parking, according to this design or it could be from the petitioner, exactly where are U-Haul trucks going to be parked?

Mr. Horton said the rental trucks would be displayed along the front and the angled spaces along Freedom Drive as well as the shunting lines in the middle for cycling.

Mr. Mayfield said so as you're driving Freedom Drive, heading towards I-85, we have a multi-million-dollar investment through the County. We have a multi-million-dollar investment from Novant Health, with a new facility being built, so that I'm clear and what you're proposing is a rezoning where we will have you U-Haul trucks that we'll be facing on Freedom Drive, when we have multiple investments that have gone into this area? Because there's also a proposed of a medical center across from the Novant Health medical facility, because the owner of this building split one part of the building to one highest bidder and the other part of the building to the other highest bidder. So, I'm trying to make sure, and staff use the pointer please to help me align so that we all understand where Freedom Drive is and where there's parking would be.

Mr. Main said here's Freedom Drive. There's the drugstore, the Subway sandwich place is here. So, here is the existing parking lot. This is the building that was the original Lowes Home Improvement Center and then this is the section that is the other strip stores from times past. The proposal is for a demising line or a separation through the parking lot. So, this is the front parking lot that's out in front of the building. These are the units that are proposed for a mini storage that would be built, as I understand it from their plan, in the parking lot, and this other section over here also in front would be a staging point for trucks and a rental vehicle along this edge over here, and that's my reading of the plan

Ms. Mayfield said I do want to make sure that my colleagues know, even though they did not sign up tonight since this is the community, some residents in the community have concerns; some residents don't, because nothing has been built. I had a call earlier today where I was asked what's going on next door. Once they learn that across the street, that Novant Health is developing, as well as a medical center is being developed. They have questions regarding this particular type of development on the corner. Especially, when you look at accessibility that we're always talking about to the highway as well as public transportation. I was reached out to from the One business owner that is the closest business owner, and that is the owner of the Subway. If you've been in the area, Subway has done some remodeling and revitalization for their unit, so the owner that have concerns regarding what this would look like having the vehicles and or storage in the front of this space, because on the backside of this same lot, it should be noted on once you crossover and Tuckaseegee, there's Prefer Chiropractic, which has done a major reinvestment, but they also developed, built, and reinvested in the current building, a \$1 million and some change urgent care and that will be on the back side. So. I understand why outside of it being outside of the plan, there will be concerns regarding staff, but I did want to make sure that my colleagues had a full picture of current development that is happening in that area as we look to make this decision, especially with, it seems that it's looking like a medical corner down in that area but I also will acknowledge that I attended the second of the two meetings for U-Haul. There was only one person that attended the meeting I was at. I believe two or three of the residents attended the first meeting, which was at their location going towards Gastonia, so a couple of residents went out. So, it wasn't a large attendance. It's mostly a senior community as in their immediate area, so for full transparency, their current space they've outgrown, but I have concerns about this particular location for this type of development and what new precedent it could set when we're in partnership with Mecklenburg County making major investments in this corridor.

Mayor Lyles said can you remind me? It's the site inside the opportunities zone site. I can't remember.

Ms. Mayfield said this part of Freedom is outside of the opportunities zone.

Mayor Lyles said I thought I remembered us talking about where it was and what was going along on that corridor closer to Morehead Street.

Ms. Mayfield said I think [inaudible] that particular restaurant took advantage of it, but this end close to that I-85 is an area that's being revitalize without opportunity zone support.

Mayor Lyles said I think anything that we do along here all being among the vision of what we're starting with opportunity zones to go out, and this is just I think a highly visible use for a trucking center. I mean commercial for people short term I'm sure, but I think we have to think through this when they are there.

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

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**ITEM NO. 36: HEARING ON PETITION NO. 2019-008 BY COHAB, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.52 ACRES LOCATED ON THE WEST SIDE OF THE INTERSECTION OF SEIGLE AVENUE AND EAST 15TH STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO MUDD(CD) MIXED USE DEVELOPMENT, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS.**

Mayor Lyles declared the hearing open.

Kent Main, Planning said this site is on Seigle Avenue, right at Belmont Avenue, just north of Central Avenue and area that many of us were on, on the bike route recently, but this is a half-acre site. Here's an aerial view of the site and the surrounding areas; the existing zoning, it is a single-family residential. Right across the street from it is the Salvation Army facility, which is on the corner of Siegel Avenue and Belmont Avenue. There is also a parking lot and then an area zoned UR-2, which is a three story, apartment building that was developed by Salvation Army and by the Housing Authority in its day. There's also another such a similar facility about a block and a half north of there. Other than that, it is single family around there; 15th Street dead ends into the greenway just beyond the site right there. There are a few other small retail buildings, former gas stations and low intensity things. So, this is proposing 35 units, at a density of 68.8 units per acre.

Mayor Lyles said what is our highest recommended per acre?

Mr. Main said from a recommendation that our plan has here, is for a single family residential. That is consistent with the plan. This is the Belmont Area Plan, which has some age on it and the single-family neighborhoods, surrounded on that side of the way.

So, this is proposing to be 65-feet in height. That is five to six stories. I understand there may have been some discussions but that is the plan that is presented to us and that I need to present to you today. It includes 35 units; three units will be reserved for affordable units, affordable housing. There are three houses on the site now. So, three of the new units in the 35 units would be included in that. There is also as a little bit of inconsistency in their plan, because it also mentions in addition to the 35 units provision for all uses in MUDD district, with some specific recommendations that that may include other retail uses but could include, as written, offices and other things as well.

It does include an eight-foot planting strips and sidewalks along the edge. It is inconsistent with the Belmont Plan, which recommends residential, single family at five units per acre, consistent with the other houses surrounding it. The height is way out of line with other things, even those other apartments which are only three stories in height. It's an existing-family community, and that's what the plan had called for the preservation of. Staff is not supporting this. In addition, they are asking for a five-year vested right, which is not an appropriate thing for us to look at for a single-story building that would have to be built at one time. It's generally reserved for multiple a building sites where it would take time to accomplish this.

Russell Fergusson, 933 Louise Avenue said I'm here with the Principle of Cohab LLC that is Harrison Tucker. We're here to ask you for your support, and we appreciate you hanging on this late into the evening to listen to us, and I apologize, it is probably not going to happen very quickly.

I'm going to hand this over to my client here in a second here, but I think there's something important about this. A theme through what we're seeing through the night. We have a project in which we've sought neighborhood input. We've made major changes throughout the way. You're going to learn about how we've changed that project through here, but we're proposing something that has responsible density right next to large capital improvements next to the greenway, within half a mile of the light rail. We're including affordable housing so that we're not losing what is naturally existing currently affordable housing, but it's unlikely to stay that way in the future, unless it's permanently included in a project like this or someone is to do another affordable housing project, but we think that this project and hope that you will come to agree with us as we go through this presentation is something that can really benefit this neighborhood in the broader



sense of the term neighborhood is I think should be encouraged for this. The current area plan is from 2003. It's very outdated. We will present some information about the community associations update to that plan as well, which is very close to what we're proposing. Thank you.

**Harrison Tucker, 801 East 17th Street** said I'm with CoHab Development; it's nice to see you again. This is the project that we're referencing on the corner of Siegel Avenue and 15<sup>th</sup> Street, and we'll get into the design a little bit later in the presentation. We believe that this project is consistent with the Belmont Community Association Revitalization Plan. As you can see, the orange square there is our site, and it's directly adjacent to three important notes, the BCA's revitalization plan for 2016. One is the Belmont, a main street corridor, the Blue Line that cuts to the neighborhood. The other is Seigle Avenue as a corridor of interest, which is one of the light streets and then the third is an economic development node targeted at the corner of Belmont Avenue and Seigle Avenue, which our parcel just touches there. This is another map of the neighborhood, just showing that outline of some of the buildings. Ours is directly in the center. I'm just a block half a block away from the greenway there. You see here that the project is consistent in size with the other multi-family projects along Seigle Avenue, and we have broken down the mass of our project to help reduce architecturally the scale with colors and materials and the massing. So, here you see this is the site plan; a couple of important things to note, down into the right catty corner is the three story multi-family building that staff is mentioning. Around the corner on Belmont Avenue, just a block away is some of some of the new businesses that have opened [inaudible], and there's a forthcoming vet. and one of the buildings that the City recently sold, and I think it's important to note here, vehicular access is a single point.

All the parking is a subterranean, so it's hidden from the neighborhood, which is one of the reasons why the DUA is a little misleading. We don't have any surface parking. So, we're able to, provide more units and a well-designed urban form. We've got a public courtyard on the front and the building is four stories on Seigle Avenue, close to what the height of the caddy corner multifamily is, because they are they are sitting up on a grade and have a mansard, and then it steps down to three stories towards the neighbors, which you'll see later too. This project as Russell mentioned is an important asset to build on the Capitol investments made by the City. As a crow flies, a half mile to the Parkwood station, if you put it in Google maps, three quarters of a mile walking. The businesses along Belmont Avenue are just a block and a half away, and of course we want users on the greenway, and we'll show you some of the bike parking that's included in our development to try to encourage that type of transportation use.

These are multi-family projects all along Seigle Avenue, except for the one top right is across the greenway on 15<sup>th</sup> Street. The project on the left-hand side of the slide is the multifamily we've been referencing on the same corner. The projects in the middle are three story town homes on a Seigle Avenue and 18<sup>th</sup> Street and then we've got townhomes on Seigle Avenue and 10<sup>th</sup> Street I believe on the bottom right. We like the type of multi-family options that are available in Belmont, and we think those are critical to the health of the neighborhood long term. If parcels like these are not allowed for smart growth density, like the kind that we're proposing, we know the dynamics of the real estate market in the area.

The houses that are currently on the site will not be preserved in a single-family zoned area. They will be turned into larger, more expensive single-family homes, and we have no problem with single-family homes as a development typology. There's plenty of good, these are beautiful homes all in the Belmont neighborhood, but we do think there's room for alternative-housing options, and ours is a for rent product with smaller units. We're including capital affordable units in our projects as well to bring a diversity of housing stock to the neighborhood, and we're doing that at a responsible scale. So, the products on the left is the corner of Hawthorne Lane and Central Avenue. There's a lot of these massive apartment buildings going up, and CoHab was really founded to find an alternate way to build on smaller parcels. And so, you can see the way that our project transitions from the corner of Siegel Avenue and 15<sup>th</sup> Street and has a more residential architectural tone as it progresses towards the residences on 15<sup>th</sup> Street, and we've really enjoyed

working with the neighborhood on this project as well, and a lot of these changes here are direct input from the neighbors here tonight. This is an angle on 15th Street, so you can see the porches and the columns, the pitched roofs, really bringing in the traditional residential, architectural language, and we know that this type of development moderate density is important to both old and new businesses in the neighborhood. We want walkers, pedestrians who can access these businesses so that they can continue to thrive. Just speak a little bit about the community engagement process for us. We began with some more intimate meetings with land-use members and neighbors last fall. We've since had between Russell and I think eight meetings with the immediately surrounding neighbors and two of the larger presentations at the Belmont Community Association. We have materially changed the project and response to them. We think the project has improved with their input, and we're really excited about that. We're going to continue to lead into more aesthetic changes as that discourse, continues over the next month. We've reduced the height from five stories of four on Seigle Avenue and from four to three in the back of the project incorporated more affordable units. We have 35 parking spots to 60. We added landscaping buffers to protect the privacy of the surrounding residential, and we've talked about that the traditional residential look on 15<sup>th</sup> Street and we have tried to reflect the mill history of the neighborhood with the architecture and fundamentally changed the programming of the product as well by removing a retail that we originally scoped.

We were conscientious about the experience that this project will have on the 15<sup>th</sup> Street neighbors especially. All parking is underneath and enclosed, so they won't have to deal with parking noise. The entries are all on Seigle Avenue, and we have adjusted the sight lines of any porches or roof areas so that they are not peering down into the adjacent properties. Here, you see a little bit closer detail, the architecture of the project. We've got multiple building materials and colors to try to engage the street level. That's the public courtyard right there on Seigle Avenue, and you can kind of see behind that tree in the courtyard there is a garage door, and that's where the bike parking will have one stall per unit of bike parking in addition to the parking underneath for a vehicular access.

This the red brick here, it was really an architectural step towards mimicking some of the older buildings in the neighborhood. So, we're really excited about where we landed. I hope that you will agree that we need sensitively designed projects in the half-mile radius of the light rail, transit oriented development is crucial to welcoming all the newcomers we have to Charlotte. We included affordable unit. We want to retain affordability in the neighborhoods, we have really enjoyed the, the community engagement process and look forward to continuing working with the neighbors, even if we can't agree on everything; it's been from our side of really engaging in and helpful process. So, thank you for your time, and we'll open up for questions or for the next presenter.

**Tatiana Moreland, 808 East 15th Street** said thank you so much for hearing me out, and your job isn't easy, so I appreciate your time. I am here on behalf of East 15th Street homeowners, all of which are here today. We range from old and new neighbors. Some of us were born and raised in the Belmont neighborhood, and others just moved in this past year. That being said, what makes Belmont a great neighborhood? It is a very quiet, charming, escape from the bustling Center City of Uptown Charlotte. It has a charming neighborhood feel. It doesn't feel like anywhere USA; with all the building that's going on around Charlotte, I feel it's becoming more and more generic, and Belmont has its own local flavor. Belmont is diverse and provides a multitude of affordable housing options and conventional housing stock. The neighborhood is working towards stabilization, homeownership, and opportunities for generational wealth, and those are goals that are listed in the BARP (Belmont Area Revitalization Plan) vision and the community update.

As stated by this zoning planning staff, the proposed project does not comply with the revitalization plan of 2003. Now, even though the revitalization plan of 2003 has some age on it, it was recently updated by the Community Association just in 2016, and the goals from 2003 are still the goals of the community today. In both update and the BARP of 2003; density is all provided on the south portion of the neighborhood towards uptown along Siegel Avenue if you're going towards 10th Street. Seigle Avenue between Belmont Avenue and Parkwood Avenue is largely supposed to remain single family, as there are

currently occupied single-family homes in on that side of the neighborhood. We would like to stick with our area plans and adhere to the recommendations of our Planning Department. This is a map of what I'm talking about; the red line is Belmont Avenue. You can see where most of the density is being located towards uptown Charlotte, where it is appropriate to have that type of density. On the north side, that is where most of the single-family homes are located and density where it is; it's still only 40 feet high. The proposed development site is going to be at the corner of an entrance to a narrow and short dead-end street.

As we live on east 15th street, we worry that when cars are parked on both sides of the street, we have routinely had problems getting our trash picked up a big, because our streets serves as overflow parking to McCadden Park, and they didn't provide enough parking for those units, so ours street is overflow parking, and if the proposed development isn't going to provide enough parking, then we fear that our street is going to just have to suck up all of the overflow parking, and emergency services aren't going to be able to get down to us in the event of an emergency, and we have children down there. I would like to take this opportunity to ask for no parking signs. I've spoken with the Fire Station One, who has stated that we would benefit from restricting parking on at least one side of the streets. We would also like to take this opportunity to recommend that the proposed development have a six-foot sidewalk and an eight-foot planting strip. The requirements of MUDD are an eight-foot sidewalk and an eight-foot planting strip, but this is a residential street, and there are new homes on this street, and so the use is unlikely to change in the next 30 years from residential to anything else. So, it makes more sense to have the six-foot plant sidewalk and eight-foot planting strip, as well as just a diagonal sidewalk, as opposed to that awkward 90-degree angle you see around the planting strip sometimes. This would make for a better transition as we see more development in our City, especially along this street.

So, our concerns are that it does not park itself. Now, we have to pay attention to the parking ratio versus the parking provided; they are providing parking as the solution of parking stackers; however, while this is a solution, it's not a very good one, because parking's stackers are typically operated by train valet services and not by average daily commuters trying to get in and out of their homes to and from work. So, therefore we're worried that the overflow parking will end up on East 15th Street. There's poor sight lines in a steep 13% slope and a drop eight-feet from the bottom of the development site to the lowest houses East 15th Street. So, one parking space per bedroom is necessary to provide adequate parking for this project.

It is not a good transition; it's way too tall. Like the Zoning Planning staff said, it's 65 feet, which is five to six stories tall. The tallest building in the neighborhood is four stories high, and you can see the, the vistas that's located there are located near the edge of the neighborhood. Those are only four stories high, and there are 100% affordable housing. So, they're very different. The proposed development would be at the top of a dead end and the dead end at the bottom, so the 65 feet would make you seem like a 100-foot tower.

Density, so going from five units per acre to, and you heard this correctly, 68 units per acre is an enormous leap. The project is not good transition and is inappropriate density for the proposal site location. The developers suggest that this is a transitional project and this is a missing middle, but this is the missing middle for our neighborhood. This, would be more appropriate in a transit oriented development like South End; that is where it would be a transitional but not in our neighborhood. Furthermore, because they are rental units, they take away from the BRAP's vision of providing more housing stock and more home ownership opportunities. So, they're knocking down three current homes in order to replace them with rental units. We believe that a shorter, less dense building that parks itself would be appropriate, something such as a 3100 North Davidson, near Haberdish is mixed use residential, three stories, and fits within the surrounding neighborhood.

So, this is a picture of the bottom of East 15th Street, and as you can see at the top there, there's that van that's nearly a permanent fixture over the street. There's a gentleman

who lives in McAden Park. He parks there, and you can see how narrow the street gets. The top of that tree line is what we would expect 65-feet to look like. So, when it's a big blocky building, it's going to be very overwhelming from the bottom of the street. So, this is the proposed development, and it's a serious contrast to what's is currently in the neighborhood. We have bungalow and craftsmen style homes, single family, and they are proposing to present this on a corner.

The average Charlotte household has two vehicles so, one parking stall per unit is inadequate; while we're moving towards a transition of trying to get more heavily reliant on public transportation and walking and biking, our City just isn't there yet. Charlotte is still heavily reliant on vehicle transportation. So, having vehicles parked on both sides of the street will prevent our trash from being picked up and our emergency services being provided. The closest light rail station is at Parkwood Avenue, which is well over a half a mile distance. It's barely within the mile radius, and pedestrians have to crossover two busy streets, Parkwood and Davidson, which are very dangerous to pedestrian traffic at the time, in order to get to the closest light rail. It would limit parking available to our residents and our guest, emergency vehicle access, and trash pickup, then rental units versus mixed-income units for sale. We deal decrease neighborhood participation and opportunities for generational wealth creation. Thank you very much.

In rebuttal Mr. Fergusson said a few other things here, I think one of the biggest and pressing issues on the street, which is something we're very aware of is the existing problem with cars parking on both sides of the street that's too narrow. We've already committed to engaging in assisting with this. I've already been sending some email to the appropriate Councilmember to try to resolve this. We think it's something that we can help resolve, and we're going to work to limit parking to one side of that street. That's an existing problem, but we're hoping to work on that, along with some crosswalks on the new four-way stop at Belmont Avenue and Seigel Avenue on a few other community improvement projects.

The 2003 area plan that calls for single family here in this, not the first time I've spoken about this year is outdated. It was intended to preserve a neighborhood, a neighborhood that I know well. I attended Seigle Avenue Presbyterian and the 90s, right across the street from Piedmont Courts. It'll soon be a three and a half story rooftop deck, townhome location. I watched that neighborhood change. The idea that preserving single family alone would save the neighborhoods that were neglected in the past has borne out not to be true. These changing the shape, allowing some diversity allows us to preserve some of those equality assets.

Mr. Tucker said I'll just touch on a couple of issues on height. Obviously, you can see in this presentation, we are four stories a maximum height, and that's all on Seigle Avenue. The building transitions to three stories that approaches the residents. The maximum height on the project is 49-feet, single-family homes zoning, you know, is 40-feet maximum height. The other thing I'll touch on is parking stackers. There are other apartment projects in the City that have parking sackers. The Garrison downtown is one example. We're meeting not only the requirements in MUDD with one stall per vehicle, one cell per unit. We have added stackers for every two and three-bedroom unit so that every single-bedroom in the apartment building is parked except for the third bedrooms on the three-bedrooms, and the three-bedrooms are important for us, because we want a diversity of housing stock in the neighborhood.

**Councilmember Egleston** said two of the points that I was going to ask about, because I had understood the maximum height to be 49-feet. So, I guess for staff, did the petitioner make staff aware of the new commitment to the 49-feet and if so, why did staff's presentation not address the updated things that the petitioner had made you aware of or had they not made you aware of?

Mr. Fergusson said we have been reducing it so that we would never have to increase it. So, the staff is probably not as fully aware of it, but we have been presented to the entire neighborhood association with this plan. So, maybe everyone but staff is formerly aware,

but they're locked in on reviewing the last revised site plan. We're waiting to do one more revision after this hopefully.

Mr. Egleston said I guess staff could, I don't think I've seen this happen that staff changed their mind between the hearing and was vote, but it makes it hard I think for us sometimes, and this is more of a broad statement, but if we only get one shot at the hearing and staff doesn't have the updated information, does staff ever changed their opinion between marking a decision?

Mr. Main said staff does not revise their opinion if circumstances call for that. We do have deadlines. The deadline of the of the submission we got called for 65-feet. We cannot have them wandering in here at the meeting and say, hey, by the way, it's going to be 45. I alluded to that when we were making the presentation that we understood that there were new things going on, but we still have to evaluate the one that was submitted on time.

Mr. Egleston said fair. So, I know that's not the only sticking point for staff or for the neighbors, though I know that originally the height was probably one of the main two. Height and density would be probably the main two things that were concerns for staff and for neighbors. So, I do appreciate that the neighbors and the petitioners have been as engaged as they have been. I think certainly on the massing and the height, there's been a lot of progress made. I think some credit is deserved for the stackers. I don't think it's fair to assess that as one parking stall per unit. It's admittedly not the same as having to surface or to regular parking spaces to have a stacker, but it's certainly not the same as having one either. So, I think some credits to do there for trying to be creative and addressing the parking need, and we'll be curious to see, because admittedly we have received feedback from neighbors for it and for and neighbors against it. So, I will be interested to see too, when the neighborhood takes their formal vote, how that shakes out.

**Councilmember Winston** I think one thing I heard about the concessions around parking on both sides of the street or eliminating one side of street parking, I think this is again, another Comp 2040 plan and maybe we bring Solid Waste into it. There's an idea called alternate side of the street parking in other dense urban areas that allows parking on both sides. And, maybe that's something we need to think about moving forward, as opposed to eliminating opportunities.

I don't think Ms. Wideman is here anymore, but, um, there's a note in here that they will try to preserve the affordability of three units being that I'm assuming that the exiting units is something like a NOAH right now. Will we determine whether it's more been more beneficial to have those as rental units or for purchase units? Cause they don't specify in the notes.

Mayor Lyles said I think that is a question for follow-up. I know that we have asked about this alternate parking side, because in Smallwood and that area, they had that same problem, and I don't remember what the decision was.

Mr. Winston said yeah, these are all these all things for the follow up, not to answer right now. If they do go the route of rental properties, they said that they would accept vouchers, but we know that is said often in our community, but when it comes down to it, we have trouble with properties accepting these vouchers. Is there anything that we could write into the potential plan that really does insure other than what they have on the-

Mr. Egleston said it would be committed to it on the conditional rezoning? Right?

Mr. Winston said yeah. Well there's a lot of places.

Mayor Lyles said it would have to be a note, so they can tell us that, but as I think the problem is the voucher is not being accepted, also availability of those statues. It's really hard.

**Councilmember Driggs** said so in that same vein, I'm not sure where the three units fit into a land use decision, and I'm not sure what sort of a contract or enforcement mechanism we have, and in fact, state law says the affordability of the units is actually not a valid criterion. So, is this legally enforceable, or is this an understanding that we would have? Because as an inducement to allow 35 units in a place where otherwise, the density should be five, then going to 68, I don't see it as a very powerful inducement, but I'm also just curious about the legalities of including some sort of a deal on affordability and a land use decision. So, we can maybe follow up on that one as well, but you see the point right there. Normally, we're not even supposed to consider price points and issues like that reaching a land use, at least that's what I was always told.

Mayor Lyles said we did that before with the River District. I think it's they brought it forward. It wasn't that we asked them; they brought it. We can accept it as we did that in the River District rezoning cause they're doing-

Mr. Driggs said my question is, is it a valid criterion when we decide whether or not to approve this land use? Maybe I will follow up with you about that.

**Terrie Hagler-Gray, Senior Assistant City Attorney** said I agree; obviously, they can volunteer to add that type of condition. I think your question is, can that be the determining factor for your decision? I would say that price points and you know, valuation is not a land use consideration.

Mr. Driggs said so then, assuming that we do this, do we have a contract with them or what rights do we have to require that they perform under this condition?

Ms. Hagler-Gray said if they do make a commitment and there's a condition, and it becomes part of the plan than it is enforceable.

Mr. Driggs said that can be part of the plan? It's not just a side agreement. That sounds to me like something that you would put into a plan. Actually, my difficulty is I think is an inducement to do this. It's rather weak.

Mayor Lyles said I don't disagree with you on that. I am just saying we have had notes written in on affordable agreements that people have volunteered before.

Mr. Driggs said right, and it was something that we kind of talked about, and I don't know, I remember a couple of cases where we knew that that was where we were going, but then we asked whether or not, that we had an ability to require it or enforce it. Anyway, I'll check on the legalities with you. I don't particularly like the terms of the deal.

**Councilmember Phipps** said I know that they're not asking for a TOD zoning, but I'm wondering, is the proximity to the rail stop, under our new TOD ordinance, what would that density translate to from the station stop up to this location? Would this be one of those criteria that I know close to in to the station is a higher density, but as you move out it becomes lower density. What would that classification be in terms of density?

**Taiwo Jaiyeoba, Planning Director** said are you asking specifically for this one or how it would be structured?

Mr. Phipps said yes, if just one was asking for a TOD type neighborhood type zoning, what would it be?

Mr. Jaiyeoba said if it's the neighborhood use, obviously that will be in the urban core, because that's really our most intensive TOD type use. If it's outside the urban core, you can have TOD-CC, which is community center, or you can have neighborhood center, which is almost moderate density and up to about 65 or 75-feet tall, but then as you move into the transition area, you have to put about 200 feet buffer between that TOD use and nearest single-family residential, so that way, even if they have the heights, you have a gap between the nearest single-family residential on TOD's.

Mr. Phipps said so, even with that, this would still be an outlier to that particular?

Mr. Jaiyeoba said to a degree. Yes.

**Councilmember Ajmera** said to Mr. Phipps's question about the density and in the most intense area does answer my first question. So, to the petitioner, why so much density?

Mr. Tucker said so, we really focus on good urban design, and the reason that this site can support that density is because it's not surface parked, we're parking underneath. We're a half mile from the transit station right near the greenway. The neighborhood is really close to uptown, and if we're going to solve the housing crisis and climate change, we want as many people living near those public infrastructure investments as possible. We think this is a great location. There's other multifamily right on Seigle Avenue, and I would ask the council to really look at the urban design and the architecture, the form of the building rather than focus on the 60, DUA per acre.

Ms. Ajmera said to your point about affordability and the sustainability, what would be the range, like if you're seeing affordable for this? I know that's not the question that I could base my decision off of, but because you said it's about affordability, what is affordable in your- or how do you define affordable?

Mr. Tucker said another way to phrase it is housing diversity. So, the rental rates will be market rate, but they're smaller units, so the total rent will be less than some of the other surrounding rental properties, and a lot of the multifamily that's been approved in the area was either built a long time ago or what is a townhome product, and because we're an apartment product, we're able to offer lower rents for people who are not able to afford a down payment on a townhome or one of the single-family homes that you saw on the presentation.

Mr. Fergusson said I think too, the other question of what we have in a note and a draft that may or may not be what's in front of you, essentially as a commitment to, make three units applicable and maintain them in the federal housing voucher choice program, which is Section 8 affordable housing for rental subsidies. It is limited to 50% of AMI, but it is typically at 30% or below, and there is a backlog of a lack of availability of those units, so we would be committing to that through our conditional site plan. So, for the big A affordable component, that's what that is. In the small A is more of the diverse side.

Mr. Tucker said the density allows that affordable, capital A, affordable housing to be included. So, like in our other projects, we have tried to design our business model in a way that we can keep the same number of formal housing units on the parcel, while adding density to cover that cost.

Ms. Ajmera said so, would there be an ask from Housing Trust Fund for this?

Mr. Tucker said no.

Ms. Ajmera said okay, so that's part of the development. Thank you.

Mayor Lyles said I just would bring your attention to the comments by the staff, in terms of outstanding issues, in terms of land use, transportation, site and building design, and environment. There are a number of major issues under adding notes and things like that. So, as you're going forward, you have another month to work with where are you going and what you'd like to see. Right now, I would say that those are things that really meets your attention.

Mr. Phipps said yeah, I just like to you know, later on I like to get just a one off with the staff to understand the comments under the environment. I read this thing two or three times. I still can't decipher what it's saying, but I would like to get together with staff so they can explain it to me, to try to understand it.

Mayor Lyles said so we're going to have a storm water, how to build and water; we're going to do that for everybody.

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

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#### OPENING AND CONTINUATION OF REMAINING PUBLIC HEARINGS

**Mayor Lyles** said we'll take up the remaining items at our next meeting, which will be the Tuesday after Memorial Day.

Motion was made by Councilmember Bokhari, seconded by Councilmember Newton and carried unanimously to open the following hearings and continue them to the next Business meeting on Tuesday, May 28, 2019: Item No. 38: Petition No. 2019-013 by Andrew Klenk; Item No. 40: Petition No. 2019-015 by Greg Godley/Sugar Creek Ventures; Item No. 42: Petition No. 2019-024 by Investicore, LLC; Item No.43: Petition No. 2019-025 by White Point Partners, LLC; Item No. 44: Petition No. 2019-026 by Beacon Development; Item No 45: Petition No. 2019-032 by US Developments, Inc.; and, Item No. 46: Petition No. 2019-048 by B & B RE Ventures, LLC.

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#### ADJOURNMENT

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

The meeting was adjourned at 10:14 p.m.



Emily A. Kunze, Deputy City Clerk, NCCMC

Length of Meeting: 6 Hours, 1 Minute  
Minutes Completed: July 2, 2019