

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, November 18, 2019, at 6:21 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, Justin Harlow, LaWana Mayfield, Mat Newt, and Braxton Winston II.

**ABSENT:** Councilmember Julie Eiselt, Larken Egleston, James Mitchell, and Greg Phipps.

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### INVOCATION AND PLEDGE

Mayor Lyles said we are beginning the season of Thanksgiving, and there are so many people in our City that haven't had the chance to participate in the economy in a way that allows them to have a place that is warm to sleep and where their children have books in their bedrooms and parents to read to them. Tomorrow and through our entire Thanksgiving Season, I would like to ask each of us as citizens and residents of this community to think of a way that you can give to those that are less fortunate, to many of our agencies especially those that deal with homeless children, homeless adults, many of our agencies that provide food and substance to those that do not have the ability to have it. As we think about what is coming ahead, I'd like for all of us to understand gratitude means not only being grateful for ourselves but being responsible for allowing others to experience that same opportunity for gratefulness, and as a City we often do it, but this time reach a little bit deeper and do a little bit more. I would appreciate any thoughts that you can give to that.

The Council recited the Pledge of Allegiance to the Flag.

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### EXPLANATION OF ZONING MEETING

**Mayor Lyles** gave an explanation of the Zoning Meeting.

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### INTRODUCTION OF ZONING COMMITTEE

**Sam Spencer, Chair of the Zoning Committee** introduce the Committee Members and said the Zoning Committee will meet Tuesday, December 3rd at 5:30 p.m. to discuss and make recommendations on the petitions that have public hearings tonight. The public is welcome at that meeting, but please note it is not a continuation of the public hearing that is being held tonight. Prior to that meeting, you are welcome to contact us to provide input. You can find our contact information and information on each petition on the City's website at [charlotteplanning.org](http://charlotteplanning.org).

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## DEFERRALS

Motion was made by Councilmember Bokhari, seconded by Councilmember Harlow, and carried unanimously to defer decision on Item No. 4, Petition No. 2019-100 by Matt Connolly-Pile Properties, LLC; decision on Item No. 11, Petition No. 2019-071 by FH 1524 Sunset Road, LLC; decision on Item No. 15, Petition No. 2019-090 by Culp Rad Materials, LLC; decision on Item No. 17, Petition No. 2019-094 by Andrew Parker all deferred to December 16, 2019. Decision on Item No. 18, Petition No. 2019-097 by Arden Acquisitions, LLC and decision on Item No. 19, Petition No. 2019-099 by Townes Mozer deferred to November 25th. Deferral of Hearings, Item No. 23, Petition No. 2019-035 by Novant Health, Inc.; Item No. 24, Petition No. 2019-080 by Seahawk Partner Holdings, LLC, Item No. 25; Petition No. 2019-110 by Jay Patel. Item No. 26, Petition No. 2019-117 by Montana Drive OZ Fund, LLC; Item No. 28, Petition No. 2019-069 by Harrison Tucker – CoHab, LLC; and Item No. 36, Petition No. 2019-111 by Hive Fitness, LLC deferred to December 16, 2019.

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**ITEM NO. 5: ORDINANCE NO. 9677-Z, PETITION NO. 2018-117 BY HOPPER COMMUNITIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.7 ACRES LOCATED ON THE EAST SIDE OF SOUTH TRYON STREET, SOUTH OF EAST CAMA STREET AND NORTH OF EAST PETERSON DRIVE FROM R-8 (SINGLE FAMILY RESIDENTIAL) AND MUDD(CD) (MIXED USE DEVELOPMENT, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by McClung, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Scaleybark Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office uses at the corner of South Tryon Street and East Peterson Drive, 12 dwelling units per acre along South Tryon Street, and 8 dwelling units per acre along East Cama Street. 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 majority of the site is within ½ mile walk of the Scaleybark Station on the LYNX Blue Line. The project will allow for infill that will provide transit-supportive uses within close proximity to a station area and TOD zoning designations. The project provides street-oriented residential uses along E. Cama Street and S. Tryon Street, with internal units facing proposed internal streets. The project provides future connections that can allow for enhanced connectivity and block layout for future development. The project provides pedestrian elements that create an enhanced pedestrian network along E. Cama Street, Heriot Avenue, and S. Tryon Street. The proposed project provided adequate buffers and screening to adjacent residential on E. Cama Street, and Peterson Drive.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2018-117 by Hopper Communities, Inc. and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Scaleybark Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office uses at the corner of South Tryon Street and East Peterson Drive, 12 dwelling units per acre along South Tryon Street, and 8 dwelling units per acre along East Cama Street. 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 majority of the site is within ½ mile walk of the Scaleybark Station on the LYNX Blue Line. The project will allow for infill that will provide transit supportive uses within close proximity to a station area and TOD zoning designations. The project provides street oriented residential uses along E. Cama Street and S. Tryon Street, with internal units facing proposed internal streets. The project provides future connections that can allow for enhanced connectivity and block layout for future development. The project provides pedestrian elements that create an enhanced pedestrian network along E. Cama Street, Heriot Avenue, and S. Tryon Street. The proposed project provided adequate buffers and screening to adjacent residential on E. Cama Street, and Peterson Drive.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 606-607.

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**ITEM NO. 6: PETITION NO. 2019-009 BY JOSEPH RHODES FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.0 ACRES LOCATED ON THE EAST SIDE OF BEATTIES FORD ROAD, NORTH OF TRINITY ROAD AND SOUTH OF LAKEVIEW ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND B-2 (GENERAL BUSINESS) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

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 Northwest District Plan recommendation for residential uses, and with the General Development Policies density recommendation for the northern portion of the site. The petition is inconsistent with the Plan for the southern portion of the site, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family development at up to 4 units per acre and the General Development Policies support a density up to 8 dwelling units per acre for the north portion of the site. The plan recommends retail uses on the south portion of the site along Trinity Road. 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 plan recommends single-family development at up to 4 units per acre for the north portion of the site, and retail uses on the south portion of the site along Trinity Road. The General Development Policies (GDP), updated in 2007, provides policy guidance for evaluating proposed residential densities greater than 4 units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 8 dwellings per acre. Surrounding retail, church, school, and park uses will provide support services for the proposed attached residential use. The site abuts single-family zoning only at Hornet's Nest Elementary School, and so does not abut existing lower density single-family neighborhoods. The surrounding land uses are more compatible with the petition's proposed residential development than the Northwest District Plan (1990) recommendation for retail on Trinity Road. To the east and south of the site are religious institutions, which while zoned B-2, are considered compatible with residential uses. To the west of the site is Hornet's Nest Park. Hornet's Nest Park is a Regional Park with over 140 acres of active and passive recreation opportunities. Parks are considered compatible with residential uses and provide residents with increased access to open space and recreation opportunities.

The following changes were made after the Zoning Committee vote:

The developer committed to providing a clubhouse for the development.

Motion was made by Councilmember Harlow, seconded by Councilmember Bokhari, to approve Petition No. 2019-009 by Joseph Rhodes and adopt the following Statement of Consistency, as modified: This petition is found to be consistent with the Northwest District Plan recommendation for residential uses, and with the General Development Policies density recommendation for the northern portion of the site. The petition is inconsistent with the Plan for the southern portion of the site, based on the information from the final staff analysis and the public hearing, and because the plan recommends single family development at up to 4 units per acre and the General Development Policies support a density up to 8 dwelling units per acre for the north portion of the site. The plan recommends retail uses on the south portion of the site along Trinity Road. 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 plan recommends single family development at up to 4 units per acre for the north portion of the site, and retail uses on the south portion of the site along Trinity Road. The General Development Policies (GDP), updated in 2007, provides policy guidance for evaluating proposed residential densities greater than 4 units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 8 dwellings per acre. Surrounding retail, church, school, and park uses will provide support services for the proposed attached residential use. The site abuts single family zoning only at Hornet's Nest Elementary School, and so does not abut existing lower density single family neighborhoods. The surrounding land uses are more compatible with the petition's proposed residential development than the Northwest District Plan (1990) recommendation for retail on Trinity Road. To the east and south of the site are religious institutions, which while zoned B-2, are considered compatible with residential uses. To the west of the site is Hornet's Nest Park. Hornet's Nest Park is a Regional Park with over 140 acres of active and passive recreation opportunities. Parks are considered compatible with residential uses and provide residents with increased access to open space and recreation opportunities.

**Councilmember Harlow** said I know we have gotten many e-mails and text, and we've got the petition in front of us from the community and community members are here tonight. The petitioner is also here tonight. This is a petition on which we had a hearing back in June; we deferred this petition four or five times through the summer and early fall. I will be frank, when this petition came to hearing, it was half baked at the time in my opinion. It was mentioned at the hearing, and we've had a couple community meetings since then, and I commend the community for being involved at that point to really start asking the right questions or slowing down the process a bit to understand what was coming to this part of Beatties Ford Road. There were some requests from the community, some around language around limiting, was this going to be a for-sale community or for-rent community and including language about short or long-term rentals. I do know the developer added in bullet point (i) under architectural standards about limiting long-term rentals to six-months and below with the understanding that our legal capacity goes to that extent and we can't know what a future HOA might do in this development.

I know there were other concerns about traffic; Beatties Ford Road is kind of a parallel to I-77 for folks coming out of the northern part of the county. I appreciate the developer adding some improvements along Beatties Ford Road on their site frontage, not just for turn lanes and widening of roads to help couple what we are trying to make with some City investments around the sidewalk improvements. I know the community is concerned about business and part of this being already zoned for business has not been addressed. There is no business or retail component in this; there were no renderings in the original site plan. We've got five site plan amendments, and revisions later we've got some renderings that shows some design intent. I am appreciative of that. There is concern about guest parking. There is always concern about parking in this City, and therefore I feel we've kind of tried to find some middle ground here with the community and with the developer. The clubhouse, in my opinion, was the last sticking point. That is the last addition that we just chose not to send back to the Zoning Committee. I've given my commitment to support this petition with that. I know that the community is still unwavering

in their lack of support when it comes to this feeling that there is still some work to be done. I feel that over many, many months, many, many deferrals; we sent this back to the Zoning Committee twice already, multiple site plans revisions that this 128 townhomes, while dense, I think some of this density will help support the need and recruitment for some of the desired and commercial use, particularly as this site is just a little bit up from Beatties Ford Road and Sunset Road, a large commercial corner. So, that is my intent to support it and why I'm recommending approval tonight understanding that, and I want it to be clear, many of you have asked me. The community is not in full support of this at all and still feels there are many more conversations to be done. I just want to put that out there in the record.

**Councilmember Ajmera** said I appreciate the work that the District Councilmember has done on this to address the need that the residents had asked for, specifically on clubhouse. I have a couple of questions on that David; what is the square footage of that clubhouse, and do we have that information? I didn't see that in our package.

**David Pettine, Planning** said there is no commitment on the square footage to the clubhouse. They just it that they have committed to construct one; they haven't committed to the square footage and probably didn't know exactly what size they would potentially build, but they don't have a commitment to an actual size, just that they would construct one.

Ms. Ajmera said so, that means no commitment in terms of the construction, timeframe or how it will be used; so, none of those details have been provided.

Mr. Pettine said no, and typically, we have projects that just say they will provide an on-site amenity; it could be a pool or could be a clubhouse or different things that they provide for the community. A lot of depends on what the product type is they are going to go after or what their marketing is going to be for that type of project and what type of amenity they may end up with. So, again they just committed to the clubhouse itself, what is going to be in there and what size that hasn't been committed to.

Ms. Ajmera said I appreciate the commitment that the petitioner has made and working with the District Councilmember, I think that is a good step, but I think we need more details on how it will be used; what amenities will be provided? What is the construction timeline? What is the square footage of that? I think those are some important details we need, at least I need, before approving this.

**Councilmember Mayfield** said David, one of the outstanding issues was the site and building design; we had a note in there to amend the site plan to add the following note: garage doors visible from public or private streets shall minimize the visual impact by providing a setback of 12 to 24 inches from the front wall plane and additional architectural treatment such as translucent windows or projecting elements over the garage door. Why was that rescinded?

Mr. Pettine said I would have to follow up with you and talk to our urban design folks to see if that was something they pulled off as just more of a request, and they weren't able to accommodate based on just the building design type. Typically, architectural standards we have to be a little bit cautious about how detailed we get on some of those. Even with a conditional plan they still have to be voluntarily accepted by the applicant. We can always ask for them, and they can also say they don't necessarily agree to provide architectural standards, even though the conditional process. So, that is something I would have to provide you a follow up if we had an opportunity, but at this point, since we are up for decision, I don't have a direct answer from design standpoint why that was rescinded other than it may have been something the applicant couldn't commit to based on the product they were providing.

Ms. Mayfield said as a general rule I try to support the Council District Representative, because they are the one that is at the meeting, and as Mr. Harlow noted, there were a number of concerns that came from residents in the community that all of Council received with some very specific concerns. The challenge that I have is what I always talk about,

and that is impact and intent. Without having some clarifying language, even though they have done a lot, they have addressed everything that staff asked. I have talked to Dr. Harlow, and there has been a number of revisions. There is still some concern and it is difficult for me not to hear the concerns of the residents because we have seen what displacement does. We know that the City of Charlotte has language in place where we can have up to six individuals living in a household, and that is considered a family. We know Air B&Bs are real; we know that we don't have language around Air B&Bs. We know that we are seeing a lot of transition, and what builds a neighborhood is owner occupancy because then hopefully you have a tie into making sure that community is successful. I believe Dr. Harlow may step to the side to reach out to the petitioner to see potential a deferral. It will be very difficult for me not to hear the concerns of the community that have come, including a former elected who served on this body as well regarding this petition. It will be hard for me to support this petition as is, and that is acknowledging that a lot of work has been done. I think we don't always ask not necessarily the right questions but the impactful question as far as what could the potential impact of the neighborhood be if you are not going to identify owner-occupied from the very beginning? If you are going to say that we will commit to a clubhouse but you don't give the design standards; is this a clubhouse that has running water that has a partial kitchen or a kitchen? Is it going to be accessible to the residents for certain hours? What are the requirements? When we have this precedent, if we were to move forward, then we open up the door for future projects to come in with very little information and for them to go back and say well on this petition you didn't require all of that, you just trusted the process and then if it doesn't happen then future Councils will be having that conversation about why wasn't this done?

**Councilmember Winston** said on these third Mondays, we are supposed to make land use decisions and the best use of land in interest of the community; not make a decision just based on the project. For full disclosure, I've never really liked this project. The first iteration, as was said, seemed pretty half-baked. I hear the concerns of the neighbors and the neighborhoods. I'm grateful for the organized displaying of your concerns. I think some of these concerns I don't necessarily agree with. One of those things is completing enclosing in a secure gate community; actually, this is one of the reasons I'm probably going to vote against this. I do not think we should be building more dead-end streets along Beatties Ford Road, and this is what this plan calls for. It doesn't provide the type of connectivity that I would want to see, and I just can't get over that point of creating another dead-end. I think I will be in opposition to this tonight.

**Councilmember Bokhari** said what level of detail do you normally see for amenities inside these plans? Would you see square footage?

Mr. Pettine said it really would depend on the type of project; some we do see amenities that get into a little bit more detail, but a lot of times they are very general. They will provide an amenity and a lot of times those amenity packages aren't even decided on by the builder until they know what product they are going to put on the ground and then that helps to dictate whether they are going to provide a pool, or it is going to be tot lots. It really depends on what the marketing strategy is for the product in a lot of cases. So, that is why we don't often see as much commitment on that side of a project as we do the actual homes or the actual buildings themselves. In this case, I do understand the community has been asking for some things in a little bit more detail. I think typically what we see would just be that there would be an amenity on site.

Mr. Bokhari said so not out of the ordinary?

Mr. Pettine said no.

Mr. Bokhari said I have followed this somewhat closely along the last several months we've been doing it. I think from what I've seen, this is a bad precedent for us to be setting, which is you've got a District Rep who was working really hard to find common ground, negotiating, concessions, and goal posts were being moved in that time and still more concessions were being made, and now we've got that District Rep saying he has gotten to a point to support it and many of us who have not been at that negotiating table

have not spoken to the petitioner and seen that work directly and have not raised our concerns before tonight to them are now threatening to derail that. I think it is a super bad precedent that tells the development community out there who does give us a lot of concessions a lot of times because we work hard with them and the community to find them, it tells them we are not really open for business, and the last several months of hard work and concessions may not result in a good faith effort. I think it is a really bad precedent for us to be setting.

Mr. Harlow said I know how to count, so I know we don't have six votes here. As you mentioned earlier Mayor, we have a short team and the votes matter more a little bit. I will say this to respond and I appreciate everyone kind of engaging in this, often most of the decisions just fly, and so I do appreciate everyone engaging in this. I think there are some good points that are raised; we know that there have been a lot of commitments that have been made, many of which were brought up by the community, those that were met. We got some specifics it sounds like that I think it is giving some heartburn to some Councilmembers particularly around this clubhouse, the size, its dimensions, its location and how it is programmed and all of those things. I'm not sure how much of that we can demand or whatnot, but I understand that those are concerns. If possible, I want to withdraw the motion. This will not pass, and for those out here, if we took a vote right now, there is not six votes to deny it nor are there six votes to approve it, which means it essentially gets deferred. I just want to withdraw the motion to approve and move to defer this petition. It seems there are some questions, and I hope that this will be my parting gift to you all. I hope that you stay engaged over the next month to ask those questions because they are good to ask. I think the community is deserving of some of those answers. So, if I can withdraw my motion and substitute it with a motion to defer.

Motion was made by Councilmember Harlow, seconded by Councilmember Mayfield, and carried unanimously to defer Petition No. 2019-009 to December 16, 2019.
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**ITEM NO. 7: ORDINANCE NO. 9678-Z, PETITION NO. 2019-032 BY US DEVELOPMENTS, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 14.72 ACRES LOCATED ON THE NORTHSIDE OF HIGHWAY 29 NORTH, EAST OF CAPRINGTON AVENUE FROM R-3 (SINGLE FAMILY RESIDENTIAL), R-17MF(CD) (MULTIFAMILY, CONDITIONAL) AND MX-2 (MIXED USE) TO R-17MF(CD) MULTIFAMILY, CONDITIONAL).**

The Zoning Committee vote 5-0 (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 Northeast Area Plan based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends a mix of residential land uses up to eight dwelling units per acre and/or institutional 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 Northeast Area Plan recommends a mix of housing types for this site. While it is denser than what is permitted, the Petition's commitment to providing both multifamily and attached single-family development on the site is consistent with the plan's recommendation. The R-17MF(CD) zoning adjacent to the west has the uses limited to a daycare center, an assisted living facility, and/or a community recreation center. However, these are neighborhood-serving uses that are considered compatible with the residential uses in this petition. There are similar multi-family units on the other side of Caprington Avenue, the units in that project were separated from adjacent single-family uses with similar site plan conditions. The site abuts a lower density, single-family residential neighborhood (4.5 DUA) to the north and east. However, the site plan includes additional commitments to ensure compatibility. The multifamily component of this petition is sensitive to the seven existing single-family homes on Wrayhill Drive-by locating lower density townhomes between the existing homes and the denser multifamily development. In addition to a class C buffer, the location of the water quality area and tree save create

further spatial separation between the multifamily development and the existing single-family homes to the north of the site.

Motion was made by Councilmember Ajmera, seconded by Councilmember Bokhari, and carried unanimously to approve Petition No. 2019-032 by US Developments, Inc., and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast Area Plan based on the information from the final staff analysis and the public hearing and because the plan recommends a mix of residential land uses up to eight dwelling units per acre and/or institutional 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 Northeast Area Plan recommends a mix of housing types for this site. While it is denser than what is permitted, the Petition's commitment to providing both multifamily and attached single-family development on the site is consistent with the plan's recommendation. The R-17MF(CD) zoning adjacent to the west has the uses limited to a day care center, an assisted living facility, and/or a community recreation center. However, these are neighborhood serving uses that are considered compatible with the residential uses in this petition. There are similar multi-family units on the other side of Caprington Avenue, the units in that project were separated from adjacent single-family uses with similar site plan conditions. The site abuts a lower density, single family residential neighborhood (4.5 DUA) to the north and east. However, the site plan includes additional commitments to ensure compatibility. The multifamily component of this petition is sensitive to the seven existing single-family homes on Wrayhill Drive by locating lower density townhomes between the existing homes and the denser multifamily development. In addition to a class C buffer, the location of the water quality area and tree save create further spatial separation between the multifamily development and the existing single-family homes to the north of the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 608-609.

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**ITEM NO. 8: ORDINANCE NO. 9679-Z, PETITION NO. 2019-049 BY APOLLO HOLDING COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.00 ACRES LOCATED ON THE NORTH SIDE OF QUEEN CITY DRIVE, SOUTH OF TUCKASEEGEE ROAD, WEST OF TODDVILLE ROAD, NORTH OF I-85 FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 6-0 (motion by Barbee, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Westside Strategic Plan for most of the site and inconsistent with the Northwest District Plan for the remaining portion of the site based on the information from the post-hearing staff analysis and the public hearing, and because the Westside Strategic Plan recommends business/office park land uses for most of the site, and the Northwest District Plan recommends single-family up to four dwelling units per acre for the remaining portion of the site. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the subject property is located north of Charlotte-Douglas International Airport and within the "Combined 1996 Noise Exposure/Noise Compatibility Program Noise Contours" which identifies the day/night average sound level at 65 decibels, and which is not conducive to residential development. The proposed hotel use is consistent with the office/business park land use recommended for most of the site as per the Westside Strategic Plan and is more compatible with the airport functions than multi-family residential. The rezoning proposes improvements to the site which include landscaping along Queen City Drive which is a frontage road for Interstate 85 and buffers adjacent to the existing single-family homes.



Motion was made by Councilmember Mayfield, seconded by Councilmember Harlow, and carried unanimously to approve Petition No. 2019-049 by Apollo Holding Company and adopt the following Statement of Consistency: This petition is found to be consistent with the Westside Strategic Plan for most of the site and inconsistent with the Northwest District Plan for the remaining portion of the site based on the information from the final staff analysis and the public hearing, and because the Westside Strategic Plan recommends business/office park land uses for most of the site, and the Northwest District Plan recommends single family up to four dwelling units per acre for the remaining portion of the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject property is located north of Charlotte-Douglas International Airport and within the "Combined 1996 Noise Exposure/Noise Compatibility Program Noise Contours" which identifies the day/night average sound level at 65 decibels, and which is not conducive to residential development. The proposed hotel use is consistent with the office/business park land use recommended for most of the site as per the Westside Strategic Plan and is more compatible with the airport functions than multi-family residential. The rezoning proposes improvements to the site which include landscaping along Queen City Drive which is a frontage road for Interstate 85 and buffers adjacent to the existing single family homes.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 610-611.

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**ITEM NO. 9: ORDINANCE NO. 9680-Z, PETITION NO. 2019-051 BY JOYCE M. GREEN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .66 ACRES LOCATED ON THE EAST SIDE OF WEST SUGAR CREEK ROAD AT LYNN LEE CIRCLE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO INST (CD) (INSTITUTIONAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Gussman, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family 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 site is located on West Sugar Creek Road, an existing major thoroughfare. Although the proposed institutional use is inconsistent with the residential land use recommendation in the district plan, locations for new institutional uses are not typically identified within adopted plans. Instead, these uses are considered on a case-by-case basis, considering the compatibility of the specific use with the surrounding development. A childcare center is considered compatible with neighboring residential development as the existing home and residential character will be retained.

Motion was made by Councilmember Harlow, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2019-051 by Joyce M. Green and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan based on the information from the final staff analysis and the public hearing and because the plan recommends single-family 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 site is located on West Sugar Creek Road, an existing major thoroughfare. Although the proposed institutional use is inconsistent with the residential land use recommendation in the district plan, locations for new institutional uses are not typically identified within adopted plans. Instead, these uses are considered on a case-by-case basis, considering the compatibility of the specific use with the surrounding development. A childcare center is considered compatible with neighboring residential development as the existing home and residential character will be retained.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 612-613.

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**ITEM NO. 10: ORDINANCE NO. 9681-Z, PETITION NO. 2019-069 BY BLU SOUTH, LLC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.17 ACRES LOCATED ON THE EAST SIDE OF CHINA GROVE CHURCH ROAD, WEST OF SOUTH BOULEVARD, NORTH OF I-485 FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-8 (SINGLE FAMILY RESIDENTIAL).**

The Zoning Committee voted 6-0 (motion by McClung, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Sharon & I-485 Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential at 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 this proposal is consistent with the area plan recommendation. The site is adjacent to the I-485/South Blvd Transit Station. The proposed zoning is consistent with the surrounding residential zoning districts in the area, which include R-4 and R-8 (single-family residential) and R-8(CD) (single-family residential, conditional) districts. The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood.

Motion was made by Councilmember Mayfield, seconded by Councilmember Newman, to approve Petition No. 2019-068 by Blu South, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Sharon & I-485 Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential at 8 units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this proposal is consistent with the area plan recommendation. The site is adjacent to the I-485/South Blvd Transit Station. The proposed zoning is consistent with the surrounding residential zoning districts in the area, which include R-4 and R-8 (single family residential) and R-8(CD) (single family residential, conditional) districts. The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood.

**Councilmember Mayfield** said I do want to take the opportunity to thank the petitioner; there were a number of conversations that were held with the Sterling Community and the Sterling Neighborhood and the Neighborhood President, as well as the residents did send a letter of support. I hope my colleagues also received it for this petition, but I wanted to acknowledge that there was a lot of communication with the residents in the neighborhood for this petition. The vote was taken on the motion and recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 614-615.

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**ITEM NO. 12: ORDINANCE NO. 9682-Z, PETITION NO. 2019-078 BY CHARTER PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 39.75 ACRES LOCATED ON THE NORTH SIDE OF JOHNSTON OEHLER ROAD, EAST OF PROSPERITY RIDGE ROAD, SOUTH OF I-485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-3 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by McClung, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Prosperity Hucks 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 eight dwelling units per acre for part of the site (parcel 02931108A) and residential uses up to four dwelling units per acre for all additional parcels in the petition. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because at 10.5 dwelling units per acre, this petition is slightly denser than what the adopted area plan recommends. However, the plan also recommends that residential uses bordering the activity center include a mix of housing types that serve as a transition from the denser mixed-use development to the surrounding lower density neighborhoods. This petition is consistent with the area plan's recommendation by providing a mixture of thoughtfully arranged housing types. At least 120 senior housing units will be located on the western portion of the site. This area is the closest to the activity center and will increase access and mobility for the senior residents. The remainder of the proposed multi-family development is located on the northern portion of the site, bordering Interstate 485. Townhomes and private streets paired with landscaped buffers provide an appropriate transition from the proposed multifamily development to the abutting single-family uses. The petition's proposal for a childcare center is also consistent with the area plan's note that neighborhood-serving institutional uses may be appropriate if compatible with surrounding uses. A childcare center is considered compatible with the existing and proposed residential uses. The petition commits to enhancing the pedestrian environment, particularly through the construction a signalized pedestrian crossing to Mallard Creek High School, which will improve safety and connectivity in the surrounding area.

Motion was made by Councilmember Bokhari, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2019-078 by Charter Properties and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Prosperity Hucks Area Plan based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to eight dwelling units per acre for part of the site (parcel 02931108A) and residential uses up to four dwelling units per acre for all additional parcels in the petition. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because at 10.5 dwelling units per acre, this petition is slightly denser than what the adopted area plan recommends. However, the plan also recommends that residential uses bordering the activity center include a mix of housing types that serve as a transition from the denser mixed-use development to the surrounding lower density neighborhoods. This petition is consistent with the area plan's recommendation by providing a mixture of thoughtfully arranged housing types. At least 120 senior housing units will be located on the western portion of the site. This area is the closest to the activity center and will increase access and mobility for the senior residents. The remainder of the proposed multi-family development is located on the northern portion of the site, bordering Interstate 485. Townhomes and private streets paired with landscaped buffers provide an appropriate transition from the proposed multifamily development to the abutting single family uses. The petition's proposal for a childcare center is also consistent with the area plan's note that neighborhood serving institutional uses may be appropriate if compatible with surrounding uses. A childcare center is considered compatible with the existing and proposed residential uses. The petition commits to enhancing the pedestrian environment, particularly through the construction a signalized pedestrian crossing to Mallard Creek High School, which will improve safety and connectivity in the surrounding area.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 616-617.

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**ITEM NO. 13: ORDINANCE NO. 9683-Z, PETITION NO. 2019-084 BY LAKE MATHER, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .018 ACRES LOCATED ON GREYSTONE ROAD, EAST OF SOUTH BOULEVARD, SOUTH MARSH ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Barbee, 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 New Bern Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential land uses up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the subject site is within ¼ mile of New Bern Station on the LYNX Blue Line. The proposal allows for a duplex or townhome development which provides a transition from the nonresidential uses and larger residential buildings along South Boulevard into the surrounding single-family neighborhood. The building design requirements will help provide compatibility with the surrounding neighborhood. Building design will create useable porches and front entries oriented toward the street which will promote integration with the neighborhood. The proposed development allows for an infill project that provides transition to more intense uses on South Boulevard while minimizing impacts to existing residences due to its location at the edge of the neighborhood on Greystone Rd.

Motion was made by Councilmember Bokhari, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-084 by Lake Mather, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the New Bern Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential land uses up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within ¼ mile of New Bern Station on the LYNX Blue Line. The proposal allows for a duplex or townhome development which provides a transition from the nonresidential uses and larger residential buildings along South Boulevard into the surrounding single family neighborhood. The building design requirements will help provide compatibility with the surrounding neighborhood. Building design will create useable porches and front entries oriented toward the street which will promote integration with the neighborhood. The proposed development allows for an infill project that provides transition to more intense uses on South Boulevard while minimizing impacts to existing residences due to its location at the edge of the neighborhood on Greystone Rd.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 618-619.

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**ITEM NO. 14: ORDINANCE NO. 9684-Z, PETITION NO. 2019-087 BY JDSI, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.8 ACRES LOCATED ON THE WEST SIDE OF HARRISBURG ROAD, SOUTH OF STARNES-RANDALL ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8 (SINGLE FAMILY RESIDENTIAL).**

The Zoning Committee voted 6-0 (motion by McClung, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the East District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends retail or office uses for the majority of the site as well as residential uses at up to four dwelling units per acre for the western edge of the site. However, we find this petition to be reasonable and in the public interest based on information from the

post-hearing staff analysis and the public hearing and because the East District Plan's recommendation for residential development at up to four dwelling units per acre was amended upon the approval of rezoning petitions 2001-024 and 2003-033. The current NS zoning under petition 2003-033 permitted retail and office uses. However, NS districts can allow for residential development at up to 22 dwelling units per acre. The petition is consistent with surrounding land uses while being less intense than what the existing NS zoning district's conditional plan would allow per rezoning petition 2003-033 (100,000 SF of retail, service, and office uses). The petition is consistent with abutting residential land uses along Starnes Randall Road to the north which contain a mixture of residential uses including multi-family, single-family attached, and single-family detached residential. The uses permitted in the R-8 district are considered more compatible with the surrounding attached and detached single-family development than the non-residential uses permitted under the current NS zoning district.

Motion was made by Councilmember Newton, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-087 by JDSI, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the East District Plan, based on the information from the final staff analysis and the public hearing and because the Plan recommends retail or office uses for the majority of the site as well as residential uses at up to four dwelling units per acre for the western edge of the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the East District Plan's recommendation for residential development at up to four dwelling units per acre was amended upon the approval of rezoning petitions 2001-024 and 2003-033. The current NS zoning under petition 2003-033 permitted retail and office uses. However, NS districts can allow for residential development at up to 22 dwelling units per acre. The petition is consistent with surrounding land uses while being less intense than what the existing NS zoning district's conditional plan would allow per rezoning petition 2003-033 (100,000 SF of retail, service, and office uses). The petition is consistent with abutting residential land uses along Starnes Randall Road to the north which contain a mixture of residential uses including multi-family, single family attached, and single family detached residential. The uses permitted in the R-8 district are considered more compatible with the surrounding attached and detached single family development than the non-residential uses permitted under the current NS zoning district.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 620-621.

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**ITEM NO. 16: ORDINANCE NO. 9685-Z, PETITION NO. 2019-091 BY RAMON ADAMS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.6 ACRES LOCATED ON THE NORTH SIDE OF MCLEAN ROAD, EAST OF FAIRES FARM ROAD, WEST OF MICHAEL CROSSING DRIVE, EAST OF OLD CONCORD ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-6 (SINGLE FAMILY RESIDENTIAL).**

The Zoning Committee voted 6-0 (motion by Barbee, 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 Rocky River Road Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends residential uses at up to six dwelling units per acre for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the Rocky River Road Area Plan's Vision states that the area should offer a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development. Land use goals for this area include encouraging a mixture of housing types and allowing intensification of land uses in areas with complementary land uses and supporting infrastructure. A survey of immediately adjacent land uses reveals

detached and multi-family development, most of which has developed at a higher density than that of the petitioner's request.

Motion was made by Councilmember Winston, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2019-091 by Ramon Adams and adopt the following Statement of Consistency: This petition is found to be consistent with the Rocky River Road Area Plan, based on the information from the final staff analysis and the public hearing and because the Plan recommends residential uses at up to six dwelling units per acre for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the Rocky River Road Area Plan's Vision states that the area should offer a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development. Land use goals for this area include encouraging a mixture of housing types and allowing intensification of land uses in areas with complementary land uses and supporting infrastructure. A survey of immediately adjacent land uses reveals detached and multi-family development, most of which has developed at a higher density than that of the petitioner's request.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 622-623.

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**ITEM NO. 20: ORDINANCE NO. 9686-Z, PETITION NO. 2019-102 BY CITY OF CHARLOTTE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1,771.18 ACRES GENERALLY LOCATED ALONG SOUTH BOULEVARD, NORTH DAVIDSON STREET AND NORTH TRYON STREET, GENERALLY WITHIN A HALF MILE OF THE JW CLAY BOULEVARD, MCCULLOUGH, UNIVERSITY CITY BOULEVARD, TOM HUNTER, OLD CONCORD ROAD, SUGAR CREEK, 36TH STREET, 25TH STREET, PARKWOOD, CARSON, BLAND STREET, EAST/WEST, NEW BERN, SCALEYBARK, WOODLAWN, TYVOLA, ARCHDALE, ARROWOOD, SHARON ROAD WEST AND I-485/SOUTH BOULEVARD LYNX BLUE TRANSIT STATIONS, BETWEEN I-485 TO THE SOUTH, AND UNC-CHARLOTTE CAMPUS TO THE NORTH, EXCLUDING AREAS WITH I-277 LOOP FROM B-1, B-1 HD-O, B-1 TS, B-1(CD) B-2, B-2 HD-O, B-2 TS HD-O, B-2(CD), CC, NS. BP, B-D, B-D(CD) I-1, I-1 HD-O, I-1 TS, I-1 TS HD-O, I-1(CD), I-2, I-2 TS. I-2(CD), O-1, 0-1(CD), O-2, 0-2 HD-O, O-15(CD), INST, MUDD, TOD-CC, TOD-CC HD-O, R-17MF, R-22MF, R-22MF HD-O, R-43MF, R-3, R-4, R-5 AND R-8 TO TOD URBAN CENTER (TOD-UC) TOD NEIGHBORHOOD CENTER (TOD-NC) TOD COMMUNITY CENTER (TOD-CC) OR TOD TRANSITIONAL (TOD-TR).**

The Zoning Committee voted 5-0 (motion Gussman, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the following adopted land use plans along the LYNX Blue Line corridor: University City Area Plan, Blue Line Extension (BLE) Transit Station Area Plans, South End Vision Plan, South End Station Area Plan, New Bern Station Area Plan, Scaleybark Station Area Plan, Woodlawn Station Area Plan, Tyvola & Archdale Station Area Plan, Arrowood Station Area Plan, Sharon & I-485 Station Area Plan based on the information from the post-hearing staff analysis and the public hearing and because the plans recommend transit-oriented development. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the transit station area plans identify parcels recommended for transit-oriented development. The alignment rezoning will implement the recommendation of the area plans by applying the appropriate TOD zoning district to the properties included in the petition. A market demand allocation analysis was conducted by Noell Consulting Group in 2018. This study identified six station areas as likely to support high-intensity development in the near term. These are the station areas closest to Uptown. The other station areas along the corridor are expected to develop at more moderate intensities in the near term. The highest intensity TOD district, TOD-UC, along with its companion transition district, TOD-NC, are generally recommended for use in the six high-intensity station areas, while the less intense TOD-CC and its companion

transition district TOD-TR are generally recommended to be used in the moderate-intensity station areas. The recently adopted TOD zoning district text amendment provides standards and regulations to create the desired form and intensity of transit-oriented development for development along the transit corridor. This rezoning is consistent with the goals of the 2025 Integrated Transit and Land Use Plan and the subsequent CATS 2030 Corridor System Plan by providing property owners with zoning districts that will allow higher density mixed-use development near transit stations to support the community's investment in light rail rapid transit.

Motion was made by Councilmember Winston, seconded by Councilmember Harlow, to approve Petition No. 2019-102 by City of Charlotte and adopt the following Statement of Consistency: This petition is found to be consistent with the following adopted land use plans along the LYNX Blue Line corridor: University City Area Plan, Blue Line Extension (BLE) Transit Station Area Plans, South End Vision Plan, South End Station Area Plan, New Bern Station Area Plan, Scaleybark Station Area Plan, Woodlawn Station Area Plan, Tyvola & Archdale Station Area Plan, Arrowood Station Area Plan, Sharon & I-485 Station Area Plan based on the information from the final staff analysis and the public hearing and because the plans recommend transit oriented development. Therefore, we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because the transit station area plans identify parcels recommended for transit oriented development. The alignment rezoning will implement the recommendation of the area plans by applying the appropriate TOD zoning district to the properties included in the petition. A market demand allocation analysis was conducted by Noell Consulting Group in 2018. This study identified six station areas as likely to support high intensity development in the near term. These are the station areas closest to Uptown. The other station areas along the corridor are expected to develop at more moderate intensities in the near term. The highest intensity TOD district, TOD-UC, along with its companion transition district, TOD-NC, are generally recommended for use in the six high intensity station areas, while the less intense TOD-CC and its companion transition district TOD-TR are generally recommended to be used in the moderate intensity station areas. The recently adopted TOD zoning district text amendment provides standards and regulations to create the desired form and intensity of transit oriented development for development along the transit corridor. This rezoning is consistent with the goals of the 2025 Integrated Transit and Land Use Plan and the subsequent CATS 2030 Corridor System Plan by providing property owners with zoning districts that will allow higher density mixed-use development near transit stations to support the community's investment in light rail rapid transit.

**Mayor Lyles** said Mr. Egleston is at home and he feels really, really bad, and we encouraged him to stay at home so the rest of us would not feel really, really badly. He did send a statement, and he wanted me to read it. On behalf Councilmember Egleston, his statement "in 1898 Edward Dilworth Latta created what was, in essence, the first transit-oriented development in Charlotte when the trolley ran down South Boulevard. The new TOD should respect the founder's vision for the integration of transit and residential life in the early streetcar suburbs of Dilworth and Wilmore. Our historic districts are an asset to the City of Charlotte, and it is imperative that we protect them. The 78 demolitions last year in Dilworth alone are raising concerns in the neighborhood for the pressures this rezoning places on the historic district. The Boards of Dilworth and Wilmore will have both TOD and historic district overlays on the same properties. Due to this conflict, it is critical that the historic district overlays supersede the TOD district with respect to size, scale, massing, height and architectural style. Despite this concern, I am supportive of this TOD rezoning overall and grateful for the tireless work of staff in developing and refining it. I encourage my colleagues to support this petition in my absence." Submitted by Larken Egleston for reading into the minutes of this meeting.

**Councilmember Winston** said I think Mr. Egleston might have gotten the years off a little bit but it is around the same decade. For folks that are watching out there and I've been paying attention to many decisions that we've made in prior weeks and months, this is why we've made changes to things like the street maps, the urban tree ordinance. Those

things are culminating here, and hopefully, this is a living document, we will probably have to make changes and adjustments as we go on, but it is going to create the type of development around our transit lines like the Blue Line and the future of the Silver Line in ways that we want and really the way the community deserves transit corridors to be developed. Those things did not happen when the first part of the Blue Line was made, and we are trying to correct that. So, this is a very important step, and if you take all the other steps that we've made over these past months you see a real comprehensive approach and a change to the way land gets developed. This is not the end; we have to continue to do this throughout our City. This is a huge rezoning that we are doing right now, but it is still only a very minute part of the overall acreage that we are going to have to consider for the future of the City. I'm proud to have been a small part of this work over the past couple years and proud to vote yes tonight for this.

**Councilmember Harlow** said this is a big step; it really does get us as we started with approving the actual TOD Ordinance a few months ago and then now kind of mass rezoning parcels along the line. It is a big step for us and what it does for communities along the Blue Line that it gives a lot of predictability, not only to shorten our time in here for rezonings, but it gives predictability more importantly to the communities of what to expect in and around these station areas with our goals of expanding our transit lines and continuing to build out a full network and a regional network will continue to use these zoning classifications in and around even future station areas down the road to continue to provide predictability to neighbors.

So often, we get community members coming down and telling us about what requests they might want in developments and things around height and architectural standards and design and setbacks. This gives very distinct and details to those requests, and I think help serve the community better, so when petitioners and developers do come in you have a sense of what is coming. This is an encouragement for folks also to continue to get involved in our comprehensive planning even if you are not around a light rail station because that same type of predictability and design and street network and architecture is coming to all neighborhoods. We want you to know what Charlotte is going to look like for the next 30, 40 to 50 years. I see our Planning Director nodding his head, we are taking a mass undertaking here. This is just major step in that but there is more to come and if you haven't heard about our comprehensive plan, 2040 Comp Plan, that is every parcel in Charlotte we are looking at to say what do we want to go here if it can be developed. I'm going to plan on supporting this today. I think this is great work by the staff to get us there. I know we thousands of people participating across dozens of community engagement sessions, and we hope to see that same type of engagement moving forward.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 624-625M.

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**ITEM NO. 21: ORDINANCE NO. 9687-Z, PETITION NO. 2019-119 BY RKW BUILDERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.29 ACRES LOCATED ON NORTH ALEXANDER STREET BETWEEN EAST 34TH STREET AND EAST 35TH STREET FROM R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL) TO R-5 (SINGLE FAMILY RESIDENTIAL).**

The Zoning Committee vote 6-0 (motion by Nwasike, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the 36th Street Transit Station 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 5 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because approval of this petition will rezone the property to be consistent with the surrounding single-family residential zoning.



Aligning the zoning district with the surrounding neighborhood will ensure that new development is constructed under similar development standards. Currently, the R-8(CD) zoning has setbacks and additional standards that would result in development that is uncharacteristic of the neighborhood. Instead, the petition will result in future construction at R-5 development standards, matching the front yard setback of surrounding homes along N. Alexander Street. The request is compatible with the surrounding neighborhood in terms of permitted uses and surrounding zoning districts.

Motion was made by Councilmember Bokhari, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-119 by RKW Builders and adopt the following Statement of Consistency: This petition is found to be consistent with the 36th Street Transit Station Area Plan based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to 5 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because approval of this petition will rezone the property to be consistent with the surrounding single-family residential zoning. Aligning the zoning district with the surrounding neighborhood will ensure that new development is constructed under similar development standards. Currently, the R-8(CD) zoning has setbacks and additional standards that would result in development that is uncharacteristic of the neighborhood. Instead, the petition will result in future construction at R-5 development standards, matching the front yard setback of surrounding homes along N. Alexander Street. The request is compatible with the surrounding neighborhood in terms of permitted uses and surrounding zoning districts.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 626-627.

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**ITEM NO. 22: ORDINANCE NO. 9688-Z, PETITION NO. 2019-122 BY BEACON PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 39.70 ACRES LOCATED ON THE WEST SIDE OF OLD STATESVILLE ROAD, NORTH OF GIBBON ROAD FROM I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO I-1 (LIGHT INDUSTRIAL).**

The Zoning Committee voted 6-0 (motion by Barbee, 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 Northeast District Plan based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends retail uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because while the requested industrial zoning is inconsistent with the future land use plan recommendation of retail, the industrial zoning would continue to permit some retail uses, as well as office and industrial-warehouse-distribution, uses. Before the approval of rezoning petition 2009-052, the Northeast District Plan recommended industrial uses for the site. Rezoning petition 2009-052's request for retail uses assumed that the race track on the site was going to be renovated and turned into an entertainment district. This did not come to fruition, eliminating the need for retail-focused zoning in an area that is largely zoned industrial.

Motion was made by Councilmember Harlow, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-122 by Beason Partners and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan based on the information from the final staff analysis and the public hearing and because the plan recommends retail uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because while the requested industrial zoning is inconsistent with the future land use plan recommendation of retail, the industrial zoning would continue to permit some retail uses, as well as office and industrial-warehouse-distribution uses. Before the approval of rezoning petition 2009-052, the Northeast District Plan recommended industrial uses for the site. Rezoning petition 2009-052's request for retail uses assumed that the race track on the site was going to be renovated and turned into an entertainment district. This did not come to fruition, eliminating the need for retail focused zoning in an area that is largely zoned industrial.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 628-629.

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## HEARINGS

**ITEM NO. 27: HEARING ON PETITION NO. 2018-150 BY TDC GREENVILLE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.279 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE AVENUE, SOUTH OF OAKLAWN AVENUE, ALSO BOUNDED BY CALLAHAN STREET AND SPRING STREET FROM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD(CD) (MIXED USE DEVELOPMENT, OPTIONAL), WITH FIVE-YEAR VESTED RIGHTS.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just a little over five-acres located at Statesville Avenue between Callahan Street and Oaklawn Avenue. The existing zoning is B-1; the proposed zoning is MUDD (CD), mixed-use development. They are asking for five-year vested rights, and this is something we've asked them to consider removing from the plan, as it may have been a holdover from when it was considered a mixed-use project, but again we think that is something we can continue to talk through with the petitioner.

The adopted future land use; the Central District Plan does recommend retail uses for the site however, GDP policies do study the site and look at recommendations that consider over 17 dwellings per acres, so once you get over that 17 DUA there is not necessarily a cap. It is just make sure the site is designed appropriately and integrates well with the surrounding neighborhoods and community just to get over that 17 DUA. We feel that proposal has done so. We do have residential-only uses allowed within the MUDD District up to 250 units, with a maximum height of 65-feet except where there are some height restrictions along Callahan Street, which you can see are right in this front portion where you've got some single-family residents on the other side. We do have public street construction for parts of the site. Architectural standards, internal network for sidewalks, and then there are some other commitments for lighting as well as some other sidewalk widths where parked cars may be involved along that new street that is constructed.

Staff does recommend approval of the petition upon the resolution of some outstanding issues related to transportation and some technical revisions. It is inconsistent with the Central Plan that recommends retail uses; however, when we look at the petition the residential units do compliment the Camp North End Redevelopment, which is just one block northeast along Statesville Avenue. It provides for potential residents for opportunities to get to that area for recreation, arts and dining options. GDP does support the density over 17 DUA; it does commit to some enhanced architecture as well as some pedestrian amenities, conditional notes do recognize the context of the community limiting

height in that area to single-family homes along Callahan Street, and it does align with the Central District Plan policy providing opportunities for higher density infill in appropriate locations throughout the district. Staff did feel that this was an appropriate location. Please note that it would revise the adopted future land use of that district plan from retail to residential uses over 22 DUA for the sit. Will be happy to answer any questions following the petitioner's presentation.

**Anthony Fox, 401 South Tryon Street** said I would like to start by thanking staff, as they have been very professional and very patient in working with this rezoning petition. The property location is at Statesville Avenue and Oaklawn Avenue. It is directly across from the Camp North End site, and it is in the Greenville Neighborhood. This site is unique; it presented several challenges to the developer and those challenges included environmental challenges. This is a brownfield site; it is pursuant to a brownfield agreement. You hear a little bit about [inaudible] requirement or desire that brownfield sites be developed in uses that allow and limit the number of people they have to deal with on the agreement and that played a factor. There are water and sewer extensions; there are road improvements to be made with regards to the site. There is an extension of Polk Street that we would like to maintain as a private street. The City has requested that be made public at some point.

With regards to the current zoning, B-1, as you can see the B-1 zoning does allow for a robust use of the site with approximately 155 multi-family units and some commercial units. We are proposing MUDD(CD) for the site that will go to a 250-dwelling unit count with no commercial to be placed on the site from this rezoning. The rezoning process, you can see we held a number of community meetings; January of this year we held a community meeting with the neighbors, and we held the second meeting in September. Those are reflected in the neighborhood reports that have been provided to you, and I'm happy to see that there is no opposition. The proposed rezoning plan is before you, as can be demonstrated from this site; note that there is no retail. The retail component is not before you tonight, and it is essentially the rear portion of that site, and you can see the street that will be constructed. There will be a street that will be built; it will be built to public street standards that will connect Oaklawn and Statesville Avenue. We talked a little bit about the MUDD zoning; one thing I will add is that there will be 10% of the number of units reserved for workforce housing.

I will stop right there, and there is the elevation of the site. I am blessed to be between two members of the clergy, Reverend Cannon and Reverend Woods, and I think they are blessing this petition that is before you tonight.

**Councilmember Harlow** said I am familiar with the site; I think the original plan was to try to add the retail in it, and now we are just doing the residential on the backside. I saw that one of the outstanding items was the planting strip and eight-foot sidewalk; are we asking the petitioner to do that from Oaklawn Avenue and Statesville Avenue intersection all the way down to the end of the parcel, or is it just because the retail part is not actually a part of the petition? Are we breaking up the sidewalk that way in the request or are we asking them to complete it all the way through?

Mr. Pettine said let me defer to C-DOT to get some information on that one.

**Felix Obregon, Transportation** said we are requesting the developer to provide the sidewalk along the frontage of the development.

Mr. Harlow said just the development, not the other part.

Mr. Obregon said correct.

Mr. Harlow said I thought we were getting away from this broken up sidewalk.

Mr. Obregon said I apologize, it is for the entire site.

**Councilmember Driggs** said I think next to the last slide kind of went through quickly, but there was some reference to workforce housing. I wonder if you could clarify what that is.

Mr. Fox said the developer as voluntarily committed to the same commitment that this Council received from Camp North End which was a 10% workforce housing commitment, I believe at 60% AMI.

Mr. Driggs said with a deed restriction?

Mr. Fox said I'm sorry, it would be 80 to 100, 20% AMI, and he will entertain incorporating that into a deed restriction.

Mayor Lyles said he said he would deed restrict the 80 to 100 in 20 units.

**Councilmember Winston** said I am familiar with this site as well, and I do know that in the middle of it there are some pretty large mature trees with a pretty wide canopy. Is there any possibility for those trees to be preserved or incorporated into the plan?

**Matt Langston, 7621 Little Ave Suite 111** said I am with Land Works Design Group. We've done some preliminary studies of the site; the proposed site development, site plan that you see there is fairly intense. I think if there is an opportunity to save one of those trees we will certainly do that. The balance of the site is going to remain B-1 zoning which will be ready for retail development regardless of this zoning, but when we can save trees we will.

Mr. Winston said do we know how old those trees are?

Mr. Langston said I don't know.

Mayor Lyles said were you asking for that information?

Mr. Winston said yes, I would like that.

Mayor Lyles said we can asks the City Arborist to go out and give us an estimate on the age of the trees there.

Motion was made by Councilmember Harlow, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.
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**ITEM NO. 29: HEARING ON PETITION NO. 2019-072 BY ARDENT ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 38.83 ACRES LOCATED ON THE NORTH SIDE OF CANNON AVENUE, WEST OF SUGAR CREEK ROAD, EAST OF NORTH GRAHAM STREET, NORTH OF I-85 FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Councilmember Harlow left at 7:17 p.m.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said 2019-072 is about 38.3 acres located on the north side of Cannon Avenue, just a little bit internal from West Sugar Creek Road and north of I-85. Just to give you context of the site, you can see the interstate, Sugar Creek Road going east/west, and I-85 just to the south of the site. The current zoning is R-4 single-family residential; the requested zoning is UR-2(CD). The adopted future land use for the site from the Northeast District Plan does recommend multifamily for the majority of the site. There is a small portion that is still recommended for industrial. So, there is a portion of

the request that is inconsistent with the adopted area plan, but the majority of the site is recommended for multi-family use, which this petition proposes.

The proposal does request up to 350 residential dwelling units, it would be a mix of both single-family detached and single-family attached units or a combination thereof. Building heights are limited to 40-feet. There is a 50-foot buffer adjacent to the single-family residential, which would be mainly to the north here and then we have an eight-foot planting strip and sidewalk along Cannon Avenue and walkways that connect those entrances to the sidewalks internal. Architectural standards which are fairly typical for a project of this nature, right-of-way for upgrading streetscape along Cannon Avenue will be dedicated as well as extending internal local residential streets and then access to the site via Cannon Avenue and West Sugar Creek Road, as well as some future stub connections to Oneida Road, as well as part of this petition.

Staff does recommend approval upon resolution of some outstanding issues related to building height, transportation, and environmental issues. As we said, the petition is consistent for the multi-family portion of the site. There is a small portion that is inconsistent for that industrial piece, but again, it is a very small component of the overall recommendation, and we do recommend approval and will be happy to answer any questions after both the public and petitioner make their presentations.

**John Carmichael, 101 North Tryon Street** said I am here on behalf of the petitioner, Ardent Acquisitions, LLC. With me tonight are Tyson Reilly of the petitioner and Matt Langston of Land Works Design. The site contains about 38.83 acres located on the north side of Cannon Avenue, just west of the intersection of Cannon Avenue and Equipment Drive, and it just west of the West Sugar Creek Road/I-85 interchange. This is an aerial of the site. You've got non-residential uses located to the south across Cannon Avenue; you've got non-residential uses to the northwest. You've got single-family uses to the north and some to the east, although I'm going to show you the zoning map in a moment and then you've got non-residential uses to the southeast. The site is undeveloped as we speak tonight. This is the parcel that is recommended for industrial uses under the area plan, and this is the parcel, about 37.8-acres recommended for multifamily. The site is currently zoned R-4; to the west, you've got I-2 zoning and R-4 zoning, to the south you've got B-2(CD) and B-2 zoning. To this portion to the east, you've got B-2 zoning and then these three lots here and then the parcels to the north you've got R-4 zoning. So, you've got industrial, single-family, business around here and then you've got R-4 to the east and to the north.

This is the land-use map, multifamily for the vast majority of the site. Once again industrial recommendation for this one-acre piece of the site. You've got industrial recommendations to the west, business to the south, business for most of the eastern border, multifamily for the remainder of the eastern border and then R-4 to the north. This is the Northeast District Plan.

We are requesting that the site be rezoned from R-4 to UR-2(CD) to accommodate up to 326 single-family, attached-townhome units. We will submit a revised plan that reduces the request from 350 units to 326 units. We will also eliminate single-family detached as a proposed use which does help with traffic generation because it doesn't generate as many trips as detached. The overall density would be about 8.4 units per acre. You will note in the staff analysis that they do state that it is less intense than what would be recommended under the Northeast District Plan.

The site plan, I'm going to share with you, has not been filed, but it will be filed. This is a much more detailed and specific site plan than what is currently on file. This has been shared with the community and this will be a part of the petitioner's revised rezoning plan that will be filled with the Planning staff on Monday, November 25th, access into the site will be from Cannon Avenue and Sugar Creek Road, by way of a new public street connected by the petitioner. The street runs from Cannon Avenue all the way to Sugar Creek Road. Also, be served by internal private streets and private drives. An eight-foot planting strip and eight-foot sidewalk will be installed along Cannon Avenue. A 50-foot wide Class C buffer would be established along the northern edge of the site. The exterior

40-feet of that buffer would be undisturbed, except the petitioner could plant supplemental landscaping materials, so the exterior 40-feet would be undisturbed then you would also have a 50-foot Class C buffer here at the southwest corner of the site.

Mecklenburg County asked the petitioner to convey a minimum two-acre portion of the site to the County for a future public park. There is a gap in neighborhood parks in this area. The petitioner has worked with the County and has agreed to convey more than two-acres of the site to the County for the public park, and the public park is the area within the pink line that I'm tracing with the pointer. That is a plus or minus five-acres that would be conveyed to the County; the county asked for it, and the County would have to officially accept it. We know of no reason why they wouldn't. We have worked through this site plan with Kevin Brickman of Mecklenburg County and Kevin has approved the site plan with respect to the layout of the future public park. The park would essentially be passive public park except there could be a small playground and picnic shelter. The petitioner would construct pedestrian trails on the site and those pedestrian trails are represented by these white dash lines. They would be eight-feet wide, asphalt trails built to County standards. Whether or not the County accepts that conveyance, the petitioner would construct the trails so, the public park, the petitioner would still construct the public trails.

Approximately 24% of the site would be devoted to tree save, open space and public park. The maximum height of the townhome units is 40-feet. The petitioner's rezoning plan does contain architectural standards. The plan has undergone an evolution since we first filed it. The density has been decreased from 525 to 425 to 350 and now to 326 units. The other change since we filed was the park conveyance and then a building along the northern edge of the site has shifted away from the northern edge, then eliminated and then the layout of the public street is changed on this site plan at the request of C-DOT.

Planning staff does recommend approval; we appreciate their support. We've had three meetings with the community and then we had a smaller meeting with the residents of Royal Oaks. We certainly appreciate their attendance and participation in the meetings. Will be happy to answer any questions, and I think we have a couple folks who would like to speak.

**Molly Wilbanks, 5213 Pine Drive** said I am the President of the Royal Oaks Neighborhood Association and the Royal Oaks Neighborhood is just right there in the north. You can see my street right there on Pine Drive. I am speaking personally that I am for the development, but I do have a serious concern with the lack of clarity in the revised site plan that was sent to us on Friday. John Carmichael did speak to that today, and I will say that in the last public meeting, the developers did state that they would be building about 312 to 315 townhomes, so what they said today still feels too dense to me. I have concerns about the density of the townhomes and then going back to the clarity of the site plan, that is something that is important to me. As a citizen, we do deserve to have a more concrete way of trusting those who are building our neighborhoods in our City rather than just a good faith commitment. The site plan is the only way for us citizens to really know what is going in and to hold the developers to what they say they are going to do. I basically was coming here today to support and to also ask for a more clear and detailed site plan. Our neighborhood had a number of meetings to understand and learn this process, and I will say we are not totally unified; some seem to agree with the petition and the development and some do not.

**Joseph Margolis, 6549 Quarterbridge Lane** said I think one of the first times I talked to this particular Council was on behalf of Derita, and I feel as long as the developers are meeting the concerns of Royal Oaks, I want to be in support of this because this is the type of project that is going to help that downtown Derita become what we all know it can be, the bones are there. We need more rooftops to support the type of things that we want, and I know there are going to be people who are sad to see the trees go because it is a beautiful piece of pristine land. I'm sad to see it go too if this is approved. That said, I think they've done a really good job of tree save and ultimately this project is going to help Derita grow the way it needs to grow. We can't have the coffee shop or the places

to go. One of the big problems I've heard from so many people my age and younger is that they have to go somewhere besides Derita to do the things they want to do, and something like this will put people in our neighborhood who have disposal income to spend, which then will hopefully attract the type of retail that we hope to have. Thank you for hearing me, and I hope that you will approve this.

**Lib Willard, 1506 Mimosa Avenue** said in reference to the petition 2019-072, I have provided some information on dry retention ponds. You can look at the site above and see that there is a large amount of dry retention ponds on this site. This is an outstanding issue of concern to some members of the Royal Oaks Community. The proposed development as currently planned would contain five of these ponds scattered across the site. The ponds have the potential to require HOACs above and beyond the standard fee since they require weekly, monthly, and yearly maintenance. They pose health and environmental hazards, and children may be particularly impacted by the safety issues that come with them. I know that many new developments have these dry retention ponds; however, the large number for this development is indicative that there are too many townhome units, at this point 320 that have been proposed for this particular site.

The site is totally wooded and has two major headwater streams of the Little Sugar Creek, which flows through the heart of Charlotte. While I do not oppose townhomes on this site, I strongly urge you to approve this development only with a significant decrease in the number of units. One such development in Steele Creek, which is almost identical in size and does not contain any streams was just approved for only 240 townhomes. I've included this information about this in your package. This is the density at Steele Creek that would be much more appropriate for this site in Derita, and in this packet of information, there is research and documents about issues with these dry water ponds because they are not dry. With fast stormwater they fill up, they do not drain for up to two days. There is a housing development targeted towards families with a large number of children, and it is based on the number of units and the rooftops that are filling up this site. I would like for this Council to seriously consider this environmental impact and this use of ponds that are up to four-acres of this site and contain up to 10% of the property.

Mayor Lyles said we will provide this information to our staff. We have a Stormwater Control Group; the County has also stream management group, so we will get both of those groups to follow up to the report that you've given us for the rezoning on the ponds and how they are used and the streams.

Mr. Carmichael said I'm going to ask Matt Langston to discuss the concerns regarding the stormwater.

**Matt Langston, 7621 Little Avenue** said with regard to the plans for stormwater detention for this site, we are following the City's Stormwater Ordinance. Every development has the same criteria. The number of stormwater ponds is driven by the watershed. When you have a ridge part of the water goes this way, and part of the water goes that way. You can only divert a small amount of water out of this watershed into that, and from a shear site efficiency standpoint having one large stormwater pond is more efficient, but what we've shown is based on the landform and based on keeping the water going into the direction that it is going now.

Mr. Carmichael said in terms of the density, I don't have the plan Ms. Willard was referring to. I think it was around 6.5 units per acre. I'm not positive, and I don't want to misstate that, this plan is more dense. Part of the goal of the developer is to have a for-sale product that is in more reach of citizens and have an alternative to townhomes in NoDa and other parts of the community that are not as in reach. The fewer units make that more difficult, but as I said, about 23.8% of the site is open space, tree save and the park, and if the County didn't accept the part it would still be 23.8%.

Mayor Lyles said since Mr. Carmichael talked about how much the units were because of the affordability is that appropriate to follow up and ask what that range is?

**Terrie Hagler-Gray, Senior Assistant City Attorney** said if he is voluntarily.

**Tyson Reilly, 2100 Powers Ferry Road, Atlanta, GA** said the price range we would be talking about would be first-time home buyer ranging from probably \$205,000 to \$260,000, something in that range.

**Councilmember Winston** said for the petitioner, can you go back to the part of the conversation you were having about the County and the park. To be completely honest, I missed it, because I was commenting to my colleague about the northwestern portion of this petition. I have concerns just from looking at it. I look to find ways that we can further connect our communities, our neighborhoods, and my concern for those units that kind of abut the industrial right there. I think of families moving in there with young kids, knowing that area; where are those kids going to go after school? It is pretty cut off from any kind of amenities. It seems like a situation where when we think about how we are building neighborhoods and developing neighborhoods for people that grow up they should be able to have a full life in the places that they call home. If they go north and west there is an industrial zone; they go south, they walk into almost the frontage of an interstate. They go east there isn't much there. What is going to be there so kids are in an environment where they are getting into trouble because there is nothing around their homes to serve them?

Mr. Carmichael said Mr. Winston, you missed what I said about the park, so to kind of go back in time, the County asked for a minimum of two-acre conveyance of a portion of the site for a neighborhood park. They issued the letter, and there is a gap in this area for neighborhoods parks, and that is the first time I had ever seen such a request in my 19-years of doing this work. To be honest with you, I had never seen that before, and we met with Kevin Brickman with County Park and Rec, and we had two meetings with the Park and Recreation Department, and so the results of that meeting were about five-acres. It is outlined in pink and is basically this that would be conveyed to the County for a public park. The park would include the trail system you see here in white, and right here there would be a playground and a picnic shelter, a little more active use for that portion of the park. That is what would happen with the park.

Mr. Winston said what is the distance from that northwest corner over to here, do you know?

Mr. Tyson said the distance of the entire trail system is roughly 3,100 linear feet.

Mr. Carmichael said do you mean from here Mr. Winston, to here?

Mr. Winston said yes.

Mr. Carmichael said from here how long is that walk?

Mr. Tyson said I don't know. I would guess 600-feet.

Mr. Carmichael said the County has asked for the conveyance, but in the rezoning, process they don't accept it. They have to go to the County Commission and they would have to accept it, but we know of no reason why they wouldn't. The petitioner would pay for the trail system that would be installed within the park site; the County would pay for the picnic shelter and the playground.

Mayor Lyles said when you get that from the County, maintenance of it as well as the trails and the playground area, making sure that they are accepting not only the project but the maintenance and repairs.

Mr. Carmichael said they would own that property Madam Mayor.

**Councilmember Ajmera** said in the follow-up report David, can you also address the question around ponds and maintenance of it? There are a number of questions that Ms. Willard had asked around the ponds and the maintenance of it. I will share this with you but there are a number of questions, and I want to make sure that we have those in our follow-up report.



Mr. Pettine said I believe she has spoken with some of our folks in the past. I know she has emailed staff quite a few times on some of those items. I don't know if there were just to rezoning or if they got sent to any of the other staff that looks into some of those items. We will be happy to look at it for a follow-up report and provide that to you guys when we get that back next month.

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

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**ITEM NO. 30: HEARING ON PETITION NO. 2019-088 BY JDSI, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 29.75 ACRES LOCATED ON THE WEST SIDE OF HOOD ROAD, SOUTH OF PLAZA ROAD EXTENSION, FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8 (SINGLE FAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said 2019-088 is just under 30-acres located on Hood Road, just south of Plaza Road Extension. The site is currently zoned R-3, and they are requesting proposed zoning of R-8. The adopted future land use from the Rocky River Road Area Plan recommends the site for mixed-use development with up to 100,000 square feet of non-residential uses and up to eight dwelling units per acre. The plan notes that the mixture of uses can be all residential. This petition is a residential component of that, so generally, it is consistent with the recommendations and notes in that plan. Even though we are not getting a mix of uses, we are getting residential uses as a component. So, staff does recommend approval of the petition. Again, it is consistent; this is a conventional request, so we don't have any site plan or conditional notes for consideration. I'd be happy to take any questions following the petitioner and public presentation.

**Justin Stringfellow, 3515 Dovewood Drive** said it is a pleasure to speak before you before 9:00 p.m., as I usually seem to be. The property this rezoning includes is actually 41-acres total. About 15-acres of it is in an area that is proposed for a greenway and some stream buffers; so, there is really only about 26-acres of developable land left, and as David pointed out the Rocky River Area Plan recommends the land use of eight homes per acre and that is what the petition was filed for; however, after some further discussions with Councilmember Newton regarding some area resident's concerns and some concessions by the property owner, we are actually reducing the rezoning request to R-6 instead of R-8, which will reduce the number of homes on the property by about a third. With the greenway dedication area taken out and including the greenway dedication in the overall property, the actual density when you figure it all in is only going to be about four homes per acre. So, it is not a very dense property, even though the petition is for R-6. In addition to the greenway dedication, we are currently working with C-DOT and NC-DOT and have a meeting later this week with some adjacent property owners to work on a Hood Road improvement plan for that section of Hood Road, right in front of the properties there, as well as to ensure that there are road connections through all coordinated connections and intersections along Hood Road.

**Patricia Campbell, 9164 Pleasant Ridge Road** said there are concerns due to the rezoning Petition 2019-088. Based upon your review, you are stating that the rezoning will correlate with the Rocky River Plan, and from my understanding, this plan hasn't totally been completed; however, with this rezoning proposal, congestion is my main concern for the said area. This area was originally set up for R-3 zoning and there are presently two-lane roads on Hood Road, The Plaza, Robinson Church Road, and Rocky River Road. If this is rezoning is past what alarms me is the congestion we will receive due to the increase in housing.

Has JDSI, LLC, along with the Council taken into consideration the actual, not computerized amount of traffic our area will receive? I ask this question because of the

congestion of Rocky River Road and there are only homes in this area, which present has two-lanes. We have two new developments on The Plaza. Presently, they only provide the widening of the road for those developments. Unfortunately, congestion has increased but the width of the road has not. When an accident occurs on the road, we are stuck in traffic for hours. If the City Council does give this a passing vote I would be inclined to ask JDSI, LLC to work with C-DOT by providing financial dollars to ensure our roads are widened for the entire length of the road and not just adding a turning lane. We have all these developers coming to Charlotte making money, why can't they provide financial dollars for our infrastructure instead of our City raising tax dollars, which will be needed to accommodate all these developments?

In rebuttal, Mr. Stringfellow said as I said earlier we are working with C-DOT and NC-DOT; in fact, we have a meeting on Wednesday morning with the property owners for the property across the street and the property that is to the northeast that is proposing a tie in also to Hood Road. My understanding is we will be working on a joint improvement plan that will stretch for a long section of Hood Road along there, and again we are working on connections through to the other neighborhoods to make sure that it is not just all dumped out on Hood Road. Once again, by going to R-6, by reducing it from R-8 to R-6 we are actually going to be a little under four homes per acre on the overall property.

**Councilmember Newton** said I wanted to thank Mr. Stringfellow for meeting with me, being willing and open to working with me and heed the concerns of the community. Ms. Campbell's concerns are not new; we hear about the congestion and the increased traffic on Hood Road, Plaza Road Extension, Robinson Church Road, and Harrisburg Road. I think what is important to note here is that in this instance this would constitute; so, the property in the area is a very hot commodity right now. We are seeing that through a lot of the rezonings that have come in front of this Council. This would actually constitute a downzoning compared to what we would otherwise see, which means fewer units, and I think the case could be made significantly fewer units. I would be interested to know a little bit more about how; so, what we are hearing right now Mr. Stringfellow was that not just R-8, but effectively, we are looking at something like an R-4, which wouldn't be that different from the current zoning of R-3.

Mr. Stringfellow said the current zoning is R-3; the overall density on the property, there is a good section along there that the County Parks has requested for a greenway dedication. So, when you factor all of that in the overall density is about four units per acre, and we will be dedicating the requested area to County Parks and as the prior petition pointed out, they requested it, but they also have to accept it. We intend to donate all that section that they requested as greenway.

Mr. Newton said so not significantly or barely if at all different from what we would see by right. Having said that, I would be interested to learn a little bit more about how that would impact traffic entitlement, and I would be interested in following-up with you Ms. Campbell, to talk a little bit more about this as well.

**Councilmember Ajmera** said this petition is very close to the Deer Pond Plantation that we actually had approved earlier this year of late last year with the greenway connection. This actually adds an amenity to the neighbors in the area in terms of the greenway access, and I see this as a plus point for this petition in addition to Mr. Newton's point, this does not add a lot of density, and I actually like the plan that has been proposed for this. I do look forward to addressing Ms. Campbell's question about overall plan for the area, not just specifically for this petition, but overall, what are we doing to invest in that area? I think in the follow-up report staff can provide comments on what is the overall plan for that area that will address Ms. Campbell's question.

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

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**ITEM NO. 31: HEARING ON PETITION NO. 2019-098 BY FLAGSHIP HEALTHCARE FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.12 ACRES LOCATED ON THE NORTH SIDE OF RANDOLPH ROAD, NORTH OF EASTOVER RIDGE DRIVE, EAST OF CRANBROOK LANE FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said 2019-098 is just over eight-acres located just off of Randolph Road and Sam Drenan Road; Sam Drenan Road here and Randolph Road running in front of this site. This project is just a couple parcels removed from Randolph Road and the current zoning is R-5. The proposed zoning is for NS, Neighborhood Services. The Central District Plan does recommend single and multi-family residential uses as well as greenway recreational uses for the site, so the portion closes to Sam Drenan Road is recommended for single-family and multifamily and the rest for a greenway. The petition itself is inconsistent with a portion of it and then consistent for another portion where we have the residential component.

Overall, the proposal has two development areas, both A and B that will collectively contain up to 12,500 square feet of medical office and then 25 attached dwelling units. Those medical offices would be one-story while the attached residential would be 40-feet, which is typical height for our residential zoning districts. No less than 40% of those dwelling units would be reserved for buyers who are eligible for House Charlotte. It does propose removal of the existing radio tower on site. If you go back to the aerial, you can see that just right in the middle here, so they are proposing to remove that from the site as well as for landscape buffers. Transportation improvements including the potential of the shared access drive from Sam Drenan Road, eight-foot multiuse path with a 10-foot access easement to the future Briar Creek Greenway, so that does implement part of the greenway land-use recommendation for this portion of the site and the multiple architectural standards for both the residential and office component and dedication of that land to County Parks and Rec for that greenway improvement.

Staff does recommend approval upon resolution of outstanding issue related to environment, site, and building design as well as some transportation revisions. It is consistent overall with the Central District Plan for portions of the site, for the residential units at eight DUA, as well as the greenway; however, we do have that inconsistency with the adopted plan for that acreage going to an office and medical use. However, it is consistent with the overall context of the area, where you do have medical offices within that small area along Sam Drenan Road. So, even though it is inconsistent with the plan it is consistent in general with the context of some of the existing development that is out there and approval of this petition will revise that future, land-use plan from that greenway and residential to a mix of greenway uses as well as some of the office that would be on the site. So, need to provide an update to that land-use plan. Be happy to take any questions following the petitioner's and public presentation.

**Keith MacVean, 100 North Tryon Street** said I am with Moore & Van Allen; Jeff Brown and I of our firm are assisting Flagship Healthcare with this petition. With me tonight representing the petitioner Thorn Baccich and Charles Campbell with Flagship and also Julie Porter with the Housing Partnership. The development of this site is a partnership between Flagship Healthcare Properties and the Housing Partnership. The Housing Partnership will be developing the residential component of the site up to 25 townhomes that David mentioned. As he mentioned, the eight-acres zoned R-5 will be removing the AM/FM antenna that is located on this site. I do want to turn the mic over to Thorn and Julie, so they can speak a little bit about their respective companies and then I will finish the presentation and will be available to answer questions.

**Thorn Baccich, 2701 Coltsgate Road** said I am Vice President of Development for Flagship Healthcare Properties. We are a fully integrated commercial real estate firm, and we focus exclusively on healthcare. We own, lease, manage, and develop properties throughout the whole southeast, but it is always great to have an opportunity to do a project in our own backyard. This is an example of some representative projects that

we've developed in the market. These are not what we intend to put exactly here but just representative of another class a office product that we've built recently.

**Julie Porter, 4601 Charlotte Park Drive** said I am President of the Housing Partnership; the Housing Partnership is celebrating its 30th year anniversary here in Charlotte providing affordable housing, creating vibrant communities, and providing opportunities for strong futures. The Housing Partnership supports this rezoning effort. The Developer, Flagship Healthcare Properties has donated a portion of the property to our organization to create a for sale development with up to 25 attached townhome-style units. It is likely, based on current site plans, that 16 to 17 townhomes will ultimately be developed on the site. The Housing Partnership is reserving 40% of the total number of townhomes developed for House Charlotte eligible home buyers. As a reminder, House Charlotte allows household incomes up to 110% of area median income and has a maximum purchase price of \$230,000 for newly constructed homes.

This project is located in the Grier Heights Neighborhood, and it is facing significant home price increases. Currently, there are two other for-profit market-rate developers who are developing townhomes in the area. In one case, those townhomes are selling in the upper \$300,000, and in another, they are seeing in the mid to upper \$400,000. The Housing Partnership's development will allow low and moderate-income families to achieve the dream of home ownership and realize the economic opportunities it provides. We've been working closely with the Grier Heights Neighborhood and believe that this development reflects their desires to have a mixed-income community.

Mr. MacVean said just to summarize, eight-acres proposed zoning will allow the development of a single-story medical office building and parking for adjacent office buildings as well. The townhomes for sale that Ms. Porter mentioned here in development area B and then access will be from Sam Drenan Road located here, the site has a frontage on Sam Drenan Road, and there will be buffers provided adjacent to the existing residential. We do have a letter of support from this adjacent property owner, and as Julie mentioned, we have been in touch with the Grier Heights Neighborhood Association, and they are aware of the development. We believe they are generally supportive. We are, as David mentioned, dedicating a portion of this site to Mecklenburg County for future greenway, and we are also providing a future access to that future greenway from Sam Drenan Road through the site to that portion of the site. Also, no less than 40% of the units will be set aside for eligible for House Charlotte. Be glad to answer any questions.

**Charlotte Davis, 301 South College Street** said I am an Attorney with Offit Kurman, a law firm here in town, formerly Horack Talley, and we represent Greenman's Eye Associates, which is an adjacent property owner to this site, and I am here on their behalf. They have a couple concerns, but they wanted to make clear that their concerns are with the commercial part of this, not the affordable housing. They do believe that the affordable housing would be great for the area and the neighborhood.

The first concern is a traffic concern related to the entry and exit point for this proposed site. Currently, it hooks onto a driveway that is currently solely used for entry and exit into the Greenman parking lot, and the Greenman's are concerned that there is going to be an up-tick in traffic from the commercial property, and certainly, if that parking that is around the commercial property, it is going to be used for adjacent businesses, which I believe the petitioner just mentioned. There is a very narrow entry point there so there is a bottleneck concern and obviously, a backlog of traffic onto Sam Drenan Road and possibly out onto Randolph Road depending on the busyness of the commercial property and the Greenman's have concerns about their clients getting in and out of their property regarding that and also for the neighborhood traffic affecting Billingsville Elementary, which is right up the street. In addition to that, they are questioning why the entry and exit point couldn't be adjacent to their entry and exit point as opposed to sharing the very front of it in order to reduce some of those traffic concerns.

The second concern that they have is related to water displacement. I see in the site plan that there is a significant amount for greenway, but there is a significant amount of water displacement issue already going on in the place where the parking lot is going to be

under this proposed plan, and the Greenman's are concerned of course about water displacement with that being just a paved lot back there into not only their property but the single-family homes that surround it, certainly on the back portion of that site plan. Finally, they did want to note that while there may be agreements or approval from one property owner, they have not been contacted by the petitioner nor have we on their behalf regarding our concerns.

In rebuttal Mr. MacVean said in terms of access, we are aware of the Greenman's concern with access. We have worked very closely with C-DOT on the design of this access point to not interfere with the current access point to the Greenman property. They do have an access easement, and we have been respectful of that. The petitioner has met with them on several occasions to discuss how that access easement would work in this design is a result of those meetings to make sure that our access to Sam Drenan is at the right location. It does need to line up with Sandalwood Road, which is across Sam Drenan so that part of the restrictions here. I will let Brian Crutchfield, our Engineer, address the issues of stormwater.

**Brian Crutchfield, 610 East Morehead Street** said I am with Timmons Group, Civil Engineer for Flagship on this project. As you can see on the plan we've identified a couple of areas for stormwater control measures on this particular property, both adjacent to the residential component and the commercial. We fully intend to comply with the City's Post Construction Stormwater Ordinance, so all impervious areas would be directed to those treated per requirements and released free and clear of transporting across the Greenman's property.

Mr. MacVean said we will be happy to continue to discuss the access easement with Mr. Greenman to see if there are any modifications that can be made, but again, what we believe has been designed is what will work for the site. C-DOT may be able to also help with that. We did do traffic counts at all the drive-ways per C-DOT's request to make sure the added traffic would not be a negative impact and they are comfortable with what we have proposed.

**Councilmember Winston** said I just wanted to know how the affordable units will be financed. Will there be any public ask for dollars?

Ms. Porter said other than down-payment assistance, that normally would go to the customer; there will be no Housing Trust Fund or CDBG ask for this particular project.

Mayor Lyles said last week we had an announcement of an additional \$500,000 available to teachers, fire fighters, medic folks as well as police officers, and this is the kind of product that we look very much to having that assistance available. It is up to \$30,000; teachers, police officers, fire fighters and medic personnel, we would encourage you to think about this kind of opportunity and support. We want to have home ownership in our neighborhoods as much as possible, and this additional amount from the Federal Home Loan Advisory Bank in Atlanta will make a huge difference in doing that.

Mr. Winston said it is always encouraging to hear private businesses and philanthropic groups and non-profits coming together to figure out market solutions to this problem. It can be done, and I'll swear two years ago when we were running for this, people were saying that this can't be done. So, it is always encouraging to find creative solutions.

Motion was made by Councilmember Winston, seconded by Councilmember Bokhari, and carried unanimously to close the public hearing.
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**ITEM NO. 32: HEARING ON PETITION NO. 2019-106 BY DARREN VINCENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.89 ACRES LOCATED ON THE EAST SIDE OF DRIWOOD COURT, NORTH OF MALLARD CREEK ROAD, AND SOUTH OF PROSPERITY CHURCH ROAD FROM NS (NEIGHBORHOOD SERVICE) TO NS SPA (NEIGHBORHOOD SERVICE, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said 2019-106 is 0.89 acres on Driwood Court, north of Mallard Creek Road, south of Prosperity Church Road. Just to give you an idea of some of the existing uses, we have a Dunkin Donut, gas station, Bank of America Financial Center and some other commercial uses both within the site and surrounding the site. The existing zoning is Neighborhood Services; this is the site plan amendment to that Neighborhood Services Plan that is in place. The University Research Park Area Plan from 2010 does recommend office and/or retail uses for the site. The proposal itself, that site plan amendment would amend the plan that was in place limited to retail and restaurant uses for this parcel, so we would look to add an additional eating, drinking and entertainment establishment would provide for additional ramp for improved handicapped access across Driwood Court, 6,000 square feet of retail space does prohibit drive-thru windows, architectural standards and limits external lighting and a max building height of 40-feet.

Staff does recommend approval upon some technical revisions that need to be addressed on the site plan related to transportation and the timing of improvements. It is consistent with the University Research Park Area Plan, and again, the petition does cover a portion of a larger existing commercial development. The plan does note that the location between residential communities and University Research Park Area should continue to grow and serve the community. The NS District is provided to provide uses that directly serve the neighborhood, and the area high visibility provides easy access from Mallard Creek Church Road and lends itself to this type of retail, office, and service uses and the petition's ban on drive-thru uses does respect the community's wishes and increases the walkability for the area. So, staff does recommend approval and we will be happy to take any questions following the presentations.

**Keith MacVean, 100 North Tryon Street** said I am assisting RED of NC, LLC, the petitioner for this site. With me, tonight representing the petitioner is Darren Vincent and Michelle Vincent, the owners and operators of RED 28. As David mentioned, slightly under an acre, currently zoned NS. This is an NS Site Plan Amendment to add retail and restaurant uses to the previously approve plan for the site. It would limit square footage to 6,000 square feet; we will be submitting a revised plan to David to address the one outstanding issue. Again, a simple request to really add restaurant uses and retail uses to the site. I think there has been some misunderstanding about the type of restaurant this is; this is a unique restaurant that offers some different types or unique atmosphere that is friendly and some different offerings that some other restaurants in the area don't have. I'm going to turn it over to Darren and Michelle, and there are several other speakers also in favor, to give you a little bit more idea of what RED 28 does.

**Darren Vincent, 4316 Falls Lake Drive, SW, Concord** said I started this almost 18-years ago in NoDa as a bookstore owner and since then we added the bar. We added food, and we still kept our books and what I think a lot of people oppose is we also offer hookahs. We have herbal hookahs, and I do understand everybody's concerns. I know some people are very passionate about what this hookah thing is all about. We do everything with City regulations; with this new spot that we want over on Driwood Court, there are some major changes that we are doing, and the reason why we want this move is because we are expanding our kitchen. We are actually reducing our area for hookah use, so if you are not into hookah and you don't want to do it you won't smell it, and you won't see it. It is another whole room, another whole space. We are also expanding our [inaudible] and we want to create a space that is more speakeasy where we have really quaint events and like we do karaoke of course. We have a lot of celebrity appearances, so that is the main reason why we want this move.

RED 28, on a quick note, it is a social environment. Over 24% of our clientele come there almost five to seven days a week and that is not exaggerating. It is a family, and we've been doing it for many years.

**Michelle Vincent, 4317 Falls Lake Drive, SW, Concord** said it is actually really hard to sum up how great of an establishment this place is in such a short amount of time. You see professors and students from UNC-C coming over there to do their work during the day; there are networking events. We promote young entrepreneurs; it is a really great environment, very diverse, welcoming for everybody. We have discussion groups ranging from politics to relationships. It just welcomes a very large group of people; it is great for the community. It is for the great for the people in Charlotte, and we also have over 30 employees that are on our payroll that are like family.

**Danda Jackson, 715 North Church Street** said good evening, I want to say hi to Mayor Vi Lyles and City Council and for the opportunity to speak on behalf of RED 28. I see some familiar faces out there; for those that know me I'm a local advocate, and the owner Jazz is not kidding. I'm there three times a week. It is safe based safe haven for me, community events. I do like the hookah aspect, but hookah is not harmful, and again with that new building it will be in a separate situation, separate area. So, you won't have to deal with that. It is more about employing and empowering community and as Charlotte is changing and people are trying to find safe places to go. I think this is something the community really, really needs, especially in that area, especially for young folks. The age demographics, believe it or not, are between 20 to 45. You will see 50-year old's in there; we are doing our work. We work from home, and it is a little bit of a co-working space, so many advantages for the community. Again, my name is Danda Jackson, just advocating on behalf of RED 28 and the importance of this establishment to our community for over 10-years in our community.

**Allen Simmons, 8415 Brooksedge Drive** said I have been visiting RED for the past six-years. I moved from Virginia; I'm a United States Marine Corp. Veteran, and when I came to Charlotte and I did not know anyone in Charlotte I came to RED, and I met all of my network. So, everyone that I know in Charlotte has been because of RED and I just published my book, and it is because of Jazz and his mentorship in the culturally inclusive environment that is at RED, and when I go there it is more so about networking and more so about meeting people and becoming greater. I've become a better man in the community as well having a non-profit that helps out because of RED at 28. I am for RED, and I am for what RED is about, and I think a lot of other people can speak for that as well.

Mr. MacVean said again proposing an NS Site Plan Amendment, no drive-thru uses, up to 6,000 square feet, will respect and maintain the previous setbacks and yards that were part of the original petition. Happy to answer any questions.

**Richmond Baker, 3631 French Woods Road** said I am representing the Mallard Creek Initiative Group which is basically a group of communities in the University City Area. I'm here to speak in opposition to this particular petition. About 10 to 15 residents met with the petitioner several months ago to hear their plans for the area as we are excited to have meaningful development in that spot considering it is partially built out. Initially, the petitioner described an experience similar to Amelia's; everybody knows what Amelia's French Bakery is and really love that but several of our residents kind of did their homework, and they started pressing the owner on the hookah aspect of it because he didn't mention it to us at all until we kind of pressed him on it. We also did more of our homework by looking up the history of that location that they currently have. So currently, they have a place about two-miles away from this location. We are still not clear on why they are trying to move two-miles into a more residential area. So, we would really love to understand that a little bit better. We are very concerned with the amount of crime generated from that particular location in the form of fights ending with four to five people being stabbed right outside of the establishment and guns being fired as well as the amount of DWI's and DUI's that are begin given out to the folks leaving that place at 2:00 a.m. Basically, the police have set up DUI check points in the parking lot of the current location, which is just two miles away.

During the conversation, the petitioner was less than forthcoming about the hookah aspect of the bar and also the crime aspect of the bar that they currently have. The petitioner was also less than forthcoming about the negative effects of hookah. I've heard several of them say that it is not bad for you; all you got to do is go to the CDC's website. Type in hookah, and it will tell you exactly how bad it is for you. I'm also concerned and some of our residents are also concerned about just how it targets relatively young people. They said 20 to whatever I think; the law allows 18-year olds to go there and a lot of these hookah flavors are very kid-friendly. I'm not saying that little kids will be there, but we are not really supporting that necessarily.

Again, the petitioner did not provide a clear reason as to why they are moving two-miles further into a residential area. They did state that they do get a lot of their customers from the college. We really do believe that a facility such as this should be located in a place that is more conducive to having night life because this is really a night life type of thing, and we are thinking more of the downtown University City Area, really closer to the Blue Line, closer to the college is where something like this belongs, not deeper into the Mallard Creek area, which is where they want to move it.

Another thing we are not real clear on, this is the only drawing that we've ever seen of what they are planning on doing. There are like yeah, there is this plot of dirt; we want to put a building there. We don't know it is going to look like, we don't know if it is going to have proper ventilation. There is residential, so there are apartments directly across the street from where they want to put it. The place where they have it right now, there are not apartments very close by. We don't know what is going to happen, if this approved, to air quality in that area; I know that places, every once in a while I go to cigar bars and things of that nature, they are required to have special ventilation. I don't know if this is going to be required for this particular location. We are very interested in this because again, it is across from housing and we are concerned about our residents and their air quality. We do not feel that this will be the highest and best use of the land and it is not a good location for a hookah bar. We are asking that you reject this particular petition.

**Jaunice Wilson, 3249 Colvard Park Way** said I am a homeowner and parent in Colvard Park, which is just south of this area, walking distance really. I have friends who enjoy hookahs and I have no problem with the entrepreneurship aspect of him wanting to open a business like that. I don't feel that this is the area; this is a community of neighborhoods, family and hookah bars find success, even restaurants just having hookah, because I don't want to just call them hookah bars, where entertainment venues are or where night life exists. In fact, the University City Walk, we are looking forward to the expansion of that, and I think it could host a number of locations for a restaurant such as this, but to be so close to residential, families, schools, Mallard Creek Elementary, I'm just south of this apartment complex that they are in front of. Mallard Creek Elementary School is my back yard literally. It is just not the right location and the doctor's offices that are there, the Harris Teeter that is there and pharmacies, and we used to have a wonderful Whole Food's Market, Prosperity Church Partners, that is a new group I've been introduced to, they are building a park just down the street off Prosperity Church Road. I is just not a speakeasy bar area. I am familiar with where their current location is; I'm here because of the story that was in the news this weekend about the unfortunate event that took place. It just kind said look, if I'm going to say something, I better say it and stop waiting for you guys to show up on my news and then want to be mad about it. I would certainly support them in a more appropriate part of our area. We have Northlake Mall to the west; we have the City Centers to the east and north of that we have Birkdale Crossing. There are just a lot of other places that this would be more appropriate.

**Roy Kinnamon, 10124 Pinewood Lane** said I live on the corner of Pinewood Lane and Prosperity Church Road and Driwood Court; my land circles all around. I've been there since early 1964 and been there a long time, seen a lot of changes, and we have a great neighborhood. I helped develop that land with Dave Campbell, and we were promised years ago that that would be an office spot for an office building, and we have a great Indian Restaurant right there. They close early in the afternoon, Spanish-style, family restaurant, and this is open till 2:00 a.m. music with belly dancing. They are going to have it all there, but he also said he was going to have a portion of it for family, so part of



it is going to be for children, family and the other half is going to be for the hookah bar. I am very much against this. I've been there a long time and I want to spend a few more years; I've got a big garden, raise a lot of food and enjoy the outside, and I don't want to see any spotlights shining over my house at night. So, thank you very much; help me out.

**Brahma Upputuri, 3130 Driwood Court** said we are actually next-door neighbor to the project that he is building; it is part of the neighborhood. We have [inaudible] there every day [inaudible], and we really don't want a hookah bar where this will definitely put the children under stress and the parents will probably take the [inaudible] from there, and the neighborhood covenants prevent such business to be established there, and the petitioner did not do any due diligence. Look at the neighborhood covenants. Now what happens is if this were to be approved, the neighborhood covenants would come into play and this will end up in court wasting a lot of public money and court's time, because this will end up there is this were to be approved here.

**Ash Ganatra, 3014 Driwood Court** said I am a neighborhood store also, and all I would ask you guys before you do anything about this, go ahead and search on a RED 28 what it is. Look at the pictures on the website; it is not restaurant. It is a hookah bar. It is taking our kids safety away. That is mostly the safety issue for this issue.

In rebuttal Mr. MacVean said I would like to emphasize that site is already zoned for commercial uses; there are a number of commercial uses surrounding the site as was mentioned: restaurants, gas stations, restaurants here, restaurants here, Bojangles here, there is a bank here, gas station here, more commercial here, office here. We do have multifamily across the street. This is a restaurant within an enclosed building, will follow all regulations in terms of fumes and vapors. Hookah is an option; it is not a requirement when you come to the restaurant. It is a unique offering that makes this a different atmosphere. There was one incident at Jazz's other facility on Mallard Creek Road that was close to three years ago, was an unfortunate incident. There are other restaurants at that same location that also stay open late. Some of those incidents may have been as a result of that. Again, one incident in 18-years does not make this an unsafe environment or an unsafe establishment. The reason for the move, and Darren can explain this, is his lease is up at this current facility. He needs to find a new location and that is why this location is being looked at.

Mr. Vincent said we did take out a loan for that land about a year ago and the bank came and offered us a great opportunity, which we think is a really great opportunity in the move and expand our brand. That was one incident; there are other people like Wild Wings that stay open until 2:00 a.m. Because sometimes on a Friday, it might be more an African American, of course, it is easier to point the finger, but it is not like that. It is a safe haven place, and we are opening actually in Greenville, SC this coming weekend. It is a restaurant and we are using the same model, a small room where you can actually use hookah's at just so that people who don't use hookah's can still come and enjoy themselves and not worry about the whole hookah element experience.

**Councilmember Ajmera** said this is for staff; can we get a report from CMPD on the crime report for this specific facility where it is currently located?

Mr. Pettine said yes, we can provide that in the follow-up.

Mayor Lyles said and where the crime is located where they are planning on going.

Ms. Ajmera said the specific report that was related to the business itself.

Mr. Pettine said we can provide that in a follow-up report. We will have to coordinate with our partners at CMPD to get some of that information.

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

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**ITEM NO. 33: HEARING ON PETITION NO. 2019-107 BY ALBEMARLE ROAD PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.217 ACRES LOCATED ON THE NORTH SIDE OF ALBEMARLE ROAD, EAST OF HOLLIROSE DRIVE FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO NS (NEIGHBORHOOD SERVICES).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said the site is on Albemarle Road; you see that running across the site there, and it is 1.2 acres and right across the street is Target and Lowes just to give you a sense of where these are. A bank branch here and then there is O'Reilly's Auto Parts, there is Zaxby's and a mattress firm aligned up there, and this is for the parcel just next to that. It was part of a 1992 rezoning for a garden center, and it is proposed now for neighborhood services to provide a location for retail uses including drive-thru restaurants and such as that. The current zoning B-1(CD), and that is the same zoning for the other sites along here, but it is very specific now, so it now proposed for an NS zoning district at this time.

The adopted future land use from the East District Plan from a little before that time was for residential; it was rezoned in 1992, and so it has been zoned for commercial. It still has a house on it at this point. The proposal is for a single-principle building that will allow all uses in the district, including a drive-thru restaurant. It does provide for an outdoor patio. It also provides for joint access as you can see on the site plan here to those other parcels that are all interconnected beyond there as well. It also does provide for a multiuse path and planting strip along the front. There are architectural design standards as well and lighting would be capped.

Staff is recommending approval of this particular petition. There are still some outstanding transportation issues related to that interconnected parking lot situation. These other three are all served by a single driveway in and out and this proposes one more driveway, so we are looking for either a relocation to a little bit further away or else just relying on the single connection. Other than that, it is consistent with the retail use for the area; it is consistent with the other retail along the area and does align with what has been evolving in that area. By meeting the requirements, it will be consistent with whatever is there. It also is the last portion of that little strip of land, so it will essentially finish out the retail portion of this particular area.

**John Carmichael, 101 North Tryon Street** said I am here on behalf of the petitioner, Albemarle Road Partners. Mr. Jeff Watson, the petitioner is with me. Kent did a very thorough job of going through the site plan and the request. Once again, it is zoned as we sit here tonight, B-1(CD) it was part of a couple properties that were zoned for a garden center; the garden center was never constructed. The site is next to O'Reilly's Auto Parts and Zaxby's and a couple other commercial uses to the east and a power center to the south. The request is to rezone it to allow a single building that can contain up to 4,700 square feet, all uses allowed in Neighborhood Services. There are some transportation issues and Mr. Watson is working with C-DOT and NC-DOT on, and we hope to have those resolved in a timely fashion.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2019-108 BY J. S. & ASSOCIATES FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.21 ACES LOCATED ON THE WEST SIDE OF NEAL ROAD, SOUTHWEST OF IBM DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said this is currently zoned R-3 single-family; again, it is 13 acres, and it is sort of an odd location because it is on Neal Road and IBM Drive sort of. It is surrounded on all sides by other property that is owned by IBM with a relatively small connection point that actually makes it out onto Neal Road. You can see it is a big treed area as a part of a larger treed area. Across Neal Road is a big school complex; there is also residential that was built in what was a part of the overall industrial park at one point but was rezoned for residential and this is again proposed for residential. It is proposed to go from R-3 to R-8 multifamily, conditional and the Northeast District Plan does recommend residential at up to four units per acre. The General Development Policies do support an increase in density up to eight units per acre. What is proposed is 92 duplexes, triplex and/or attached townhouse dwelling units. There is essentially one way in at this location where it does actually meet the street. Five percent of the units are proposed for affordable housing, which I believe the applicant will tell you about. A sidewalk is proposed along Neal Road; there are architectural standards provided, walkways and connections are provided for as well. In addition, we have asked for and gotten stub streets in all directions so that if and when the rest of this property does develop that it will have some kind of connectivity in the future.

We do recommend approval upon resolution of a few outstanding issues. It is inconsistent with the plan in terms of the four units per acres, but the General Development Policies do support this density. They are providing the kind of pedestrian environments that are appropriate. There is a school there; there are apartments there, so it is served by other services as well. The approval will revise the adopted future land use from four units per acre to eight units per acres.

**Ty Shaffer, 101 North Tryon Street** said I represent the petitioner, J.S. & Associates, Inc. James Scruggs is here this evening for the petitioner; Colon Brock with Brock Design is here. They are the Civil Engineers and Landscape Architects on the project. Kent did a great overview; in the interest of time, we will move quickly here. The outstanding issues related to transportation, the applicant will be working on those with C-DOT in the coming days. A little over 13-acres currently zoned R-3; the request is that it be rezoned to R-8 multifamily zoning district. Would contain up to 92-duplex, triplex, and townhome units. The density would be right about seven units per acre. The current mix proposed would be 63 townhomes, 22-duplex, 9 triplex units.

The petition is committing to reserving a minimum of five percent of the units on the site for buyers at or below 80% AMI, proposing to do that through 15-year deed restrictions. They are talking with the appropriate folks about that process now. Happy to answer any questions you have about the project or the site.

**Councilmember Bokhari** said was there any public money coming in for the affordable housing?

Mr. Shaffer said I'm not aware of any.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 20019-112 BY MARK HEISIG FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.33 ACRES LOCATED ON THE EAST SIDE OF PINECREST AVENUE, NORTH OF COMMONWEALTH AVENUE FROM O-2 (OFFICE) TO R-4 (SINGLE FAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said this is a single-family lot, 0.33 acres located on Pinecrest Avenue and this is just off of Commonwealth Avenue; the existing zoning is O-2 office. It is a single-family house, looks like a single-family house but it is zoned right now for office use, and the proposal is to take it to R-4 single-family residential. This is located directly behind Repa Records, which fronts on Commonwealth Avenue, and you can see the zoning generally around it is R-4. Even this B-1 strip right here is single-family houses. The Independence Boulevard Plan calls for four units per acre. Staff recommends approval of this petition. It is consistent with the land use, and it will return essentially this house to the land use that is and was in the plan.

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

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**ITEM NO. 38: HEARING ON PETITION NO. 2019-116 BY BILLY GRAHAM EVANGELISTIC ASSOCIATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.47 ACRES LOCATED ON THE NORTH SIDE OF BILLY GRAHAM PARKWAY, EAST OF WESTMONT DRIVE AND SOUTH OF WOODRIDGE CENTER DRIVE FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**Kent Main, Planning** said this is 1.47 acres on the north side of Billy Graham Parkway, if you are familiar with the area; here is the Farmer's Market down across the way. This provides the main entrance as you come off of Billy Graham Parkway into the Billy Graham Library, which is just to the left of Westmont Drive. To the north is a waste water treatment plant, to the east is a series of office buildings to the WCNC-TV Studio. This is a proposal for I-1(CD) rezoning. The area plan does call for office and industrial land uses. The existing zoning is multifamily. The intent is to allow for cultural facilities, religious institutions, warehousing, researching. It is essentially intended by Billy Graham Library as storage for other things, but this will also open the door in the future for them to use it for other purposes related to the Billy Graham Library. There are a number of prohibited uses, outdoor storage, eating, drinking and entertainment, shopping centers, personal services, and you can see the list there. It limits the number of buildings to two, the access would be off of Woodridge Center Drive on this side rather this side, which would probably a little more intense and difficult. There is a six-foot sidewalk and eight-foot planting strip planned for the area, and the architectural standards include a variety of uses. We do recommend approval for this; it is consistent with the Central District Plan. The site illustrates all those kinds of things and prohibits other uses that might be considered difficult.

**Bridget Grant, 100 North Tryon Street** said I am working with Jeff Brown and the Keith Corporation to represent the Billy Graham Evangelistic Association on this rezoning. Kent did a very thorough job and he mentioned it is consistent with the adopted land-use policies. Staff support it, and there are no outstanding issues, so I'm here to answer any questions.

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

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**ITEM NO. 39: HEARING ON PETITION NO. 2019-120 BY TITAN PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.5 ACRES LOCATED ON THE NORTH SIDE OF WILKINSON BOULEVARD AND ON THE EAST SIDE OF WEST MOREHEAD STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – TRANSIT COMMUNITY CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said 2019-120 is by Titan Partners, LLC; it is about 8.5 acres on the north side of Wilkinson Boulevard, bounded by Wilkinson Boulevard and West Morehead Street, in the area of Suttle Avenue, West Morehead Street, Berryhill Road, Remount Road. The petition is currently zoned I-2 general industrial; proposed to go to a TOD-CC district. The adopted future-land use in the Bryant Park Land Use and Streetscape Plan does recommend a mix of office, retail, residential uses on the site. The site is less than a quarter-mile from proposed future transit station for the CATS Silver Line so in consideration of where those stops will be, I believe there is one at Suttle Avenue area proposed and also one at Remount Road. So, we would have essentially two future transit stops for the Silver Line within close proximity to this site. We've had several MUDD-O rezonings in the vicinity, as you can see on the zoning map; we've got several MUDD optional. We've had few that aren't even reflected that have come in since then that are on this frontage here at West Morehead Street. We are seeing a redevelopment of this area as we found out more about the Silver Line in regard to Wilkinson Boulevard and some of the stops and we had conversations about this petition knowing that we are suggesting a mix of uses, TOD supports mixed-use type development. We have future stations that would be within very close proximity to this. Staff worked with the petitioner to recommend the TOD-CC District; we feel that will implement the mixed-use land use recommendation as well as implement the future investment in the Silver Line and continue the redevelopment of this area in the context of what we are already seeing through those MUDD optional.

Staff does recommend approval of this petition; it is consistent with the Bryant Park Land Use and Streetscape Plan, again, because of its proximity to proposed the Silver Line and two stops that are in close proximity of it. We feel the TOD-CC was an appropriate district. This petition would revise the adopted future land use from that mixed-use recommendation to a TOD land use for the site.

**Keith MacVean, 100 North Tryon Street** said I am assisting Titan Partners, LLC. I think David has covered everything we were going to cover in terms of consistency and implementing the future land use plan, as well as supporting the future transit extension along Wilkinson Boulevard of the Silver Line. Happy to answer any questions.

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

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**ITEM NO. 40: HEARING ON PETITION NO. 2019-121 BY JAMARIO RICKENBACKER FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.15 ACRES LOCATED ON THE NORTH SIDE OF WEST BOULEVARD, WEST OF HOLABIRD LANE FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-1 (NEIGHBORHOOD BUSINESS).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said 2019-121 is just over one acre on West Boulevard and Nobles Avenue, just a little bit in from Holabird Lane. The site is currently vacant; it is currently zoned B-1(CD) which is neighborhood business, conditional district. This petition is proposing to take it to a conventional B-1 zoning district. So again, we are looking at a

CD removal and just going to a conventional B-1 district. The adopted future land use for the area is recommended for retail-land uses for the site. That is per the Central District Plan, which was adopted in 1993. Staff does recommend approval of this petition; it is consistent with the retail land use recommendation and also the site is already zoned for a convenience store which is something the petitioner did talk about as a potential use under that B-1(CD) zoning. Really, the challenge with that CD zoning district. It is more tied to the parcel that is across West Boulevard; it was actually a little convoluted on what the relationship was between the CD on the south side of West Boulevard is in comparison to the site that is being considered for a rezoning this evening. There was obviously some relationship to where that CD plan carried over to this area on West Boulevard. So again, we are trying to clean up a little bit of what we found to be a bit of a convoluted scenario with the CD plan that was originally adopted and going to a B-1 district which would still support the land-use plan and would leave behind a zoning district that was compatible with what the land use recommendations were per that adopted area plan. Staff does recommend approval and will be happy to answer any questions you may have.

**Jamario Rickenbacker, 330 North Tryon Street** said I bought the property a while ago from my uncle; he has had the property since the 70's. He had an idea for me to do; I have a salon myself, and he wanted me to continue my business. So, I'm thinking about building a salon on that property right there and a gas station too. I want to see the neighborhood improve; it is a great neighborhood, and I want to see improvement in the neighborhood. I want to make it more modern and create jobs in the neighborhood as well.

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

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#### ADJOURNMENT

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

The meeting was adjourned at 8:54 p.m.



Stephanie C. Kelly, City Clerk, MMC NCCMC

Length of Meeting: 2 hours, 45 Minutes  
Minutes Completed: December 5, 2019