

The City Council of the City of Charlotte, North Carolina convened for a Lunch Zoning Briefing on Monday, October 21, 2019 at 12:06 p.m. in Room 810 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Larken Egleston, Julie Eiselt, LaWana Mayfield, Greg Phipps, and Braxton Winston II.

ABSENT: Councilmembers Dimple Ajmera, Tariq Bokhari, Ed Driggs, Justin Harlow, and James Mitchell, and Matt Newton.

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David Pettine, Planning reviewed the the agenda and answered questions regarding the zoning decisions and hearings on the meeting agenda.

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

The meeting was adjourned at 1:20 p.m.

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DINNER BRIEFING

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, October 21, 2019 at 4:08 p.m. in CH-14 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston II.

ABSENT UNTIL NOTED: Councilmember Justin Harlow

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CLOSED SESSION

Motion was made by Councilmember Mitchell, seconded by Councilmember Driggs, and carried unanimously to go into closed session pursuant to G.S. 143-318.11(a)(3) to consult with attorneys employed or retained by the City to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of the following lawsuit: Jerome Miller v. CMPD Officer Sheffield City of Charlotte.

Councilmember Harlow arrived during the closed session.

The Council returned to open session at 4:22 p.m.

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REZONING DURING MUNICIPAL ELECTION YEARS

Mayor Lyles said I would like to remind the Council that there is a rule on rezonings; City Council may not vote on a on conditional rezoning during the period between the date of a municipal election and when the new body is sworn in. This generally encompasses the first week of November through the first week of December; however, the rezoning may be approved if no one spoke against it at the public hearing and no valid protest petition was filed.

If a valid protest petition is filed against a conditional rezoning originally scheduled for a public hearing in a municipal election year between October 1 and when the new Council takes office, both the public hearing and decision are postponed until the Council is sworn in.

Councilmember Egleston said so, if a hearing tonight has opposition they have to wait until December.

Mayor Lyles said that is right.

The meeting was recessed at 4:25 p.m. to move to the Council Chamber for the regularly scheduled Zoning Meeting.

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ZONING MEETING

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, October 21, 2019 at 4:32 p.m. in Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps, and Braxton Winston II.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF ZONING COMMITTEE

Mayor Lyles asked the Zoning Committee to introduce themselves.

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DEFERRALS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer decision on Item No. 4, Petition No. 2018-092 by Contravest Development Partners, LLC; decision on Item No. 6, Petition No. 2019-006 by Amerco Real Estate Company; decision on Item No. 7, Petition No. 2019-030 by Continental 475 Fund, LLC; decision on Item No. 8, Petition No. 2019-047 by NR Pinehurst Property Owner, LLC; decision on Item No. 11, Petition No. 2019-009 by Joseph Rhodes until November 18th. Decision on Item No. 13, Petition No. 2019-028 by HHHunt until December 16th. Hearing on Item No. 29, Petition No. 2019-072 by Ardent Acquisitions, LLC; hearing on Item No. 30, Petition No. 2019-080 by Seahawk; Partner Holdings, LLC; hearing on Item No. 44, Petition No. 2019-088 by JDSI, LLC; and hearing on Item No. 32, Petition No. 2019-098 by Flagship Healthcare until December 18th. hearing on Item No. 31, Petition No. 2019-092 by Carolina Development Group NC, LLC deferred to December 16th.

Councilmember Newton said Item No. 2019-028 that is being deferred to December 16th is one that I will have comment on when it does come back up to vote. I will be speaking with the petitioner; unfortunately, I can't be here that day. I was scheduled to be out of town about a month ago, so I will be speaking with the petitioner about that. It is my hope that can be deferred to January.

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DECISIONS

ITEM NO. 9: ORDINANCE NO. 9654-Z, PETITION NO. 2018-073 BY MOORES CHAPEL RETAIL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.99 ACRES LOCATED AT THE INTERSECTION OF MOORES CHAPEL ROAD, RHYNE ROAD, AND BELMEADE ROAD FROM R-3 LLWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO B-1(CD) LLWPA (NEIGHBORHOOD BUSINESS, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA)

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Catawba Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential, office and/or retail land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because proposed convenience/gas station is a consistent use for this site as recommended by the Catawba Area Plan. The site is located in an auto-oriented environment at the interchange of Interstate 485 and Moores Chapel Road, on one of the main routes into the U.S. National Whitewater Center. The proposed site plan provides a 43-foot class B buffer, between the development site and any future residential development to the north.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, to approve Petition No. 2018-073 by Moores Chapel Retail, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Catawba Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential, office and/or retail land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because proposed convenience/gas station is a consistent use for this site as recommended by the Catawba Area Plan. The site is located in an auto-oriented environment at the interchange of Interstate 485 and Moores Chapel Road, on one of the main routes into the U.S. National Whitewater Center. The proposed site plan provides a 43-foot class B buffer, between the development site and any future residential development to the north.

Councilmember Mayfield said I just wanted to thank the petitioner, because we had a couple of conversations on this particular project, and there were some adjustments that were made to the petition based on conversation so just wanted to acknowledge that.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 430-431.

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ITEM NO. 10: ORDINANCE NO. 9655-Z, PETITION NO. 2018-160 BY K SADE VENTURES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATE 93.86 ACRES LOCATED ON THE NORTH SIDE OF UNIVERSITY BOULEVARD AT THE

MECKLENBURG/CABARRUS COUNT LINE FORM R-3 (SINGLE FAMILY RESIDENTIAL) TO MX-1(CD) (MIXED USE, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Wiggins, 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 Northeast District Plan with respect to proposed land use but consistent with the General Development Policies, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential uses of up to four dwelling units per acre. GDP supports the requested density of up to six 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 site abuts compatible residential uses to the north and south, and institutional uses to the east. The requested density (six dwelling units per acre) is lower than entitlements for adjacent residential development (eight dwelling units per acre). The petition includes off-site transportation improvements, including a signalized intersection, that will improve vehicular connectivity and safety in the surrounding area. The petition commits to enhancing the pedestrian environment, particularly through the construction of a 12-foot multi-use path that will improve safety and connectivity. The petition commits to include improved architectural design standards for the site's multi-family component. As such, the General Development Policies supports a density recommendation of up to six dwelling units per acre, matching the petitioner's requested density. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996), from single family residential up to four dwelling units per acre to residential up to six dwelling units per acre for the site.

The following changes were made after the Zoning Committee's recommendation:

Committed to fully funding the full cost of a traffic signal at the intersection of NC 49 (University City Boulevard) and Harris Houston Road/Oak Leigh Drive.

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

Councilmember Phipps said I just wanted to thank the petitioner for full funding of the traffic signal at Harris Houston Road and University City Boulevard. It was something that was badly needed, and I know the community really wanted it and for him to step forward and fully fund it is great.

Mayor Lyles said thank you for that comment; we always love that public/private partnership that we have.

Motion was made by Councilmember Phipps, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2018-160 by k. Sade Ventures and adopt the following Statement of Consistency, as modified: This petition is found to be inconsistent with the Northeast District Plan with respect to proposed land use but consistent with the General Development Policies, based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses of up to four dwelling units per acre. GDP supports the requested density of up to six 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 site abuts compatible residential uses to the north and south, and institutional uses to the east. The requested density (six dwelling units per acre) is lower than entitlements for adjacent residential development (eight dwelling units per acre). The petition includes off-site transportation improvements, including a signalized intersection, that will improve vehicular connectivity and safety in the surrounding area. The petition commits to enhancing the pedestrian environment, particularly through the construction of a 12-foot multi-use path that will improve safety and connectivity. The petition commits to include improved architectural design standards for the site's multi-family component. As such, the General Development Policies supports a density recommendation of up to six dwelling units per acre, matching the petitioner's requested density. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996), from single family residential up to four dwelling units per acre to residential up to six dwelling units per acre for the site.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 432-433.

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ITEM NO. 12: ORDINANCE NO. 9656-Z, PETITION NO. 2019-027 BY LIBERTY PROPERTY TRUST AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 20.50 ACRES LOCATED AT THE EAST SIDE OF THE INTERSECTION OF SAM WILSON ROAD AND LAINE ROAD, SOUTH OF I-85 FROM R-3 LLWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-2(CD) LLWPA (GENERAL INDUSTRIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Dixie Berryhill Strategic Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends office/retail/light industrial uses on this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed conditional site plan seeks to limit the I-2 general industrial uses, making it consistent with the light industrial land use recommended for the site. The site is within a Growth Corridor, as per the Centers, Corridors and Wedges Growth Framework, at an interchange area with Interstate 85, where a number of industrial properties are located. On the other side of Interstate 85 and Sam Wilson Road is a new Loves Truck Stop that was rezoned to I-2(CD) in 2016. • The proposed site plan includes a 75-foot class A buffer along the existing R-3 properties on the east side of this site.

Motion was made by Councilmember Mitchell, seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2019-027 by Liberty Property Trust and adopt the following Statement of Consistency: This petition is found to be consistent with the Dixie Berryhill Strategic Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/retail/light industrial uses on this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed conditional site plan seeks to limit the I-2 general industrial uses, making it consistent with the light industrial land use recommended for the site. The site is within a Growth Corridor, as per the Centers, Corridors and Wedges Growth Framework, at an interchange area with Interstate 85, where a number of industrial properties are located. On the other side of Interstate 85 and Sam Wilson Road is a new Loves Truck Stop that was rezoned to I-2(CD) in 2016.

- The proposed site plan includes a 75-foot class A buffer along the existing R-3 properties on the east side of this site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 434-435.

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ITEM NO. 14: ORDINANCE NO. 9657-Z, PETITION NO. 2019-029 BY CRESCENT COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.68 ACRES LOCATED AT THE INTERSECTION OF EAST 7TH STREET AND NORTH CASWELL AVENUE FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-0 (motion by Gussman, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Elizabeth 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, office and retail uses in the area in which the site is located. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed development will provide a mix of office and retail uses that will reinforce Seventh Street as Elizabeth's primary retail corridor. The proposed site plan includes nonresidential uses on the ground floor that are oriented to the sidewalk network which will enhance the pedestrian environment in the area. The petition provides architectural design commitments for the building that break up the massing and create four distinct sections of the structure to enhance the overall streetscape, encourage pedestrian activity, and complement the pedestrian environment. The proposed maximum building height of 60 feet for the building at the corner of East Seventh Street and Caswell Road is consistent with the plan to include an iconic architectural design that would enhance this signature intersection as recommended in the plan. The project will provide more than the required parking for the office and retail uses on-site, and the parking on-site will be accessible to the public, which will help alleviate a general lack of parking in this area. The project will provide pedestrian improvements in the area to enhance pedestrian safety.

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to approve Petition No. 2019-029 by Crescent Communities and adopt the following Statement of Consistency: This petition is found to be consistent with the Elizabeth Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends a mix of residential, office and retail uses in the area in which the site is located. Therefore, we find this petition to reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed development will provide a mix of office and retail uses that will reinforce Seventh Street as Elizabeth's primary retail corridor. The proposed site plan includes nonresidential uses on the ground floor that are oriented to the sidewalk network which will enhance the pedestrian environment in the area. The petition provides architectural design commitments for the building that break up the massing and create four distinct sections of the structure to enhance the overall streetscape, encourage pedestrian activity, and complement the pedestrian environment. The proposed maximum building height of 60 feet for the building at the corner of East Seventh Street and Caswell Road is consistent with the plan to include an iconic architectural design that would enhance this signature intersection as recommended in the plan. The project will provide more than the required parking for the office and retail uses on-site, and the parking on-site will be accessible to the public, which will help alleviate a general lack of parking in this area. The project will provide pedestrian improvements in the area to enhance pedestrian safety.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 436-437.

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ITEM NO. 15: ORDINANCE NO. 9658, PETITION NO. 2019-038 BY DAVE HEGNAUER FOR A TEXT AMENDMENT TO 1) ADD A NEW DEFINITION FOR "COMMERCIAL KITCHEN"; 2) ADD "COMMERCIAL KITCHEN" AS A USE BY-RIGHT IN THE U-I (URBAN INDUSTRIAL), I-1 (LIGHT INDUSTRIAL), I-2 (GENERAL INDUSTRIAL), CC (COMMERCIAL CENTER), B-2 (GENERAL BUSINESS) AND B-D (DISTRIBUTIVE BUSINESS) ZONING DISTRICTS; AND 3) ALLOW OUTDOOR STORAGE (PARKING OF FOOD TRUCKS AND TRAILERS ASSOCIATED WITH A COMMERCIAL KITCHEN) AS AN ACCESSORY USE TO A COMMERCIAL KITCHEN BY-RIGHT IN THE U-I (URBAN INDUSTRIAL) I-1 (LIGHT INDUSTRIAL), AND I-2 (GENERAL INDUSTRIAL) ZONING DISTRICTS, AND WITH PRESCRIBED CONDITIONS IN THE CC (COMMERCIAL CENTER), B-2 (GENERAL BUSINESS), AND B-D (DISTRIBUTIVE BUSINESS) ZONING DISTRICTS.

The Zoning Committee voted 6-1 (motion by McClung, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with Centers, Corridors and Wedges Growth Framework recommendation for broadening the economy to include emerging industries, and based on the information from the post hearing staff analysis and the public hearing and because the growth and expansion of mobile food truck and catering businesses has resulted in the growing need for commissary or commercial kitchens to serve as locations for commercial food service providers to prepare, package, and store food at proper food temperatures, in a sanitary environment, and to store products and equipment. This petition supports commercial kitchens by clarifying they are allowed by right in the B-2, B-D, CC, U-I, I-1 and I-2 zoning districts. Commercial kitchens are consistent with other typical retail-based businesses allowed in the proposed zoning districts. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the petition allows accessory outdoor storage (parking of mobile food trucks/trailers) for a commercial kitchen, by-right, in the U-I, I-1 and I-2 zoning districts, consistent with other heavier commercial and industrial uses allowing outdoor storage. The petition allows accessory outdoor storage (parking of mobile food trucks/trailers) for a commercial kitchen in the CC, B-2, and B-D zoning districts, with prescribed conditions.

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, to approve Petition No. 2019-038 by Dave Hegnauer and adopt the following Statement of Consistency: This petition is found to be consistent with Centers, Corridors and Wedges Growth Framework recommendation for broadening the economy to include emerging industries, and based on the information from the final staff analysis and the public hearing and because the growth and expansion of mobile food truck and catering businesses has resulted in the growing need for commissary or commercial kitchens to serve as locations for commercial food service providers to prepare, package, and store food at proper food temperatures, in a sanitary environment, and to store products and equipment. This petition supports commercial kitchens by clarifying they are allowed by right in the B-2, B-D, CC, U-I, I-1 and I-2 zoning districts. Commercial kitchens are consistent with other typical retail-based businesses allowed in the proposed zoning districts. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition allows accessory outdoor storage (parking of mobile food trucks/trailers) for a commercial kitchen, by-right, in the U-I, I-1 and I-2 zoning districts, consistent with other heavier commercial and industrial uses allowing outdoor storage. The petition allows accessory outdoor storage (parking of mobile food trucks/trailers) for a commercial kitchen in the CC, B-2, and B-D zoning districts, with prescribed conditions.

Councilmember Mayfield said I just wanted to thank staff for adding the mobile food trucks and trailers must be utilized by the food service providers contracting to use the commercial kitchen based off of the questions that I asked to ensure in the future that we don't have un-operable mobile trucks lining up in any particular location. I just wanted to acknowledge and appreciate the additional language.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 438-441.

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ITEM NO. 16: ORDINANCE NO. 9659-Z, PETITION NO. 2019-056 BY WHITE POINT PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.95 ACRES LOCATED ON THE SOUTH SIDE OF WEST MOREHEAD STREET, WEST OF JULIAN PRICE PLACE FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 7-0 (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 consistent with the Bryant Park Land Use and Streetscape Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends mixed use for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed uses of office and retail are consistent with the mixed-use land use recommendation for the site, as per the Bryant Park Land Use and Streetscape Plan. The proposed development will adaptively reuse an existing building, in what was a formerly industrial area, which is now seeing more residential, office and retail developments. The petition will contribute to pedestrian and vehicular improvements to the network in this area through pedestrian crossings with refuge island, coordinated improvements with petition 2019-053 on Bryant Park Drive, and new turn lanes on W. Morehead Street. This proposal continues infill development and reinvestment in this area around the future Silver Line, and further facilitates the mixed-use land use recommendations in the Plan.

Motion was made by Councilmember Mayfield, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2019-056 by White Point Partners, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Bryant Park Land Use and Streetscape Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends mixed use for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed uses of office and retail are consistent with the mixed-use land use recommendation for the site, as per the Bryant Park Land Use and Streetscape Plan. The proposed development will adaptively reuse an existing building, in what was a formerly industrial area, which is now seeing more residential, office and retail developments. The petition will contribute to pedestrian and vehicular improvements to the network in this area through pedestrian crossings with refuge island, coordinated improvements with petition 2019-053 on Bryant Park Drive, and new turn lanes on W. Morehead Street. This proposal continues infill development and reinvestment in this area around the future Silver Line, and further facilitates the mixed-use land use recommendations in the Plan.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 442-443.

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ITEM NO. 17: ORDINANCE NO. 9660-Z, PETITION NO. 2019-061 BY DAVIS DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.55 ACRES LOCATED ON THE EAST SIDE OF NORTHLAKE CENTRE PARKWAY, NORTH OF CALHOUN STREET, SOUTH OF I-485 FROM BP (BUSINESS PARK) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by McClung, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan based on the information from the post hearing staff analysis and the public hearing and because the plan supports residential development up to 22 dwelling units per acre as a single use. 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 Northlake Area Plan recommends a mix of residential and nonresidential uses for this site, but also supports residential development up to 22 dwelling units per acre as a single use. • At 20.6 dwelling units per acre, the petition is less dense than what the recommended maximum density. The maximum building height is less than what the adopted policy would allow. The plan recommends limiting building height to 10 – 12 stories, and the petition limits building height to four stories. The petition commits to enhancing the pedestrian environment through site design elements which include internal sidewalks on both sides of the constructed public street and all internal private drives. These improvements connect the site to existing pedestrian amenities along Northlake Centre Parkway and connect to nearby points of interest. The petition commits to providing an improved open space amenity with landscaping, hardscaped areas, walkways, seating, areas, and lighting which will, along with the abovementioned pedestrian amenities, will improve resident safety and the overall pedestrian experience.

Motion was made by Councilmember Harlow, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-061 by Davis Development and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan based on the information from the final staff analysis and the public hearing and because the plan supports residential development up to 22 dwelling units per acre as a single use. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the Northlake Area Plan recommends a mix of residential and nonresidential uses for this site, but also supports residential development up to 22 dwelling units per acre as a single use. At 20.6 dwelling units per acre, the petition is less dense than what the recommended maximum density. The maximum building height is less than what the adopted policy would allow. The plan recommends limiting building height to 10 – 12 stories, and the petition limits building height to four stories. The petition commits to enhancing the pedestrian environment through site design elements which include internal sidewalks on both sides of the constructed public street and all internal private drives. These improvements connect the site to existing pedestrian amenities along Northlake Centre Parkway and connect to nearby points of interest. The petition commits to providing an improved open space amenity with landscaping, hardscaped areas, walkways, seating, areas, and lighting which will, along with the abovementioned pedestrian amenities, will improve resident safety and the overall pedestrian experience.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 444-445.

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ITEM NO. 18: ORDINANCE NO. 9661-Z, PETITION NO. 2019-062 BY SUNCREST REAL ESTATE & LAND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.01 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF ROCKY RIVER ROAD AND OLD CONCORD ROAD FROM B-1(CD) NEIGHBORHOOD BUSINESS) CONDITIONAL) AND O-1(CD) OFFICE, CONDITIONAL) TO UR-2(CD) URBAN 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 inconsistent with the Newell Small Area Plan, based on the information from the post hearing staff analysis and the public hearing and because: The plan recommends office and retail land uses. 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 adjacent to a high-speed railroad corridor and access to Old Concord via Rocky River Road has been severed making it less likely for commercial development to occur on the subject property. The commitment to build the University East collector will provide additional connectivity between Newell Hickory Grove Road to University East Drive to better accommodate single family attached development. The petition commits to public recreation and mobility options through the dedication of the 100-foot SWIM Buffer of Back Creek located on the site to Mecklenburg County for future greenway development. This site was originally rezoned from a residential zoning district to an office district with petition 1995-040(C). The original intent was for this area to develop with residential uses. In fact, much of the site abuts established residential uses or zoning. The area directly across Rocky River Road has not developed according to the office land use recommendation; the existing use is residential. Due to the transportation constraints and abutting single family development, it is unlikely that this site would ever develop with the intended office or retail uses. The approval of this petition will revise the adopted future land use as specified by the Newell Small Area Plan, from office and retail use to residential use up to 12 dwelling units per acre for the site.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2019-062 by Suncrest Real Estate & Land and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Newell Small Area Plan, based on the information from the final staff analysis and the public hearing and because: The plan recommends office and retail 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 adjacent to a high-speed railroad corridor and access to Old Concord via Rocky River Road has been severed making it less likely for commercial development to occur on the subject property. The commitment to build the University East collector will provide additional connectivity between Newell Hickory Grove Road to University East Drive to better accommodate single family attached development. The petition commits to public recreation and mobility options through the dedication of the 100-foot SWIM Buffer of Back Creek located on the site to Mecklenburg County for future greenway development. This site was originally rezoned from a residential zoning district to an office district with petition 1995-040(C). The original intent was for this area to develop with residential uses. In fact, much of the site abuts established residential uses or zoning. The area directly across Rocky River Road has not developed according to the office land use recommendation; the existing use is residential. Due to the transportation constraints and abutting single family development, it is unlikely that this site would ever develop with the intended office or retail uses. The approval of this petition will revise the adopted future land use as specified by the Newell Small Area Plan, from office and retail use to residential use up to 12 dwelling units per acre for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 446-447.

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ITEM NO. 19: ORDINANCE NO. 9662-Z, PETITION NO. 2019-070 BY RENC CH, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 42.41 ACRES LOCATED ON WALLACE ROAD BETWEEN WOODBERRY ROAD AND EAST INDEPENDENCE BOULEVARD FROM B-2 (GENERAL BUSINESS) AND B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO B-2 (GENERAL BUSINESS) AND B-2(CD) SPA (GENERAL BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-0 (motion by Nwasike, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Independence Boulevard Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends retail uses south of Wallace Road based on a prior rezoning. The plan recommends mixed office and retail uses north of Wallace Road. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site plan for most of the property is a minor revision of that approved by rezoning petition 2016-141. The site plan also includes a small additional parcel north of existing Wallace Road, including an improved realignment of the road. The site is located along a major highway and commercial corridor. The proposed zoning would allow uses consistent with the existing uses and zoning in this area along Independence Boulevard. The conditional plan continues to preserve right-of-way across the site for the future LYNX Silver Line alignment where it transitions from Monroe Road to Independence Boulevard as well as rights-of-way for the Wallace Road South alignment, Independence Boulevard widening, and the proposed Sharon Forest Drive overpass.

The following change was made after the Zoning Committee's recommendation:

Reduced the proposed right-of-way for the relocation of Wallace Road from 80-feet to 60-feet in coordination with C-DOT and NC-DOT.

Motion was made by Councilmember Newton, seconded by Councilmember Harlow, and carried unanimously to not sent this petition back to the Zoning Committee.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-070 by RENC CH, LLC and adopt the following Statement of Consistency, as modified: This petition is found to be consistent with the Independence Boulevard Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends retail uses south of Wallace Road based on a prior rezoning. The plan recommends mixed office and retail uses north of Wallace Road. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site plan for most of the property is a minor revision of that approved by rezoning petition 2016-141. The site plan also includes a small additional parcel north of existing Wallace Road, including an improved realignment of the road. The site is located along a major highway and commercial corridor. The proposed zoning would allow uses consistent with the existing uses and zoning in this area along Independence Boulevard. The conditional plan continues to preserve right-of-way across the site for the future LYNX Silver Line alignment where it transitions from Monroe Road to Independence Boulevard as well as rights-of-way for the Wallace Road South alignment, Independence Boulevard widening, and the proposed Sharon Forest Drive overpass.

The ordinance is recorded in full in Ordinance Book 62, Page(s) 448-449.

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ITEM NO. 20: ORDINANCE NO. 9663-Z, PETITION NO. 2019-074 BY JOSH JOLLEY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.96 ACRES LOCATED ON THE WEST SIDE OF WALLACE ROAD, NORTH OF WOODBERRY ROAD, WEST OF EAST INDEPENDENCE BOULEVARD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Independence Boulevard Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential development at 12 units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is over a ½ mile walk from the nearest proposed LYNX Silver Line transit station but located within 190 feet of the proposed transit alignment. Therefore, the site is not appropriate for transit-oriented development; but moderate density multi-family development is appropriate with the site's location along the future rail corridor. The site is located within the Southeast Corridor per the Centers, Corridors, Wedges Growth Framework. Corridors are areas recommended for moderate intensity multi-family uses. The site is located within a ½ mile walk to bus stops/routes along Monroe Road and Independence Boulevard. The proposed density of 22 units per acre is inconsistent with the plan's recommendation for 12 dwelling units per acre. However other multi-family developments north of the site on Wallace Road and Wallace Lane in office zoning exist at comparable densities. The site and proposed development provide a transition inland use types and intensity from the commercial uses along Independence Boulevard and Wallace Road to the single family uses west of the site. The site plan provides development conditions that reduce impacts to abutting single family homes through the limitation of building heights, provision of buffers, and provision of building envelopes that ensure building sides face single family homes and buildings are located adjacent to existing or proposed streets away from the single-family homes.

The following changes were made after the Zoning Committee's recommendation:

1. Added a note that a minimum of 6 units constructed on the site shall maintain monthly rents at or below 80% AMI for a period of not less than 15-years from the date of issuance of the certificate of occupancy of the unit's associated building.
2. Added a note committing to internal tree plantings at a rate of 1 tree per 7,500 square feet of proposed impervious area, excluding proposed impervious associated with public street extensions as depicted on the site plan. The typical internal street planting rate is 1 per 10,000 square feet.

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

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-074 by Josh Jolley and adopt the following Statement of Consistency, as modified: This petition is found to be inconsistent with the Independence Boulevard Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential development at 12 units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is over a ½ mile walk from the nearest proposed LYNX Silver Line transit station but located within 190 feet of the proposed transit alignment. Therefore, the site is not appropriate for transit-oriented development; but moderate density multi-family development is appropriate with the site's location along the future rail corridor. The site is located within the Southeast Corridor per the Centers, Corridors, Wedges Growth Framework. Corridors are areas recommended for moderate intensity multi-family uses. The site is located within a ½ mile walk to bus stops/routes along Monroe Road and Independence Boulevard. The proposed density of 22 units per acre is inconsistent with the plan's recommendation for 12 dwelling units per acre. However other multi-family developments north of the site on Wallace Road and Wallace Lane in office zoning exist at comparable densities. The site and proposed development provide a transition inland use types and intensity from the commercial uses along Independence Boulevard and Wallace Road to the single family uses west of the site. The site plan provides development conditions that reduce impacts to abutting single family homes through the limitation of building heights, provision of buffers, and provision of building envelopes that ensure building sides face single family homes and buildings are located adjacent to existing or proposed streets away from the single-family homes.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 450-451.

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ITEM NO. 21: ORDINANCE NO. 9664-Z, PETITION NO. 2019-076 BY HOPPER COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.39 ACRES LOCATED ON THE SOUTH SIDE OF ROZZELLES FERRY ROAD, WEST OF SOUTH TURNER AVENUE, EAST OF SOUTH GARDNER AVENUE FROM R-8 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN 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 inconsistent with the Central District Plan, but is consistent with the General Development Policies (GDP) guidance to allow over 17 dwelling units per acre based on the information from the post hearing staff analysis and the public hearing and because the plan recommends single family residential up to 8 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 petition is inconsistent with the density recommendation from the Central District Plan;

however, since the adoption of that plan in 1993 there have been significant changes in the area surrounding this site, including the recent rezoning of Savona Mill and the future LYNX Gold Line streetcar. The site is located within ½ mile of a transit stop along the Lynx Gold Line streetcar at Five Points. The site is located within the Rozzelles Ferry/West Trade C-NIP area, where significant infrastructure and neighborhood enhancement projects are underway that complement more dense residential development.

Motion was made by Councilmember Harlow, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2019-076 by Hopper Communities and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan, but is consistent with the General Development Policies (GDP) guidance to allow over 17 dwelling units per acre based on the information from the final staff analysis and the public hearing and because the plan recommends single family residential up to 8 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 petition is inconsistent with the density recommendation from the Central District Plan; however, since the adoption of that plan in 1993 there have been significant changes in the area surrounding this site, including the recent rezoning of Savona Mill and the future LYNX Gold Line streetcar. The site is located within ½ mile of a transit stop along the Lynx Gold Line streetcar at Five Points. The site is located within the Rozzelles Ferry/West Trade C-NIP area, where significant infrastructure and neighborhood enhancement projects are underway that complement more dense residential development.

The ordinance is recorded in full in Ordinance Book 62 at Page(s) 452-453.

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ITEM NO. 22: ORDINANCE NO. 9665-Z, PETITION NO. 2019-079 BY SANKOFA DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATE 1.25 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD, SOUTH OF RILEY AVENUE, NORTH OF DISTRIBUTION CENTER DRIVE FROM R-4 (SINGLE FAMILY RESIDENTIAL) AND B-2 (GENERAL BUSINESS) TO NS (NEIGHBORHOOD SERVICES).

The Zoning Committee voted 7-0 (motion by Gussman, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be 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 industrial uses. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because while the petition is inconsistent with the industrial recommendation in the plan, the NS district being requested provides appropriate uses adjacent to the single family and commercial uses in the area. The petition limits use to a restaurant and entertainment use under 4,000 square feet. The proposed use is allowed within the site's existing B-2 zoning on the eastern portion of the site. The petition commits to enhancing the pedestrian environment through multiple site design elements including a sidewalk connection to the existing adjacent neighborhood, and sidewalk improvements along Statesville Avenue. The area between Riley Avenue and Auten Avenue has not developed according to the industrial land use recommendation. Due to the abutting single-family development and zoning, it is unlikely that this site is feasible to develop with industrial uses. The intent of the Neighborhood Service District is to provide for uses that directly serve the neighborhood in which they are located.

Motion was made by Councilmember Harlow, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-079 by Sankofa Development, LLC 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 industrial uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because while the petition is inconsistent with the industrial recommendation in the plan, the NS district being requested provides appropriate uses adjacent to the single family and commercial uses in the area. The petition limits use to a restaurant and entertainment use under 4,000 square feet. The proposed use is allowed within the site's existing B-2 zoning on the eastern portion of the site. The petition commits to enhancing the pedestrian environment through multiple site design elements including a sidewalk connection to the existing adjacent neighborhood, and sidewalk improvements along Statesville Avenue. The area between Riley Avenue and Auten Avenue has not developed according to the industrial land use recommendation. Due to the abutting single-family development and zoning, it is unlikely that this site is feasible to develop with industrial uses. The intent of the Neighborhood Service District is to provide for uses that directly serve the neighborhood in which they are located.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 454-455.

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ITEM NO. 23: ORDINANCE NO. 9666-Z, PETITION O. 2019-081 BY TYVOLA STATION PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.5 ACRES LOCATED ON THE NORTH SIDE OF TYVOLA ROAD, WEST OF OLD PINEVILLE ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER) AND TOD-TR (TRANSIT ORIENTED DEVELOPMENT – TRANSITIONAL).

The Zoning Committee voted 5-2 (motion by McClung, seconded by Gussman) to recommend approval of Development A only and adopt the following Statement of Consistency: This petition is found to be consistent with the overall vision of the Tyvola & Archdale Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the adopted plan recommends transit-oriented development. Therefore, we find the part of the petition pertaining to Development Area A only to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because this site is within a ¼-mile walk of Tyvola Station on the LYNX Blue Line and generally consistent with the long-term vision of the plan to provide a mix of transit supportive uses within walking distance of the transit station. The proposal allows the site previously used for an automotive dealership to be redeveloped with a transit supportive project. The proposed TOD-CC zoning applies commitments to create the desired form and intensity of transit supportive development including architectural building design standards, and open space amenities.

David Pettine, Planning said just prior to the meeting, the petitioner requested if we could actually withdraw consideration of Development Area B altogether and not consider any motion for a rezoning on that petition and only consider a rezoning on Development A. Staff doesn't have any opposition to that request; we support Development Area A, as presented, and we think that a withdrawal of Development Area B is appropriate. It is at their request. o, we would like the Council to consider that motion to withdraw Development Area B and only make a recommendation on Development Area A.

Motion was made by Councilmember Mayfield, seconded by Councilmember Winston, and carried unanimously to accept that withdrawal.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to approve Development Area A and adopt the following Statement of Consistency: This petition is found to be consistent with the overall vision of the Tyvola & Archdale Station Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends transit-oriented development. Therefore, we find the part of the petition pertaining to Development Area A only to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this site is within a ¼-mile walk of Tyvola Station on the LYNX Blue Line and generally consistent with the long-term vision of the plan to provide a mix of transit supportive uses within walking distance of the transit station. The proposal allows the site previously used for an automotive dealership to be redeveloped with a transit supportive project. The proposed TOD-CC zoning applies commitments to create the desired form and intensity of transit supportive development including architectural building design standards, and open space amenities.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 456-457.

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ITEM NO. 24: ORDINANCE NO. 9667-Z, PETITION NO. 2019-082 BY PACIFIC NATIONAL GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.32 ACRES LOCATED ON THE EAST SIDE OF SOUTH BOULEVARD, SOUTH OF EAST WORTHINGTON AVENUE FROM B-1 (NEIGHBORHOOD BUSINESS) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT – URBAN CENTER).

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area Plan and the South End Vision Plan, based on the information from the post hearing staff analysis and the public hearing and because the plans recommend transit-oriented, mixed use development. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within a ¼ mile walk of East/West Station on the LYNX Blue Line. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. Use of conventional TOD-UC (transit-oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-082 by Pacific National Group, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area Plan and the South End Vision Plan, based on the information from the final staff analysis and the public hearing and because the plans recommend transit-oriented, mixed use development. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within a ¼ mile walk of East/West Station on the LYNX Blue Line. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. Use of conventional TOD-UC (transit oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 458-459.

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ITEM NO. 25: ORDINANCE NO. 9668-Z, PETITION NO. 2019-083 BY JAMES M. HOWELL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.56 ACRES LOCATED ON THE WEST SIDE OF CHINA GROVE CHURCH ROAD, SOUTH OF AILEEN CIRCLE, NORTH OF ERVIN LANE FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-8 (SINGLE FAMILY RESIDENTIAL).

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: 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 adopted 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 the proposed zoning is consistent with the residential zoning districts in the surrounding area, which include R-4 and R-8 (single family residential) and R-8(CD) (single family residential, conditional) districts. All adjacent parcels are currently zoned R-8 or R-8(CD). The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood. The site is within ¼ mile walk of the I-485/South Boulevard Transit Station.

Motion was made by Councilmember Mayfield, seconded by Councilmember Phipps, to approve Petition No. 2019-083 by James M. Howell 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 adopted 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 the proposed zoning is consistent with the residential zoning districts in the surrounding area, which include R-4 and R-8 (single family residential) and R-8(CD) (single family residential, conditional) districts. All adjacent parcels are currently zoned R-8 or R-8(CD). The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood. The site is within ¼ mile walk of the I-485/South Boulevard Transit Station.

Councilmember Mayfield said Mayor; I believe at our earlier discussion that staff was going to speak to this, because this particular project also ties into a hearing that we have this evening. I had asked for staff to share because this particular area off of China Grove Church Road is a small neighborhood, and I had asked for staff to be prepared to share why they were in support of this particular request going from R-4 to R-8.

David Pettine, Planning said our justification and rationale for this R-4 to R-8 request is consistent with the adopted area plan, so we are not looking to get a density or any increase over the type of development that was envisioned for the area. We feel that it is compatible with the surrounding neighborhood uses; you've got R-8(CD) and R-8 zoning fairly well surrounding the site along China Grove Church Road on the west side and some R-8 on the east side of China Grove Church Road as well. So, we felt the consistency between all those zoning districts already existing and the consistency with the comp plan that was out there for the transit station area made us comfortable with the recommendation to recommend approval for that change in zoning from R-4 to R-8.

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) 460-461.

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ITEM NO. 26: ORDINANCE NO. 9669-Z, PETITION NO. 2019-118 BY BEACON DEVELOPMENT COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 90.47

ACRES LOCATED ON THE WEST SIDE OF BEAM ROAD, NORTH OF CROSS BEAM DRIVE FROM BD(CD) AIR (DISTRIBUTIVE BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY) TO I-1 AIR (LIGHT INDUSTRIAL, AIRPORT NOISE OVERLAY).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Southwest District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends office/industrial land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the adopted land use supports industrial uses at this location, which is within an industrial activity center just south of Charlotte-Douglas International Airport. The site is an undeveloped element of a business park, already zoned for some industrial type uses, and surrounded by similar light industrial development. The site is separated from nearby single family residential by a creek on county-owned land intended for a future greenway, which will provide an appropriate separation.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2019-118 by Beacon Development and adopt the following Statement of Consistency: This petition is found to be consistent with the Southwest District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/industrial land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the adopted land use supports industrial uses at this location, which is within an industrial activity center just south of Charlotte-Douglas International Airport. The site is an undeveloped element of a business park, already zoned for some industrial type uses, and surrounded by similar light industrial development. The site is separated from nearby single family residential by a creek on county-owned land intended for a future greenway, which will provide an appropriate separation.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 462-463.

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ITEM NO. 27: ORDINANCE NO. 9670, PETITION NO. 2019-103 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT DEPARTMENT FOR A TEXT AMENDMENT TO 1) SIMPLIFY THE REGULATIONS MAKING THEM EASIER TO USE AND UNDERSTAND, WITH ADDED GRAPHICS; 2) PROVIDE CONSISTENCY AND UNIFORMITY IN STANDARDS ACROSS SIMILAR ZONING DISTRICTS; 3) MODIFY THE STANDARDS FOR SIGN SIZE, MATERIALS, LOCATION, LIGHTING, PROBABILITY, QUALITY AND HEIGHT; 4) PROVIDE GREATER FLEXIBILITY BY ALLOWING MORE SIGNS WITHOUT A PERMIT, BUT SUBJECT TO SPECIFIC STANDARDS; 5) INTRODUCE NEW SIGN TYPES, INCLUDING A-FRAME SIGN, ACCESSORY USE SIGN, LIGHT POLE BANNER, MULTIUSE PLANNED DEVELOPMENT GROUND SIGN, ROOF SIGN, SKYLINE SIGN, TEMPORARY OUTDOOR SALES SIGN, VEHICLE DEALERSHIP TEMPORARY SIGN, WALL SIGN (PAINTED), AND WALL SIGN (PROJECTED); 6) CREATE CONTENT-NEUTRAL SIGN STANDARDS, TO BE CONSISTENT WITH THE RECENT U. S. SUPREME COURT RULING; AND 7) MOVE THE PROCEDURES FOR OBTAINING A SIGN PERMIT INTO A SEPARATE DOCUMENT.

The Planning Committee voted 7-0 (motion by Blumenthal, second by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework goal to support a diverse and growing economy, and based on the information from the post hearing staff analysis and the public hearing and because the text amendment consolidates all sign regulations into one chapter rather than having them dispersed throughout the Zoning Ordinance, making the standards more user-friendly; provides consistency and uniformity of sign standards across zoning districts making the

standards easier to find, understand and enforce; introduces new sign types to reflect and address development and sign industry trends; and allows more signs without a permit, but subject to specific standards. 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 text amendment updates the Zoning Ordinance sign regulations by establishing content-neutral standards and allowing non-commercial messages where commercial messages are permitted to align with U.S. Supreme Court and case law rulings.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to approve Petition No. 2019-103 by Charlotte Planning, Design & Development Department and adopt the following Planning Committee Statement of Consistency: This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework goal to support a diverse and growing economy, and based on the information from the final staff analysis and the public hearing and because the text amendment consolidates all sign regulations into one chapter rather than having them dispersed throughout the Zoning Ordinance, making the standards more user-friendly; provides consistency and uniformity of sign standards across zoning districts making the standards easier to find, understand and enforce; introduces new sign types to reflect and address development and sign industry trends; and allows more signs without a permit, but subject to specific standards. 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 text amendment updates the Zoning Ordinance sign regulations by establishing content-neutral standards and allowing non-commercial messages where commercial messages are permitted to align with U.S. Supreme Court and case law rulings.

Councilmember Egleston said I wanted to thank staff for working on this; this was at least in part prompted by some common-sense questions that were being asked by small businesses in my District around painted signs and art that represents the business that is taking place. The specific example that came up was a beautifully painted ice cream cone mural at Two Scoops Creamery on Central Avenue, and it was a beloved mural on the side of business that people liked to come and take pictures in front of, and our old ordinance was going to force them to paint over it which common-sense would tell anyone was not a good use of City government time or resources. We've been able to go back in and clean up a lot of stuff that I think probably needed to have another look take at it, and I appreciate all the work that was put into this. I think this will be good for a lot of our small businesses here in town.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 464-569.

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ITEM NO. 28: ORDINANCE 9671 AND 9672, PETITION NO. 2019-104 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT DEPARTMENT FOR A TEXT AMENDMENT TO UPDATE THE TREE ORDINANCE AND ZONING ORDINANCE FOR SITES ZONED FOR URBAN DEVELOPMENT. SPECIFICALLY, THE TEXT AMENDMENT 1) PROMOTES BETTER INTEGRATION OF TREES INTO URBAN SITES; 2) PROVIDES FLEXIBILITY OF WHERE TREES ARE PLANTED ON URBAN SITES; 3) RESULTS IN NO NET LOSS OF CODE REQUIRED TREES ON URBAN SITES; 4) MODIFIES THE PERIMETER TREE PLANTINGS, INTERNAL TREE PLANTING AND TREE SAVE AREA REQUIREMENTS ON URBAN SITES; AND 5) ADDS NEW DEFINITIONS.

Plan Consistency

The petition is consistent with the Urban Forest Master Plan goal to enhance Charlotte's tree canopy cover. The forest is a vital city asset that needs constant care and replenishment.

Rationale for Recommendation

Defines urban zones and creates codified flexibility to allow better tree installation on densely developed sites. Requires accountability for all code required trees. No net loss of tree ordinance mandated trees. Provides alternative approaches for locating street trees when urban sites are constrained in right-of-way areas. Allows internal trees to be planted in alternative locations on the site, such as rooftops and raised plazas, where they are currently not permitted. Creates new amenitized tree areas as optional incentive to provide urban tree canopy on site.

Mayor Lyles said over the weekend, we've gotten a number of e-mails about the proposed Text Amendment, and we thought it might be helpful if our Planning Director provided some information that the Council received but provide it to the public where we have tried to summarize some of the comments that came in the e-mails and have those addressed by the staff.

Taiwo Jaiyeoba, Assistant City Manager/Planning Director said I will briefly do the connecting of the dots for all of you if you will call it that. Last year when we embarked on our Comprehensive Plan, one of the things that happened as a result of that was us pushing back a full Unified Development Ordinance (UDO) at that time. Sometime in August or September of last year, I made a commitment to Council that there are certain things that we cannot afford to delay until 2021, when the UDO is fully done. One of the things that we identified was our TOD Ordinance, which was adopted by Council in April of this year. The other one is a Sign Ordinance which you took action on tonight. The other piece of that was also the Tree Ordinance but we also knew at that time that we were not going to be looking at it citywide, just like we are not looking at the TOD Ordinance every line; we were only restricting it to the Blue Line, because that is where we have policies today. We felt that the best way to test some of the ideas that we have with regards to Text Amendment for the Tree Ordinance is to look at our urban sites, which essentially makes up about four percent of our City's land area. Then subsequently, as we go on our Comprehensive Plan we will have another robust engagement with the community that will really allow us to address not just the urban sites, but really Citywide where we will be able to talk about [inaudible] other issues related to this Tree Ordinance. It is limited in scope, and is only restricted to our urban sites, but not only that, it also allows what I call placement of right trees in the right places for us. It has been overdue, as a matter of fact, and when we started this process about 24-months ago, we convened an Ordinance Advisory Committee, chaired by Tony Lathrop, who is here tonight. We felt that the Tree Ordinance, we needed to also have a focus group on that, so we constituted about 11 different folks in the community. This will not just develop us I will say that is also an advocacy groups of neighborhood representatives, different individuals who have concerns and really have been working on this for quite a while. We met with them over a series of meetings. Actually, we had about 14 group meetings. We sent an invitation to a number of people but some people declined because they were just not available, but we did have this group that we met with consistently. We are also making sure that whatever outcomes of those meetings where they were on the website and also on Facebook as well. We've had three community meetings, the most recent was on October 10th, which was a consequence of the last time we came in front of you. You had some comments, so we wanted to make sure that we had an open house where we responded to a lot of those comments as well.

What I will quickly clarify is that some of the comments we are getting about this Tree Ordinance are not really focused on this Text Amendment but are things that are valid and we will definitely have to take a look as we go into the Comprehensive Plan and the full UDO. One of the things we are looking at right now is if Council moves forward with this tonight we will assign someone who will actually pull this piece out of the Comprehensive Plan to make sure that we have a targeted focus on this as we embark on that with the community so that we make sure that when it eventually transitions into the UDO we've done enough engagement with the community, because that will be citywide. So, we are going to do that as part of our next steps. There are words that we've used in this like flexibility; flexibility does not necessarily mean we allow people to do whatever they want to do. We've used the word limited, but only limited because it is

only applicable to the urban sites. This is what a number of cities are beginning to look at right now, not just in the United States, but even Europe as well, and this is an opportunity for us to really be able to amenatize some of our tree save areas. We don't necessarily lose any trees but providing the opportunity for us to be able to ask for something in the future that we currently do not ask for.

I will not go further than that but to say this is a very good first step. It is not the only thing; the best way to address the UDO in my mind is to eat it in bites pieces and this is one of those opportunities for us. This is not the last time you are going to be hearing about this as we are going to come before you as we embark on the full UDO as well after the Comprehensive Plan is done. Tonight, I hope that you are able to understand how I have connected those dots, and I will be glad to answer any questions that you have for me. I also have staff here who will do the same.

Mayor Lyles said we received a three-page document with some comments, and what I would like to ask you, out of this three-page document, what are the three most important misconceptions about the Amendment that we have on the table today?

Mr. Jaiyeoba said one of the obviously have to do with community engagement. I think folks that were not informed and were not engaged well enough, and I tried to cover that, since April, not just for the Stakeholders forum, but also through mailers, through social media really sending e-mails to people and updating them. We've gone to the Transportation and Planning Committee a couple of times and that was live-steamed; we've come in front of Council as well and that was also live-streamed. We've had three different community meetings as well as the most recent open house so that is one that I need to set aside there. Obviously, did we miss people; I'm sure, there is no way you can 100% cover all of that so I acknowledge that, but we did everything that we would typically do in a case like this. As a matter of fact, for the TOD Ordinance I believe we sent out about 8,000 mailers for this one, because it is even more limited in scope. We sent out over 5,000 different mailers so that is one. The other piece of it is what are we doing with the one to one ratio, and we said that right now that is what the current ordinance does require. We will be looking at that as we move forward, not necessarily limited it to this scope, but as we move into our Comprehensive Plan I will have someone who can really rally the troops to advance some of the initiatives that we have had on that. We think there are some good ideas from what came up, but they are not necessarily targeting this limited scope Text Amendment as much as housing them in the Comprehensive Plan and then the full UDO. The other piece is what happens to tree save? We still require tree save. What we try to do here is rather than just have that 15% of the site where you only have trees; you can put some amenities there as well so it becomes active spaces. Of course, there are concerns about how are you going to protect those trees and make sure that people who use those amenities don't destroy those. That will be the work that we currently do right now in terms of code enforcement, and we will continue to make sure that we do that. Those will be the top three things unless there is something else. I know we have a lot of comments that we responded to; most of them will really be addressed as part of the Comprehensive Plan and the Unified Development Ordinance.

Mayor Lyles said I think one of the other things that I've heard is can you give a specific example of a place where you could see the change that this amendment would make for trees?

Mr. Jaiyeoba said I will call on Pete Grisewood from Urban Forestry to answer that.

Pete Grisewood, Urban Forestry said a specific site that we might be able to look at? Mayor Lyles said it would be great, but I know you don't have pictures, but if you could kind of describe where you see this as making a difference.

Mr. Grisewood said one thing that comes to mind, maybe it if not a perfect example, but over on Selwyn Avenue, there were some big trees that were saved about 10-years ago, and a couple of them are still there, a couple of them did not make it despite the best efforts, but the important thing I think you can look at, and we do have some pictures of this not here tonight, is that the trees that were planted back, at the time they were planted

they were these small three-inch diameter, maybe 14-foot tall trees. Today, those trees are great big canopy producing trees, so just in a short 10-year period of time they have gone from saplings to what every person would look at and say no that is a big tree.

I think that is something that we've spoken about; a lot of these urban sites don't have trees to begin with or the trees they do have are not ideal, and so what is really important for urban sites are the trees that are being planted back in and that we have good placement. Taiwo had mentioned having the right tree in the right place; so, those small trees that we plant today, as we look forward in the future, 10 to 15-years, those become the canopy that we will have. So, as part of planning that is what we try to do.

Councilmember Eiselt said I was going to ask if Camp North End would be an example, because a year or so ago I had a conversation with the developer, and he was frustrated, because he couldn't plant. There is nothing there now, there is no trees up there even in that whole stretch with the exception of the Jewish Cemetery. His redevelopment required trees but there is nowhere to put them up there, and he wanted to be able to put them for his overall plan in box planters right in the property. That is what comes to mind for me; I don't know if that would be a good example, but to me that is an example of an urban type that didn't have any trees, and they wanted to have some tree coverage in there, whether they be decorative or for whatever other purpose.

Mr. Grisewood said absolutely, I work extensively on the rezoning petition for Camp North End, and he expressed those concerns. The planters themselves might not fit in with what we want from regulatory trees, but I think the idea is there, and certainly with an adaptive reuse project like that where they are keeping the major infrastructure of that site to include great big buildings and existing street connections, they are limited. Even from a common-sense standpoint, take a look at the property out there and the type of development that they are doing and the rejuvenation of that neighborhood and economic development of that neighborhood, and you can see that the trees that we would like to put in there, that might not be easily accomplishable with the current code so definitely some of the things that we've got in our Text Amendment to allow placement of trees in different places could be used there to allow trees to be planted so we get the same number of trees, but maybe in alternative locations that differ from what the strict adherence to the letter of the Tree Ordinance would allow.

Ms. Eiselt said I have one other comment that I want to make about this, and Taiwo, we talked about it briefly, and there was a response, but I think that the important thing is most of us have an understanding that this is something we are trying and without the ability to try it and see what the outcomes are we don't really have the ability to inform the larger development of the UDO and the Comprehensive Vision Plan. With that as sort of a trial period for this, I would like to ask that we have a robust message to be able to track the outcomes on any of the projects that use this new Text Amendment, that take advantage of it and follow it through while we are doing the UDO process and see what the outcomes really are, how they are using it. If in fact, what would have been the example had they not used the new Text Amendment where would they have had opportunities to put trees and just make sure we have the matrix and the outcome? We don't always get that and I think that is really important to follow as we start the conversation of the overall tree canopy, and how we are going to be maintaining that and adjusting that one to one ratio.

Mr. Jaiyeoba said yes, we plan to do so. As a matter of fact, the TOD Ordinance that was adopted in April, and that is before you tonight; we are also going to come back at some time and show you how we are measuring success or how people are using some of the things that are a part of that. That is definitely a part of what we want to do going forward from this point as well for this particular Text Amendment.

Councilmember Ajmera said I have a number of questions; first could you please bring a map of the urban sites that you had presented to us that was actually sent through an e-mail? Could you bring that up here?

Mr. Jaiyeoba said I'm not sure we have that presentation because we were not planning to present tonight. Ms. Ajmera said okay; if you don't have a map that you can present; I know most of this area or all of this area which is four-percent of the urban site, what are we looking at in terms of the tree canopy on this urban site?

Mr. Jaiyeoba said I think what you are trying to get at is it is a particular percentage right now.

Ms. Ajmera said what I'm trying to understand, in this four-percent urban area that we have are we looking at some sites that have mature tree canopy, some sites that may not have any trees, what are we looking at in terms of the percentage even though it is a very small percentage? It is four-percent of the total area; so there might be sites that have mature tree canopy some that do not. What is the combination there?

Mr. Grisewood said I think we could probably find that information; I don't have exact special analysis of these urban sites.

Ms. Ajmera said that is a concern for me since we don't have really the number of combinations of what we are looking at in terms of the sites that may have rich tree canopy and some that may not have. I was looking at the map and it was hard for me to figure out where exactly where those areas were, but I tried to actually use google maps and some of them did have very rich tree canopy, and some didn't to your point Taiwo.

Mr. Jaiyeoba said I would say that the majority of them actually don't have enough because one of the things we keep saying as part of this Text Amendment is that there will be no net loss, and we continue to insist that is true. At the same time, that is primarily because some of those urban sites do not have enough coverage today, and so some of those sites that you are looking at, and again I apologize, we were not planning to present today, since we did at the last Council meetings, but some of those urban sites right now whether you may be uptown or along the stretch on South End. They really don't have enough. This actually allows us to be able to have set in trees in plazas along parameters and areas where you don't have right now, but also to enhance where you may have but not enough coverage. That is why we say there will be no new net loss of any tree percentage.

Ms. Ajmera said I think it is difficult to assess based on some areas that don't have anything and some areas that have without checking that information to Ms. Eiselt's point. I know you had brought up no new net loss, and I was reading this comment on staff's response to October 10th meeting, which is actually very detailed, so thanks to staff for putting together this very detailed question that was asked by the public on October 10th, and there are a couple that I had actually further questions on. The question that was asked was potential decrease in revenue from in lieu payment, if amenities could be introduced in tree save? The answer was the priorities to have tree save provided on a development site instead of off-site to in lieu fee and introducing limited amenities in tree save area would promote on-site tree save. What types of trees are we looking at in this; are they mature?

Mr. Grisewood said they could be.

Ms. Ajmera said to follow up on that, let's say if the site has a mature tree and if that mature trees has been taken down to plant just a sapling, that is one to one configuration in this proposed amendment?

Mr. Grisewood said the current Tree Ordinance that is how trees are considered, so the current Tree Ordinance as it is written today does not differentiate, for purposes of tree save, between mature canopy and saplings or smaller trees. So, the answer to your question is the Text Amendment does not change that.

Ms. Ajmera said just to further clarify that a mature tree can be taken down and saplings could be planted; that is currently allowed under the current Tree Ordinance, and it will

continue to be allowed under proposed amendment. Mr. Jaiyeoba said because the amendment is limited.

Ms. Ajmera said I understand, the current ordinance is being used as a benchmark. The third question I have is, this is a question that came from October 10th Public Forum, could in lieu fees be increased from what they are today and the staff response is payment in lieu of providing tree save area is described in the ordinance as being set according to the average tax valuation for an acre of property. Fee may be increased as tax valuation increases. The question is, are we buying the same acreage that we are losing in terms of development for tree canopy with the current in payment in lieu?

Mr. Grisewood said the City Arborist group manages that process of purchasing property, which is then set aside for the purposes of trees and put in the conservation easement. The most recent numbers that I've seen for everyone acre of lost tree save area, for lack of a better way to say it, where they are paying out of it, for everyone acre that we lose we are able to buy four-acres of land to then be set aside for tree preservation. Unfortunately, those four-acres are typically not located directly adjacent to the areas where they are coming out of. So, our Text Amendment has sought to kind of address that a little bit, try to prioritize putting tree save area on those sites in those urban areas rather than taking the money and although we get four-acres for one it is elsewhere, and those urban areas we feel like they needed the most tree canopy.

Ms. Ajmera said just so that I understand, so you said for every one-acre lost, we are getting four-acres, which may be somewhere else which could be a lot further away.

Tim Porter, City Arborist said approximately a year ago, it was four to one; I think it is probably in the three range now. We are looking to close on a property in December which will probably push us back into the four to one range. Technically, we are below four, but I think within a couple months we will be back in that four to one offset. Pete is correct though; we have had limited success in acquiring canopy in close proximity to the areas where the fees have been submitted.

Ms. Ajmera said for every acre that is lost; with that payment in lieu you are getting about four-acres somewhere else, and that has been the average in the past.

Mr. Porter said it took a little while to build to that but yes, right now we acquired some larger tracts of conservation area in the outer parts of the City. When we compare that to the 250 plus times customers have paid a fee through permitting, we know how much tree save they could have provided if they chose not to pay. So, we compare those two numbers. As of right now, the program has acquire about three to four times the land that developers could have preserved if they chose not to pay in lieu.

Ms. Ajmera said the next question I have is, this is also the question that was asked by public on October 10th, at the Forum. The Tree Ordinance prioritizes preservation of larger trees. Could a new ordinance require the planting of more mature trees of caliber equivalent to match what was cut down with what is proposed? The staff response is current ordinance does not prioritize large tree preservation, thought there is a designation for specimen trees in single family developments. Could you please help me understand what is specimen trees?

Mr. Grisewood said specimen trees are trees that are significant for their size. Typically, we think of an oak tree if it is 20 to 24 inches or larger, that is for a big tree, that would be considered a specimen tree. For a dogwood tree for example, a smaller tree, maybe a 12-inch diameter tree would be considered a specimen tree.

Ms. Ajmera said I'm trying to understand does this specimen tree; does that mean it is a mature tree?

Mr. Grisewood said yes, they would be mature trees.

Ms. Ajmera said the additional response to that question was over the next two years staff will work with the community to update the Tree Ordinance as part of the UDO process and this topic will be considered as a part of that process. I want to understand why this was not part of the current process? Why did we defer it for the UDO?

Mr. Jaiyeoba said just like I used analogy earlier that it is almost like when we brought the TOD Ordinance before you, why we were not applying that to the Gold Line and the Silver Line at the same time or any future light rail, but that is clearly because there were no policies surround those corridors where we could really bring an ordinance to you at that time. Tree Ordinance to a degree is limited; that ordinance is old right now. It was very suburban approach when it was first done. The best way to address this is rather than go citywide while we are working on the UDO, let's go first in areas where developments are happening really fast, and we are not having opportunity to be able to achieve our goal. This type of thing has to be part of a broader discussion, not just a three to four percent conversation in urban sites. That is why we feel that first of all be housed in a policy driven plan which is the Comprehensive Plan and a part of the overall UDO rather than try to attack it in a Text Amendment that is very limited to urban site. That was the reason behind that unless Pete has something to add.

Mr. Grisewood said I think you pretty much hit the nail on the head there. In this limited Text Amendment, we were really looking at some very specific things, specific to urban sites and kind of strategically not looking at larger issues that would pull our focus away from that very narrow focus. From what we've heard, particularly through the feedback from the community and the many meetings that we've had, is that trees are very important to people and particular large mature trees, and so for sure as we move forward and we begin to have this larger conversation and really outreach to our community, as we get in this larger discussion and start to look at our Tree Ordinance policy, taking a look at the large maturing trees and how we feel about those and how we address those through our Tree Ordinance is going to be very important.

Ms. Ajmera said I completely agree that this need to be part of the broader discussion where it does not only focus on four-percent but throughout the City, but I see these as a lost opportunity where this could be a part of the pilot where we could look at preserving our mature trees, because once a development has occurred, once the trees have been cut, that is a lost opportunity for us, because the damage would have already occurred by then. Even though it is only four-percent I think we are missing out on the opportunity here to save some of those trees that could have been saved. I have one more question; the question that was asked at this Public Forum by some attendees was focus on canopy coverage versus not one for one. So, not for one mature tree versus one sapling. The question was asked is clear cutting allowed currently under our current Tree Ordinance, and would that continue to be allowed under the proposed amendment?

Mr. Grisewood said if by clear cutting you mean removing trees from the interior of the site; on those private property development sites, they are allowed to remove trees except for the tree save areas or other trees that are protected by ordinance such as City Street Trees or trees in the setback area.

Ms. Ajmera said so yes, clear cutting is allowed?

Mr. Grisewood said clear cutting is kind of a logging term, but as it applies to development and as commonly understood, yes. We would be able to cut and clear the land in order to develop.

Ms. Ajmera said and that continues to be under the proposed development.

Mr. Grisewood said current regulations allow trees to be removed from the site, and going forward that was not addressed or changed.

Ms. Ajmera said so that continues to be the same in the proposed amendment.

Mr. Grisewood said correct, there is no change there.

Mr. Jaiyeoba said I can speak to that; again, I will repeat we need to be mindful that this is just four-percent in urban sites. That is a citywide goal that we can just apply to a small area, and these are areas where we either don't have trees today, or we don't have enough, and so those things that are very citywide we want to make sure that we don't put everything into this limited scope otherwise we would not even be in a position where we can really pass what works and what doesn't work. Very legitimate comment that is no doubt, and that is something that we definitely will look at so, all those comments that are more citywide focused we want to make sure that we engage the public and not just second site.

Ms. Ajmera said I agree that this is urban site; it is only four-percent where we don't have enough trees, and that is why is more important to preserve what we have and maybe even plant more. The last question I have and I know that in Public Forum some of the same concerns that were raised that I had just asked. What I struggle with is that you all have done a great job with Public Forum. I know we have gotten hundreds of e-mails in the last month, and staff has made a priority to respond to every single one of them, and that just shows the level of responsiveness for all the questions that we are getting. I certainly appreciate that there was additional Public Forum after Council had an opportunity to weigh in on some of this, so I appreciate that there was additional Public Forum that took place however, there were no changes made as a result of the Public Forum. Some of the feedback that we had seen at the October 10th meeting, and that is what I struggle with. We have Public Forum; we get concerns and questions from the residents, they take time to come here, but if you are not going to incorporate that then that raises questions in terms of how much value we put into some of this feedback that was provided to us. I know that it is only four-percent, but I think this is an opportunity that we have to test on some of these things that we are seeing whether it is clear cutting, planting saplings when you take down mature trees. That is not one to one equation and I think these are some important opportunities that we could look at in our four-percent area, which is just the urban area where we don't have enough trees. I would actually like for us to defer this and incorporate some of this feedback that was provided from the October 10th meeting and bring it forward to us.

Motion was made by Councilmember Ajmera, seconded by Councilmember Newton, to defer this until some of the changes have been noted at the Public Forum from October 10th.

Councilmember Newton said I think it has been really difficult for us to get our arms around the UDO and in the timeframe for the UDO.

Councilmember Driggs said we are discussing the deferral, now aren't we?

Mayor Lyles said yes, we are discussing the deferral.

Mr. Newton said alright, this is relevant to the deferral and then if we go back to the main question I have some other points. This is my question about the deferral. I know it has been very difficult for us to get our arms around the UDO; it seems like the time period as we move forward on this keeps being pushed out further and further. I really question whether a deferral in this instance is really going to cost us all that much time in the greater scheme of things with the UDO, particularly since how we really don't, and we haven't had a good handle on when that is going to come back in front of us. It was my understanding that we might be seeing drafts of the UDO maybe even this year or early next year. I don't think that is going to be the case.

We've heard that we've missed some people here and looking at my e-mails and that is not an exaggeration, that Ms. Ajmera was saying, probably 100 e-mails just over the past two-days pertaining to this. We haven't missed a few people; it seems like we missed a lot of people I guess is what I'm saying, and it is not people that are commenting on the decision here, not taking sides as to whether they are in favor of the Tree Ordinance or against it, just folks that say I've been left out of this process. I think there has been a lot of comments and a lot of appreciation frankly for the meeting on October 10th, but from

the standpoint of community involvement, I think that there are a lot of folks that felt like that meeting was lacking in regard of a real dialogue between City staff and the community and maybe that is reflected in the lack of any changes here within the ordinance as it is presented to us today. I feel like to make sure that all those questions answered to make sure that we are getting full engagement, getting buy in from the community, which I always think is important I'm in favor of supporting a deferment here, and I don't think in the grant scheme of things. We are talking 2021; we could be talking 2022 or further out frankly before we see a final draft or an initial draft of the UDO. I don't know if a month or two months is really going to be all that big of a difference. So, I'm in support of this motion, and I can comment on the main if this doesn't pass.

Mr. Jaiyeoba said do you want me to clarify the scheduling issue within regards to the Unified Development Ordinance? I started my presentation to you by saying that last year when we started on our Comprehensive Plan, we decided to move the UDO completion, which was scheduled to be originally done is 2020. We moved that to 2021. The reason is because you always have to have your policy and vision set before you start setting regulations in place. So, in order to avoid having a full UDO come before you in 2021, because again like Mr. Newton has said, that has been moved over time, we made a commitment to Council that certain aspects of that UDO will come in front of you. One we were missing opportunities on our light rail corridors; we wanted to make sure we had the TOD in front of you. Like Mr. Egleston said, with having set in changes with regards to the Sign Ordinance, how old it is and what type of signs were allowed and not allowed. We brought that to you.

We also felt the Tree Ordinance is one that has been outdated and did not provide flexibility in terms of right trees in the right places and wanted to make sure that we bring a small piece of it to you. I also commented at that point in time that we will also come to you before the UDO is done to bring some things we are looking at with regards to our administrative procedures at that time. At that time, I also committed that we will have a draft Comprehensive Plan ready by this time next year, and we will have Council take a look at adopting that sometime in Spring of 2021 and then five to six months after that a full UDO will come in front of you. We are already starting to work on the full UDO itself, in terms of certain areas where we feel that we can make some changes today, but want to make sure that some of this element like TOD, Sign, text, administrative more out of the way and then will come back to you with the UDO, but our schedule is actually on track, and we are actually getting about a month over our Comprehensive Plan, and we still believe our schedule for the UDO in September of 2021 for adoption is still set. We have not moved that since I mentioned that over a year ago.

Mr. Driggs said so, we are talking about the deferral at the moment; I have comments on the main motion when it is appropriate. I think we've sent a lot of time on this, and the question is, is the deferral really going to bring to light a whole bunch of stuff that we don't know or have we reached the point where there is just an inability to reach a total consensus on how to move forward and a month from now that lack of total consensus is still going to be there. I think this thing has been researched; the fact that we've been looking at it has been in evidence for quite a while, and we are just not going to get to the point where everybody is comfortable with any particular proposal. I think we should move ahead with this one and remember that we always have the opportunity to make further adjustments. I would like to see how something like this works and start talking about it in the context of a policy that is in place in practical situations instead of talking in the abstract. I'm hoping that we can pass this tonight.

Councilmember Harlow said sharing some of the sentiment that Mr. Driggs just said, the question for me is, this is essentially a pilot it is a test project, and so my question is why do we actually have to codify this directly in the text and not just allow for the pilot to be kind of run from the staff level? I'm just thinking about how we've done with our Business Incentive Pilot, where we haven't codified that anywhere really. It is just we are trying this out for flexibility purposes to see how maybe we can get a little more impact. This is no different here; we are looking for larger impacts, increasing some flexibility, why does this need to be codified in the text at all?

Mr. Jaiyeoba said anything related to land use as you know, we can only enforce it if it is part of a regulations change. As we've been told, our current ordinance does not allow us to do certain things, amending those sections of the ordinance with this will allow us to be able to do that, and that is why we have to codify rather than bring it in front of you.

Mr. Harlow said so, it is really more about us not making exceptions every time. I don't we should defer this. I think that this is such a small percentage of what we are looking at and when we say four-percent of the whole gamut is what we are looking at here. If we can get different more creative ways to get green space and more creative ways to increase flexibility to be able to still maintain the coverage we are looking for and get some trees in places that we don't have them now and get right trees in right places. I think this is something worth looking at. We know that the larger UDO conversation is coming; we know that the larger Comprehensive Plan conversation, and the larger ordinance is coming. I think some of us are trying to have that conversation right now, and this isn't it, and so I hope we don't defer this and get to the main motion eventually.

Councilmember Winston said I think this is an important discussion; one of the big reasons I think is because we are about to go into a period where we are transitioning iterations of Council, and it is important to understand why we are where we are today. When we were all sworn in about two years ago. We knew that we were in this process of the UDO, and there were several of our Councilmembers that have been here before that had a lot of questions about it, hadn't felt like we had gotten updated as a whole. We didn't even have a permanent Planning Director to help facilitate this. Part of the reason of hiring the Planning Director, part of that discussion was we are kind of putting the rules out before we have the plan to execute. There was some political will that needed to happen amongst us to go forward on a Comprehensive Vision Plan that had not really ever been done before and which is part of the reason why we have developed an inequitable way.

When we decided to go forward on that process, Mr. Jaiyeoba told us that this was going to be a process where we have to fly the plane and build it at the same time. We have to do this in a way that Council is going to feel comfortable that we are much better informed on both of these processes than past Councils have been around this UDO process. This was something that we have talked about several times in Transportation and Planning Committee, over this whole idea, but specifically in finding ways to engage us better. Planning staff had come up with some places that we can bite off some pieces of this UDO process as well as the Comprehensive Plan. So, they've worked really hard in particular getting that TOD Text Amendment done and getting the TOD as the Station Area Plans in order, things that we had not done as a City in a holistic manner in the past. So, as we have adopted the TOD zones, as we adopted the Station Area Plans, now that we know, which will be part of the larger Comprehensive 2040 Plan, we know that we need to have the ordinances in place to fully develop those areas in the way that we ultimately hope to envision our City being developed. We have talked about this extensively in Transportation and Planning Committee. I hear the concerns of many of my constituents in e-mails and phone calls. Those are concerns that I have had going throughout this process and that we have talked about, and we have gotten public engagement and talked about these in the Public Forum. I feel like we started this in the spring asking these questions. Right now, we will hopefully do this massive realignment around TOD zoning next month, and if we don't have the ordinances in place development is going to happen, and it is not going to happen in the way we want to envision it for the future. Again, if we want to change the way we are doing things we are going to have to figure out ways to do things differently, and this is one of those things. We have to get away from being a deal making City and come from a place where we are well planned, and this is part of it. We gave our staff the political will to move forward with this Comprehensive 2040 Plan about a year ago, and we need to give them the political will to carry this through if we expect this process to be successful. So, I will not be supporting this deferral, and I think we move on, and we continue to do the important work to get this thing to a whole bit by bit, piece by piece, and I think this is a very good bite to take.

Councilmember Phipps said I agree with my colleagues that I can't vote to support a deferral at this time in as much as we have discussed this issue. It has been through

Committee; it went through Committee. It got approved to go out of Committee, and the fact that I don't know if all of my colleagues attended the meetings where we discussed this in a very robust manner, but my only question is this, are we more satisfied with the status-quo policy, or do we see this new attempt to revise this policy dealing with a small area as more efficient, more flexible, and just presents an overall good opportunity to have trees where we want them and placed right? Are we saying we had rather have the status quo?

Mayor Lyles said I think Mr. Winston just suggested his answer to that.

Mr. Phipps said I think we should go forth with it, and test it out, and see if it works, but in my view, everything that I've read, I think it is all positive in terms of what it could produce for us in preserving and creating the kind of tree canopy that we want to maintain and sustain in the City. I'm not going to be voting to support the deferral.

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

YEAS: Councilmembers Ajmera, Mayfield and Newton

NAYS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, Harlow, Mitchell, Phipps and Winston

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, to approve the Text Amendment that updates the Tree Ordinance.
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Mr. Newton said I'm going to speak on a separate point this go around; you have me chomping at the bit here. I want to talk to the merits of this ordinance. From the standpoint of the conversation thus far, we have been talking a lot about the aesthetics, and we've been talking a lot about our tree canopy, and I want to say this up front. I didn't want to be in a position where I felt compelled to vote no, and that is why I thought there was so much value in speaking about this prior to our last vote. Having said that we are where we are right now.

Mayor Lyles said we have meetings at noon, and you have all of the weekend when the Agenda comes out; all of your colleagues have an opportunity to be called, and I know that we've gotten lots of e-mails, and you can use e-mail to reply to colleagues as well as constituents. So, I really think sometimes we should utilize ways to build conversation and dialogue, and it appropriate at this dais to summarize that and to make that work, but to say that there is not the opportunity, I think would not be correct.

Mr. Newton said it is appropriate at the dais to speak too or else we would not be here in the first place. That is why I think conversation can happen here as well, and so to that end, what I want to ask is, we've been talking a lot about the ordinance. We've been talking a lot about it from the standpoint of the aesthetics that trees breathe, and we've been talking a lot about our tree canopy. I question whether or not it is broader than that. So, from the standpoint of our original Tree Ordinance, its purpose, does it not extend beyond just aesthetics; does it not extend just beyond canopy? I would envision that it would also incorporate the root systems, the benefits of those root systems, the soaking up of rainwater, stormwater issues we might experience, even infrastructure concerns we might have down the road.

We are talking about all this flexibility. I'm not against flexibility, and I think providing options is great, but to the extent that it eliminates those root structures, those collateral benefits that we experience in the ordinance, the purpose from what I envision the ordinance to be, are we kind of undermining the original goals here? I'm just questioning whether putting trees in pots, putting them on terraces, which sounds great but to the exclusion of trees we would otherwise have in the ground, if that really is a good idea and from the standpoint of those trees themselves, are we limiting longevity like the lifespan of those trees? Are they going to be shorter; is that really a way to accomplish our tree canopy goals? Are taking any of that into consideration in this particular ordinance? Are

we undermining that 50 by 50 goal of tree canopy by consolidating, making our trees denser and saying that somehow impervious surfaces are also tree save areas?

Mr. Jaiyeoba said I would answer your question in a different way; it is all of those things. This Council has adopted a strategic energy action plan, which really is the cutting edge in my opinion in terms of what it does. There is a connection between that and our tree canopy and the old issue of sustainability and creating a resilient city. So, we've got to look a green Charlotte, and it is not just about trees. It is about so many other things too, whether they be trees that are planted in pots.

I just came back from Nashville, and it is impressive to see the roof of their Convention Center. It is all grass, and we just to make sure that all of these things are part of the overall conversation around having a vision for a green Charlotte. When we talk about this Text Amendment, it is again not just about trees, but how can we make sure we maximize every opportunity we have to create a sustainable City? One of the elements of our Comprehensive Plan is creating a healthy and sustainable Charlotte and included in that is our tree canopy, also included in that is how we make sure that our buildings and our means of transportation contribute to what is an energy efficient and what is really making our City to really be that City of the future. So, I'm going to take it beyond just trees. I truly believe that everything needs to be looked at and not take anything off the table when it comes to creating a sustainable City for us.

Mr. Newton said I view this as the antithesis of a green Charlotte since we are talking about the areas where we need to maintain our tree canopy the most and I see us making exceptions to the general rule of that tree canopy in a way where we are talking about trees that aren't going to be fully developed, maybe even die down the road and at the same time considering tree save areas, that aren't going to have trees in them at all as far as I know. We are talking about 10-foot buffers that are considered tree save, and I don't see how that gets us to our goal. Once again, we are talking about 50% by 2050, and I don't see how that gets us there and that is why I didn't want to feel compelled to vote against this but feel like I don't have any other choice.

Mr. Winston said I just want to start this time by saying all the concerns that the community has and the concerns around a green Charlotte and the overall Tree Ordinance are shared I think by everybody around this dais. They've been shared to staff as well. The important thing to remember here is the order in which how things get done. When you are developing anything, you come up with a plan and then you come up with the path forward to execute that plan. We all agree I think that the Tree Ordinance needs to be revised; it is not sufficient to achieve the goals that we have set out. The Planning Department and the City of Charlotte is in the process of reworking that entire ordinance, but first we have to agree on a canopy plan of how we want the City's canopy to look like for the next generation or so. Once that plan is in place, you will get the policy that will come up to execute the entirety of the plan, but that is a larger process that is currently going on right now or at least is being set up to be executed.

We already have area plans specifically around our TOD zone, so when we think about the Blue Line Extension going up North Tryon Street to the University; there are not a lot of trees on North Tryon Street right now. We are coming up with a policy that will correct that. So, if we already have the plan in place for that part of our City to develop if it lacks the policy that is going to achieve our goal we should not hold up that policy for a year or so just to get everything else with it. We need that area to develop right now the way that we expect it to and want it to develop. I know I have given guidance to staff and other colleagues on TAP Committee and when this has been brought to full Council in the Dinner Meeting a couple weeks ago have made it very clear that when we see this larger canopy plan, when we see this larger Tree Ordinance, we want those native species in there; we want the ability to have different types of greening of spaces. We want to maintain those ambitious percentage levels over time. So,, let's be clear that that work is going on right now, and there is clear guidance to staff of what our priorities are. If we hold this, the City is going to continue to develop in a way that gets us further away from those goals in a holistic manner. So, this is a marginally good step to take, because it is going to get us where we need to be ultimately. It is not absolving us of the larger work

that needs to be done on the Tree Ordinance. I just want that to be clear to the public that we have given the guidance to staff to consider that these things, that we have ask the same questions that our in-boxes are filling up with. You can go back and watch the live stream, you can go back and see the discussions of the notes that this is not equivocal to giving up on that or stopping it. This is actually pushing it forward, and a deferral will get us further away from the priorities.

Ms. Eiselt said one of the things I want to point out that has been mentioned is that the environmental initiatives are now in Transportation and Planning, and so it has gone through Committee; it has been discussed. it was voted out, and I said before that those that are on that Committee need to show up and be there and hear this information. When we have other Committee important topics we have Councilmembers that come and participate even though they are not on the Committee. As we undertake the UDO and the Comprehensive Vision Plan, we are going to have a lot of ordinances like this that we've got to get to a place that we are discussing these before we get to the dais. If we had known that there were six people tonight that felt this way, it would have been better that we had known that ahead of time and had the discussion to say, hey, half the Council doesn't want to pass this because of one, two, and three. That would be a lot more productive, that conversation, but I haven't heard that. As the Committee Chair, I haven't heard that, and we've been having these discussions. Is it a perfect ordinance? No. Are we committed to looking at our tree canopy as a part of our entire City? We have to be. It is too critical; we committed to the SEAP. We committed to making Charlotte a healthier community to live in. We committed to a Comprehensive Vision Plan that we are going to undertake and that is going to be done in Committee; it is going to be done with whoever is on the new Council, and we have got to stay on top of it, and we can't do this every time we have a major portion of that plan that we have to approve, because if we do it this way it is going to fail miserably, and we would have had an inordinate amount of staff resources dedicated to doing this and then on the final day Councilmembers who haven't expressed what their vote was going to be beforehand to bring it down. To me, that is an incredibly frustrating way to do business.

Mr. Driggs said I would like to say to all of you that wrote to us in opposition to this, I really appreciate your passion and engagement. I recognize the sincerity. I recognize that you share our concerns for the trees, so I can only say, the trees in Charlotte are lucky that you are engaged as you are. If things can't turn out exactly the way you think, it is partly because we wrestle with compromises, with issues that we have to deal with. We need to have construction of housing in order for housing prices not to go up. We need to put in transportation; all of this is going to have an effect. So, our tree policies have got to be dynamic enough to allow us to continue to pursue our goals in a changing City. I think that is the biggest issue about this is that we are trying to do that. I recognize that you have concerns that maybe this is just a backdoor way of retreating from our commitment or maybe there will be dilution of the quality of the canopy. I think we are concerned about that too. I'm going to be watching the performance of this change that we are making to see whether I see any evidence of that, and I can tell you that in a fuller briefing we had in Committee about the larger tree canopy I had some real concerns, and I don't know if everybody has seen the slides yet, but there is a lot we still need to work on and talk about.

So, personally, I think the right thing for us to do tonight is to pass this. Stay involved, ;inform yourselves about when these meetings are taking place, and be there as this conversation continues, so that we don't find ourselves getting a lot more e-mails than we expected in the last couple of days, and you will make a difference.

The vote was taken on the motion to approve the Text Amendment and was recorded as follows:

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

NAYS: Councilmembers Ajmera and Newton.

Mayor Lyles said I appreciate the letters, the e-mails; hang in there with us. We are going to try to do this work right. Sometimes we call on like the Blumberg Foundation that gave us money on our Sustainability Plan, but one of the things the Blumberg Foundation said is try innovation, try the experiment and figure out what works and that has been just as much encouraged, and that is why I believe this Text Amendment needed is because we are trying something different. Work with us, determine how it does have an impact. We are not locked in stone on this; we are trying to build a City that is accessible to all from eight to 80, which means we all need a lot of shade trees. We don't need to be sitting out in the sun, but we will be working on this and as I say what we are encouraged to do as a community is to try things differently, and that is the way we are going to be successful and that is how we attract the national commitments that we have particularly around climate change and the environment.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 570-580 and 581-588.

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HEARINGS

ITEM NO. 33: HEARING ON PETITION NO. 2109-102 BY CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 1,770 ACRES LOCATED ALONG SOUTH BOULEVARD, NORTH DAVIDSON STREET AND NORTH TRYON STREET, GENERALLY WITHIN A HALF MILE OF THE JW CLAY BOULEVARD, MCCULLOUGH DRIVE, UNIVERSITY CITY BOULEVARD, TOM HUNTER ROAD, OLD CONCORD ROAD, SUGAR CREEK ROAD, 36TH STREET, 25TH STREET, PARKWOOD AVENUE, CARSON BOULEVARD, BLAND STREET, EAST/WEST, NEW BERN STREET, SCALEYBARK ROAD, WOODLAWN ROAD, TYVOLA ROAD, ARCHDALE DRIVE, ARROWOOD ROAD, SHARON ROAD WEST AND I-485/SOUTH BOULEVARD, LYNX BLUE LINE TRANSIT STATIONS BETWEEN I-485 TO THE SOUTH, AND UNC-CHARLOTTE CAMPUS TO THE NORTH, EXCLUDING AREAS WITHIN I0277 LOOP FROM B-1, B-1 HD-O, B-1(CD), B-1SCD, B-2, B-2 HD-O, B-2 TS HD-O, B-2(CD) B-D, B-D(CD), BP, CC, I-1, I-1 HD-O, I-1 TS, I-1 TS HD-O, I-1(CD) I-1, I-2 TS, I-2(CD), INST, MUDD, NS, O-1, O-1(CD) O-2, O-2 HD-O, O-15(CD) R-3, R-4, R-5, R-8, R-17MF, R-22MF, R-22MF HD-O, R-43MF, TOD-CC OR TOD-CC HD-O TO TOD-UC, TOD-NC, TOD-NC HD-O TOD-CC OR TOD-TR.

Mayor Lyles declared the hearing open.

Alan Goodwin, Planning said I am here to walk you through rezoning Petition 2019-102, which is the Transit Oriented Development Alignment Rezoning. The City Council adopted four new Transit Oriented Development Zoning Districts this past April. This rezoning is the next step; it is the implementation tool that puts these new districts in place to align the zoning with the land use recommendations and policies of our adopted plans to guide future development in our transit station areas. These policies were developed through the station area planning process which included extensive community involvement and engagement and participation through a series of meetings, charrettes and workshops. Planning staff used the community's input from those various meetings and workshops to outline the vision for each station area, and that vision was ultimately expressed in the station area plans, which were adopted by Council.

The proposed rezoning will change the zoning of 1,564 individual parcels in each of the 20 transit station areas along the Blue Line from the JW Clay Boulevard Station all the way to the north through the corridor to the I-485/South Boulevard Station in the south, as shown on the two maps on the screen. Each of the station areas on the Blue Line is categorized as either a moderate intensity or a high intensity station area. This determination was based on a 2018 demand allocation analysis of each station area indicating how much development can be expected in the short-term based on market demand. The high intensity station areas are those station areas closest to uptown such as the four stations in South End and the Parkwood, 25th Street and 36th Street stations. The moderate intensity station areas are generally the station areas that are further out from uptown either going south or going north.

There are four TOD Zoning Districts, and they are generally recommended to be implied in groups of two in pairs. With the higher intensity district of the two uses nearer the transit stations and the other district in the pair use adjacent to lower density residential areas or where the rehabilitation and reuse of existing buildings is an important priority. The TOD-UC or TOD-Urban Center and TOD-NC or Neighborhood Center Districts are generally recommended for use in the high intensity station areas. TOD-UC is the most intense of the four districts with the greatest permitted building height and the highest level of design standards. TOD-NC would typically be used between a TOD-UC District and a single-family residential neighborhood. It has a lower maximum building height but also maintains a high level of design that we would want in our high intensity station areas. Regardless of the TOD District, no building within 200-feet of single-family zoning can exceed 65-feet in height. So, the diagram on the screen now shows what the by-right maximum building height allowed would be in each of those two districts that I just talked about, 75-feet for TOD-NC, 130-feet for TOD-UC; however, there is an opportunity in the new TOD Zoning Districts to achieve taller buildings, but it can only be done through earning development bonus points by providing actions that are in the community's interest, such as affordable housing to name one.

The other pair of TOD Districts; TOD Community Center or TOD-CC and TOD Transition or TOD-TR would be used in the moderate intensity station areas. The CC district would be used closer to the station and the TOD-TR typically used as a buffer up against adjacent lower-density residential neighborhoods, but design and development standards for these districts are less stringent than the other two that I just talked about that we would use in our high-intensity station areas, because our moderate-intensity station areas are not always ready for that level of high-density urban development at this point in time.

Unlike our previous TOD districts, which were a one size fits all, the four new TOD Districts are graduated, and they are based on location and proximity to single-family residential areas. The TOD-TR District is the only one of the four that allows a couple of automobile-oriented uses. For example, gas stations or a drive-thru window, although with very stringent design requirements for those uses so as to mitigate their impact on the pedestrian environment.

The majority of the land area proposed to be rezoned is currently zoned for business or industrial. Two-thirds of the acreage is proposed to be rezoned to one of our moderate intensity districts, TOD Community Center or TOD Transition, while 19% of the land area is proposed for TOD-UC and eight-percent for TOD Neighborhood Center or TOD-NC. There are certain parcels in the transit station areas that are not proposed to be included in these rezonings. These include parcels with conditional or optional urban zoning contributing structures in the National Register Historic District and parcels that are severely impacted by floodways, to name a few.

In addition to getting the right zoning in place to guide appropriate future development, TOD zoning will encourage the greatest density, new transit stations in support of the community's investment in light rail and mobility infrastructure. It will provide for a mix of residential, commercial and employment uses allowing for neighborhood residents to access jobs and services without having to drive. It will provide for a high level of urban design, create better walkability through improved sidewalks, bike facilities and pedestrian amenities, provide more useable urban open space, encourage the development of more affordable housing units through the development bonus structure and provide new small, business-friendly standards for the rehabilitation and reuse of existing buildings.

We've responded to many, many phone calls and e-mails inquiries from people inquiring about what this zoning is all about and the most frequently heard question we are getting is what does it mean for my property? How will this rezoning affect what I'm doing? All existing buildings, signs, and parking that might not conform to one of the new TOD Districts would be deemed legally non-conforming or grandfathered is the term that more people are familiar with. So, anything that is out there today in terms of building, a sign,

a parking lot is grandfathered in; it can keep operating. It can remain just as it. Any legally established use that may not be permitted in the new TOD District would also be deemed legally non-conforming or grandfathered. So, if you have a non-conforming use that wouldn't be allowed in TOD doesn't mean you have to stop doing what you are doing. You can keep doing it, and we even allow for normal repair and maintenance, renovations and even a small one-time expansion of a non-conforming use, because we don't want to hamstring existing businesses and create unnecessary hardships through this rezoning.

The public engagement process we've had for this rezoning began all the way back in May. In May, we had the first of four drop-in informational meetings and the first four meetings were intended primary for property owners who would be affected by this. We wanted them to get the message first and to be able to ask us questions before we opened up those meetings to the general public so that the property owners who were affected would get the message directly from staff. We followed this up with the first of two public drop-in open-house meetings that we held over five-hours on July 18th. We filed the rezoning application on July 22nd. We held our second drop-in open-house meeting for the general public on September 10th. So, property owners would have received five separate mailings prior to tonight, three postcards and two letters and nearby residents and other community members would have received written notices on at least two occasions plus our use of social media to publicize these meetings.

Staff recommends approval of this petition; it is consistent with the Council adopted plans for each of the station areas along the Blue Line corridor. It is also consistent with the goals of the 2025 Integrated Transit and Land Use Plan and the CATS 2013 Corridor System Plan. Staff has made information available on the charlotteudo.org website, which also contains a link for an interactive map of parcels, so people can search their parcels to find out whether they are included in this rezoning and which district we are recommending, and we also have an online question and comment form on the website.

Jacob Horr, 3401 Benard Avenue said I am President of the NoDa Neighborhood and Business Association. As stated to a letter to City Council that I sent yesterday, our Association is supportive of this petition. In August, we sent a letter to City Planning staff outlining our feedback on the rezoning and requested changes to account for the unique nature of our neighborhood. Specifically, we are addressing parcels that were in the 36th Street Station and the Sugar Creek Station areas that Mr. Goodwin outlined.

After that letter, we met with City Planning staff to discuss our feedback and the City's changes to the list of parcels to be included in the rezoning. We are very appreciative of City Planning staff thoughtful review of our feedback and working with us to incorporate the majority of our requests. From the inception of the light rail plan 20-years ago, the NoDa Neighborhood has been a consistent supporter of mass transit and the higher density it requires for success. We've also advocated for strategic growth that protects our historic properties as well as single-family residential core. We believe that the changes to the rezoning and current application of TOD to the NoDa parcels is now in line with our sensible vision for smart growth. We are also pleased that the new TOD requirements have a higher design standard and account for things that are important to our association like inducements for affordable housing, sustainable building practices, adaptive reuse and community art.

As mentioned previously to City Council and Planning staff, we still have some concerns about the lack of future consultation with the public for TOD rezonings that will come after this rezoning. Current rezoning guidelines require that petitioners hold a public meeting with neighbors directly impacted by a rezoning petition but given that TOD is conventional that requirement is not in place. We firmly believe that the involvement of communities with petitioners has provided mutual benefit to the petitioner and community to help shape the end product of various developments that have come to the neighborhood. We look forward to continuing to work with City Council and Planning staff to ensure that concern is addressed for future TOD rezoning petitions. We thank the City for their efforts to work with the neighborhood on this rezoning and look forward to hopefully approval tonight.

Tony Lathrop, 100 North Tryon Street said I wear several hats as you know, but I'm here in my capacity as Chair of the Advisory Committee for the UDO. The Committee has worked with the staff for over a year and provided input into the new TOD Districts, and this rezoning is the next step. It is going to put the right zoning districts in place to support the Transit Station Area Plans that you all have adopted and align the zoning with the adopted TOD policies. It is going to help ensure future development in transit station areas that will support the public investment in transit through the creation of high-density mixed use, walkable neighborhoods. The TOD zoning does protect existing lower-density, residential neighborhoods by limitations of building heights adjacent to single family and the development under this new regime is going to be more predictable and more consistent, and additional height can be achieved by providing a community benefit, which I know you all have discussed extensively when you enacted the TOD provision benefits such as affordable housing among other things. I would add it is also consistent with livable City guidelines that the Planning Commission affirmed back in my days on that Board. So, I want to thank you all for your ongoing work on this. Thank Taiwo, Alan, Laura, and the staff for all their good work, the Advisory Committee for the years of work that it has put in as well as the many, many Stakeholders who as Alan discussed have been part of this process. I find that it is a very inclusive, open and rigorous process, and I respectfully request that you all support this.

David Walters, 619 East Kingston Avenue said I will be brief, because the time is ticking down in front of me I see. I'm obviously here to support this with Tony and Alan and many others from the community and from staff. There is an awful lot of work gone into this. I happen to do this kind of stuff for a living, and what you have approved is pretty damn good. It is not perfect, but it is very good, and it needs to go into place now. All the comments about the urgency are spot on, and to a certain extent it is a test case. These have been sort of customized. I was able to work with some Dilworth folks who had concerns about the Historic District relationships; staff was very responsive and really worked something out that solved the issue. These regulations do have both strong standards and flexibility, and for some reason, in your wisdom, appointed me as Vice Chair of the Alternative Compliance Review Commission. So, there is a safety valve for when people actually want to do innovative stuff. There is a mechanism that we can evaluate that and our little commission can bring recommendations to you all to advance this. It is urgent; it is really urgent. You've got good regs; you've got good will behind you, and thank you very much for all your work.

Mayor Lyles said it is always good to hear someone talk about the good work our staff does. I really appreciate that.

Patrick Pierce, 1927 Queens Road West said I am here to protest this rezoning application. We have a small building as part of that rezoning petition; 7810 Tyner Street is to be rezoned from I-1 to TOD-CC, and I believe everyone has that in their package. It is not a big building, there is not a lot to it, but it is our building, and we kind of like it.

Why am I against this rezoning? To us the big issue is how zoning interprets legally non-conforming uses. If the City's rezoning is successful, our building will become legally non-conforming. As you can see from the handout, we have a small building, six units, 5,600 square feet in each unit that we lease. It just so happens we have three current tenants that we think are probably conforming and then we've got three non-conforming tenants. Per the zoning ordinance, an owner cannot make their building more non-conforming, and that pertains to tenants as well and their uses. So, for each tenant there, they are either conforming or non-conforming. If we lose a conforming tenant, then we must replace them with a conforming tenant, and if our small auto parts distributor, who is non-conforming, wants to expand in the building, zoning says no. So, we likely lose that tenant. This is not about making improvements to the building in any fashion; this is about the uses. So, not only do we have a typical competition for tenants, but we also have this conforming/non-conforming question to navigate as well. It feels like zoning will slowly strangle us every time we have a tenant move out. To us if the building is non-conforming why should it matter the percentage? So, as an owner, if the City is saying yes, we are rezoning your property. and we also restricting your uses and your tenants. It feels like a

long reach to us. We prefer to keep our existing zoning therefore; we are protesting this rezoning petition.

Diane St. John, 330-1 East Kingston Avenue said I don't protest entirely your plan; I think overall the plan is good. I'm just a little nervous about it, because I live in the 300 block of East Kingston Avenue in Dilworth. Dilworth Historic District of course was built upon mass transit when the trolleys first came. So, we are not against mass transit, but the scope in the 200 block, 75-foot I envision six-story buildings, and we are right next door. I guess my concern is can we please keep up with the decisions that are made to require enough parking for all of the activity that will be going on in all these buildings that are being built? All the streets between South Boulevard and two blocks in, which is Euclid, are already used as cut through streets by people who are trying to avoid the lights at Euclid or South Boulevard sometimes. We are already used to that, and we are used to parking from the restaurants on East Boulevard and the businesses on Euclid between Kingston Avenue and East Boulevard. We've already got a lot non-local people using the very limited parking spaces, so I was just wondering if we could be kept up with. Are there going to be actually firm requirements that if they have X number of people planning to work in these areas or live in these areas are they going to do four or five levels of underground parking to accommodate all these people that will be doing business in these areas or living in these areas or whatever is developed there to protect the Historic District, which is one little block away? Actually, just one street away, just Cleveland Avenue, that is the only thing that protects us.

Mayor Lyles said I'm not sure if there is a single person to do a two-minute rebuttal; does anyone who spoke in favor like to speak? I think it has been pretty clear.

Councilmember Winston said I feel like Mr. Pierce's question for something that we talked about in Committee, about these legally non-conforming buildings. I think we talked about in regard to fast food drive-thru, for instance if there is a McDonald's drive-thru that is not necessarily conforming to the district as it stands right now but if a Pizza Hut or a Chick-fil-A or some other drive-thru was going to take that same building and needed to make those accommodations for that business, that would still be allowed. Is that the same thing that Mr. Pierce was concerned about with his business?

Mr. Goodwin said I think slightly different; the drive-thru window question was would a drive-thru window which is legally non-conforming, if the McDonald's were to become a Chick-fil-A, would Chick-fil-A also enjoy the rights to keep that drive-thru window? The answer to that is yes, that legally non-conforming drive-thru window goes with the property and not with the property owner. In the case of Mr. Pierce's building, for example, if he has six, commercial units for lease and three of them according to him are non-conforming uses, and one of them goes out, our ordinance allows for that unit to be re-rented to another non-conforming use as long as it is not a more intense non-conforming use, then obviously, can rent to a conforming use.

I would like to point out that generally speaking TOD has a wide range of permitted uses and generally the two types of uses that aren't permitted would be industrial uses and most automotive oriented uses like a gas station or a car dealership. Industrial and warehouse are generally not permitted as a new in TOD. So, I can't speak specifically other than to say that our newly adopted TOD Districts have built in an additional safeguard for non-conforming uses that allows for a one-time expansion of a non-conforming use for up to 1,000 square feet or 10% of the area of the non-conforming use whichever is greater. In the case of Mr. Pierce, he would be able to expand one of his non-conforming spaces by at least a 1,000 square feet, and possibly more, depending on what the overall square footage of that non-conforming use is. So, that goes above and beyond our standard Zoning Ordinance Chapter seven which deals with non-conforming use, which does not permit any expansion of a non-conforming use. We've tried to anticipate and allow for businesses, even non-conforming businesses to enjoy a small one-time expansion.

Mr. Winston said if I'm hearing this correctly Mr. Pierce is correct.

Mr. Goodwin said yes, Mr. Pierce is correct in that if one of his non-conforming tenants leave, he could rent that space to another non-conforming use, as long as it is not a more intense non-conforming use and there are definitions for what that means, or he can rent that space to a conforming use, which are again, a wide range of office, restaurant, bar, commercial, retail, residential, any of the permitted uses in TOD.

Councilmember Mayfield said clarification on this same topic using the example for Mr. Pierce. He has a total of six buildings here; we're not looking at each building as an individual building, because you just stated you get one exception. He has six different businesses. Three of them are currently non-conforming; three of them conforming. Are we looking at those six individually, or are we looking at his entire site as one exception?

Mr. Goodwin said it is one building, but six individual units. It is not six buildings, it is a single building with six commercial units, all of which are supposedly for lease. According to the Zoning Administrator, who I spoke with today about this, each of those six units will be treated as an individual use whether they are conforming or non-conforming. If a tenant in one of those six units is non-conforming today and that tenant leaves that unit can be released to a non-conforming use of equal or less intensity or it can be leased to a conforming use. That single, non-conforming space can't expand beyond the allowable one-time expansion built into our ordinance of 1,000 square feet.

Ms. Mayfield said I was thinking my question was a yes or no question, but you just gave me a very detailed explanation for it, but ultimately, what I'm asking is between these six buildings is the way, and I could have just thought of this wrong for eight-years. The way I look at it as a building, because each has their own bay area and/or door and/or set of stairs. So, that is why I identified it as six separates. Are we saying that two are non-conforming on the outside, conforming in the middle? The conforming in the middle, that particular vendor leaves; he gets a new vendor in. The new vendor is also conforming, nothing changes.

Mr. Goodwin said correct.

Ms. Mayfield said the non-conforming that is on the end, of which he currently has three different units, is that one exception per unit, or is that one exception total if one of those non-conforming were to be replaced with a non-conforming, as long as it is within the current footprint nothing changes, or is it a one-time exception just for the one-time for all six buildings or one-time per individual leased space?

Mr. Goodwin said I want to confer, but Laura just confirmed, but I believe it is one per leased space is the exception that is permitted. So, we would treat each of those six units individually.

Ms. Mayfield said that is why it would be helpful for us to have clarification in our language so that as we move forward, because what I would caution us from doing is having too large of a blanket and we see repeated unfortunately what happened in South End and that was a number of industrial spaces lost under TOD, and that caused a lot challenges. So, it would be helpful if staff is in agreement and through our Attorney, if there is agreement for us to clarify that language of that one-time exception, clarify that one-time exception per unit versus building, so there is some clarity. If we say that you are grandfathered in then that kind of puts a challenge, because we are losing industrial and light industrial space in a large part of the City, and this could very well could be an opportunity, not only here, but at other sites that will be along our public transportation system as we continue to grow.

Mayor Lyles said please provide the answer, so that all of us would have that and as well it would be good to provide the information, because what you are saying is you have to check with the Zoning Administrator is it one or six.

Councilmember Egleston said two things, but I will preface I think staff has done an incredible job in this process, and I'm a huge supporter of this, and I will be supporting it So, I'm picking around the edges here and don't want it to be taken as anything but that.

One, just a process question; we put out the map of all of the parcels that would be included in this as we first estimated it. I do appreciate the work with the neighborhoods, particularly some in my District, who when we've talked I had said I think folks who have concerns about, particularly things about this should advocate very narrowly and not very broadly because the UDO is what we've all been asking for. So, anyone advocating for a no vote on the UDO is probably a futile effort but specifically tailoring concerns and how they approach staff about it, I appreciate that you all are flexible and looking to potentially withdraw some parcels from this where it might not have been deemed appropriate by the neighborhood. I've gotten some feedback that some property owners were notified that they were part of the UDO and then were subsequently removed from it. Was there notification given to those land owners that you have been removed as a parcel in this rezoning, and for what cause?

Mr. Goodwin said yes, every property owner whose parcel was changed from our initial list of parcels to be included, whether they were removed for a variety of reasons or whether the recommendation for their TOD zoning district was changed or parcels that were added to the rezoning subsequent to the original were all notified by letter in writing.

Mr. Egleston said to Ms. St. John's question and I've gotten the same from others in Dilworth, can you speak to, just so it is on the record and anybody watching can hear again or here for the first time maybe, how you view this interacting with the Historic Districts and maybe more broadly, because I know there has been some concern in NoDa while the residential area in NoDa is not a local historic district like part of Dilworth is, it obviously does have a single-family character that folks want to preserve at least the core of. Can you speak to both the local Historic Districts and where it really kind of bumps right up against single family, and how you see those two situations interacting?

Mr. Goodwin said we met with the Dilworth Community Association to hear their concerns about the local Historic District and made changes to our recommendations for the parcels that were adjacent to and in the Historic District, changed our recommended zoning district from TOD-UC, which has the greatest height, to TOD-NC which has lower height to try to ensure that we didn't get tall buildings built right next to a historic residential neighborhood. We did that and I would also like to point out that because that area enjoys local Historic District protections that the Historic District Commission rules and regulations supersede any TOD zoning, so that if new development would be found to have a negative impact on the historic areas by the HDC that would overrule any development rights that the TOD zoning might give them.

Mr. Egleston said but only if it were a parcel that was in the district, not one that was adjacent.

Mr. Goodwin said right, but we do have some parcels that are in the Dilworth Historic District and the Wilmore Historic District that are being recommended for inclusion in this rezoning. Regarding the NoDa, you are correct; it is a National Register of Historic District, not a Local Historic District. There were concerns that some of the historic bungalows, for example, on North Davidson Street that still had residential zoning that we were proposing to rezone to TOD that we leave those in place and take them out of this rezoning. They were contributing structures to the National Register of Historic Districts, and the thought was that as those properties are reused and repurposed that it would be more appropriate to bring them in individually so that they could be evaluated on a case by case basis to determine what impact they would have being that the residential area was immediately behind them. Two different Historic Districts treated a little bit differently, but we think very objectively based on the criteria that we use.

Councilmember Phipps said I was hoping Mr. Pierce would be here, but it looks as if he has left, but the explanation that you gave with the overall flexibility within this TOD ordinance, was he aware of that flexibility that still didn't ameliorate his concern?

Mr. Goodwin said I've spoken with Mr. Pierce on the phone a couple of times, and I've talked through what would be allowed, so I believe he was aware of what the ordinance would permit. It was explained to him on at least one other occasion.

Mr. Phipps said on this little handout, if the Cheer Team tenant left and the distributor wanted to expand its space, could he knock out this wall; would it be a violation? It would be more of an expansion of 1,000 feet; he couldn't really do that?

Mr. Goodwin said aside from any building code issues of knocking out a wall; the ordinance would allow for up to 1,000 square feet. So, if he were to combine two units and each unit was more than 1,000 square feet, he may not be able to take over an entire adjacent unit if it exceeded 1,000 square feet, if he were expanding a non-conforming use.

Mr. Phipps said even if he was expanding a conforming use.

Mr. Goodwin said the conforming use, he could take the whole building.

Councilmember Newton said non-conforming uses sound like they can be grandfathered in. When a non-conforming use is replaced a conforming use can it then revert back to non-conforming?

Mr. Goodwin said it can't be made more non-conforming.

Mr. Newton said I don't know if Mr. Pierce is the only gentleman that is facing this type of issue; do we have any graph or handle on how many, if it is just Mr. Pierce, or if there are other businesses that face the same situation?

Mr. Goodwin said I'm sure there are, and I've heard from some of them that there are non-conforming uses out there that are proposed to be rezoned, and they would become legally non-conforming uses. Most of them are either industrial uses or auto oriented or auto repair shops, used car dealers. As I explained and as the ordinance clarifies, they would be able to continue and enjoy operating just as they are, and we've been open with all of them when we've talked with them about this, where they may run up against the new TOD District is if they wanted to expand they will be limited to that one-time relatively small expansion. We've made clear when those people approached us that this is what you would be allowed to do. We don't think for the most part that people will be surprised by this. They may not all like it, and they may feel like they are going to be impacted in some way in the future by not being able to expand.

Mr. Newton said that is them reaching out to us. There might be some value in us reaching out to the community or to the corridors where TOD is going to be instituted to make sure that we don't take anybody by surprise and get a ton of e-mails before the vote next time.

Mr. Goodwin said as I said we've reached out to property owners on five different occasions with three postcards and two letters and the postcards in addition to providing the meeting information and have questions like, what does this mean for my property? Can I keep on doing what I'm doing now? We've tried to be proactive in how we address those questions and issues.

Councilmember Bokhari said I think we've got a good cross section in the opposition to this of kind of the two universes I would imagine would have concerns. One would be a business community or someone that the non-conforming use makes you not be able to do something you are already doing and the other side which I guess is the crux more of my point on this point which is all those who live around an area that now something new is allowed that wasn't before. Many cases which may be much higher and much denser. I've been a long-time believer that while the right thing both this and kind of the direction we see here and the UDO longer-term people are going to freak out when they realize what is happening around them and most of the time they won't realize it until long after the board games are played and the community meetings are done. It is when a 70-story Chick-fil-A moves next door to them. Then they will quickly understand the ramifications of what has happened. It is just more of a statement I guess, and I don't even know how to ask the question, but of these 1,500 plus parcels have you done anything to be able to answer the question that I don't even know how to phrase, which is the magnitude of what is changed. We don't even know what is going to scare people and have them get

pitchforks and torches in the next two or three years. Do you have any idea what that looks like?

Mr. Goodwin said we've tried to tailor the four TOD Districts to be contextual so that we are not building 70-story Chick-fil-A buildings anywhere, just for one thing. A 70-story building typically wouldn't be allowed, but more generally the feedback, and we've been contacted by e-mail and telephone and even walk-in visits by well over 100 property owners who just have questions about this. I would say that 90% of them are supportive of this and are just curious about what this will mean for my property. Ten percent are a little hesitant and less sure about what is going on. I think most property owners, in my experience, are welcoming this rezoning; it is something they view as a positive step for their properties, and obviously, there are some who don't look at it in the same light. I'm not sure I answered your questions that you didn't know how to phase.

Mr. Bokhari said I think you did; you answered it to the best of your ability which is before people are activated you know roughly the breakouts of what kind of questions they had and how they felt. Again, this is more of a call to action for the community as a whole which is pay attention now; look at what permissible uses are, because at the end of the day, you may be surprised when there is no rezoning hearing, and it is by-right that something happens going forward. You can read all of that now; now is the time to read it, because again I fear that most average folks just walking around town living their lives don't pay attention until something significant comes and is knocking at their own back door.

Mr. Phipps said I have one final question; you said that this TOD ordinance would apply to all of the station stops along the Blue Line; is that with the exception of the one that is on the campus of UNC-Charlotte?

Mr. Goodwin said that is correct; it is state owned property. They are not subject to local zonings, so we are not proposing any changes on the campus itself.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2018-117 BY HOPPER COMMUNITIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 4 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is approximately four acres located on Heriot Avenue, Cama Street, South Tryon Street, and East Peterson Drive. Just to give you some context of the site a couple of aerial views here. The existing zoning is for R-8 right now, there is also a MUDD(CD) up there in the corner of South Tryon and East Peterson Drive. The proposed rezoning is for UR-2(CD) conditional plan. The adopted future land use is for up to 12 dwelling units per acre along South Tryon Street and then eight dwelling units per acre along East Cama Street. This proposal is for 87 attached dwelling units or 87 townhomes at a density of about 21.5 units per acre. Setbacks consistent to orient the residents on Cama Street and South Tryon Street towards the street itself so they have street frontage. We've got setbacks and buffers between the proposed uses and the existing single-family residential, as well as some inner connected street networks that could be potentially future extensions to have a better block structure throughout this area of Cama Street and East Peterson Drive. Sidewalk improvements as well as fencing and screening between some of the existing uses and proposed use.

Staff does recommend approval upon resolution of outstanding issues to some infrastructure and site and building design comments, as we had stated, are inconsistent with the Scaleybark Plan; however, we do feel that the proximity to transit as well as this is an infill project that will allow for some transit supported uses that would transition well from the existing TOD and future TOD in this area. The street oriented residential uses as well on Cama Street and also it is integrated for future development to have some inner connectivity between this proposed use and then if this area continues to build out we have future street network that will continue that in a sensible fashion. So again, staff does recommend approval.

John Carmichael, 101 North Tryon Street said I am here on behalf of the petitioner Hopper Communities. With me tonight are Clay McCullough of Hopper Communities and Matt Langston of Land Works Design, and they will be able to answer your questions. This is the site that was mentioned at the Lunch Meeting, and it is actually four-acres, is located on the east side of South Tryon Street between East Cama Street and Peterson Drive and is also located on the northwest corner of the intersection of Heriot Avenue and Cama Street. This is an aerial of the site. The site is currently zoned R-8 and MUDD(CD); the petitioner is requesting that the site be rezoned to UR-2(CD) zoning district to accommodate up to 87 single-family detached townhome dwelling units on the site. The parcels to the east are currently zoned R-8, to the north R-8, to the west across South Tryon Street R-5 and to the south R-8, Office and some I-2 transit overlay zoning.

This is the current site plan; the units along South Tryon Street will actually front South Tryon Street. The units along East Cama Street will front East Cama Street as will the units here. There would be a wooden fence and evergreen trees planted along this portion of the eastern property line, the northwest corner here and this portion of the eastern property line. The vast majority of these units would be alley loaded units. The petitioner's rezoning plan does contain architectural commitments such as no vinyl siding, brick, cementitious siding would be the primary building material and some stone. Each unit would have a garage and there would be some on-street parking along the site's frontage on East Cama Street. Portions of the site are located within a half mile of the Scaleybark Transit Station, and there was a discussion previously about TOD zoning. This is from the City's petition; this is the TOD realignment zoning map, and you can see this is the site here and then these are parcels that are proposed to be rezoned to DOT pursuant to the City's rezoning petition so you've got proposed TOD right across Heriot Avenue and then you've got TOD located on this side of Heriot Avenue as well and then TOD to the southwest of the site. Planning does recommend approval and we are appreciative of their support. There are some outstanding site plan issues, but they are relatively minor and there is no issue of resolving those well in advance of the Zoning Committee's work session.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2019-032 BY US DEVELOPMENTS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.72 ACRES LOCATED ON THE NORTHWEST SIDE OF HIGHWAY 29 NORTH, EAST OF CAPRINGTON AVENUE FROM R-3 (SINGLE FAMILY RESIDENTIAL), MX-2 (MIXED USE, AND R-17MF(CD) MULTIFAMILY RESIDENTIAL, CONDITIONAL TO R-17MF(CD) SPA (MULTIFAMILY RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is approximately 14.72 acres on Highway 29; this is a conditional petition, so we are looking at R-17MF(CD). The conditional site plan does show some different development areas. This is a petition that we had considered several months ago; we had been asking for a conditional plan at that time, and the conditional plan we've gotten in has addressed most of the concerns we had raised with some

transition of some residential uses here to accommodate better transitional to the single family. The multi-family uses are concentrated internal to the site where it makes that transition to single family a little bit more sensible. We have 248 units; there is a 50-foot Class C buffer adjacent to the existing single-family homes. We did some street network here that will provide some access off of US 29; this will be a right in/right out but we have future movement to these adjacent parcels as well for any further development. Architectural standards have been incorporated into the conditional plan.

Staff does recommend approval. There are a few minor outstanding issues related to transportation and environment; however, we will sit down with the petitioner and work through. It is inconsistent with the Northeast Area Plan; however, there is a mix of housing types of the site, so it is a little more dense than what is envisioned for this area but we are consistently seeing multi-family development, and we feel the attached single family next to that adjacent existing single-family residential provides enough transition for staff to be comfortable supporting this petition and again recommend approval upon resolution of outstanding issues.

Walter Fields, 1919 South Boulevard said let me introduce my Steven Rosenberg, who is my client, former Planning Commissioner, former Chair of the Planning Commission, and he is the proponent of this rezoning, and I want to take a moment to thank the Planning staff for working with us on this in terms of converting this from a straight up petition where there are still a lot of questions still up in the air, to a conditional zoning. I think we have resolved and answered all of those questions, including having a community meeting where we were well received, in fact one lady even said she was looking forward to this, because she lived in an apartment nearby and was looking for a new place to live. I was gratified to hear that; we told her we could starting a waiting list if she could sign up.

This is a pretty straightforward rezoning; we have adjusted the site plan to create a soft edge along the single-family homes with townhomes along that portion of the site. As David said, the larger, multi-family buildings are in the center and out towards North Tryon Street. We have put a notation on the plan, both in illustrations and in writing, about a street that would potentially go through the site providing connectivity to adjacent properties in the future. The few remaining issues are technical ones and we've already spoken to David about a meeting later this week to try to tie those things up and pin them down. I think the environmental question was the wording of a note about stormwater and/or SWIM buffers on the site that we needed to do a better job of illustrating those, and obviously, we don't have any problem doing that.

Steven Rosenberg, 5925 Carnegie Boulevard said my only question is if I can answer any questions on behalf of Council.

Councilmember Phipps said this petition has come a long way from its original inception. I think it was on life support when it first came to the Planning staff, and since they have gone back and looked at it and reconfigured the plan, I think it is a much better plan. I like the buffer area of the townhomes that are adjacent to the single family there. The layout is good; I'm familiar with that area as I travel it a lot going from Pavilion up to the Speedway. It is right on Highway 29, which is Tryon Street.

Councilmember Ajmera said to echo what Mr. Phipps said, this has come a long way where there is a lot of need for multifamily, specifically in this area as more students are actually looking for housing. I remember when I first moved to Charlotte I lived in this area where there are multi-family apartment complexes and since then there have been a lot of apartment buildings nearby, and still there is not enough to meet the need. I think this will be a perfect development for this site I appreciate the work that staff has done to have come a long way from the last time it was presented.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2019-036 BY BSL GALBREATH, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.70 ACRES LOCATED ON THE WEST SIDE OF RHYNE ROAD, SOUTH OF MT. HOLLY ROAD, WEST OF I-485 FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE WATERSHED 0 OVERLAY, PROTECTED AREA) TO I-2(CD) LWPA (GENERAL INDUSTRIAL, CONDITIONAL, LAKE WYLIE WATERSHED – OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 8.70 acres on the west side of Rhyne Road, south of Mt. Holly Road in the area of I-485. The proposal is from R-3 to I-2 conditional. The adopted future land use for this area recommends residential up to four dwelling units per acres. You can see there has been some industrial, warehouse distribution from a previous rezoning that updated this area plan on Rhyne Road and then we also have some mixed use which is office, retail, residential and industrial warehouse distribution just up from this site at Rhyne Road and Mt. Holly Road.

The proposal is for two buildings up to 20,000 square feet to accommodate limited uses in the I-2 District. We do have significant buffering between the proposed building and the existing residential uses on either side of the property. There is dedication of some C-DOT right-of-way as well as six-foot sidewalk, eight-foot planting strip along Rhyne Road. Post construction buffers would be adhered to per the ordinance, and there are some conceptual renderings and elevations of the buildings to kind of talk through the architecture of what is being proposed.

Staff does not recommend approval in its current form mainly, because we want to try and continue to work with the petitioner to refine some of the uses that they have listed. We would like them to remove some uses that could be a little bit more impactful to the adjacent residential. I think we know the general intent of what some of these proposed uses will bring and don't have as much concern, but we would like to at least get some of these uses such as automobile service stations, truck and trailer, utility rentals, fuel sales added to that list of prohibited uses. When we see those changes, then we will give some additional consideration to the petition and our recommendation prior to Zoning Committee, but for now that is where we are with it. As I said, it is inconsistent, but we are seeing industrial development in this corridor, and we feel if we can get a little bit more clarity on some of those prohibited uses staff will look at the petition prior to going to Zoning Committee.

Anthony Fox, 401 South Tryon Street said I am with Parker, Poe, Adams and Bernstein; it is a pleasure to be before you tonight to represent Mr. Galbreath in this exciting development in this corridor that is fastly changing. I would like to compliment staff; staff has worked along with us. With the comments that David mentioned we have further work to do and we are amenable to some of those changes that he has mentioned, and we will get with staff on those. This petition seeks to rezone an 8.7-acre site from R-3 to I-2(CD). It is to promote the construction of an industrial park in this northwest corner of the City. It does indeed lie outside of the City limits, but it is within your ETJ. It does fall within the Catawba Area Plan. That plan provides for about four units dwelling units per acre for this site. It is identified in that plan as part of the wedge area, but you will see that right across the street is a growth area, and you will see as I go through the presentation and show you a little bit more of some of the things that are going on in this area. The Catawba River Plan while it calls for this side of this site to be residential in character it does recognize that there are some appropriate non-residential developments to occur in this corridor provided they are strategically located. We submit that this makes perfect sense given the development patterns that exist in the area and some of the other uses in that area.

The interesting thing about this petition is that this petition mirrors a petition that this Council heard in 2017 for a property that is one lot removed from this location. As David pointed out the I-1(CD) property and you will see the property proposed to be rezoned in

question. Across from this property is a 71-acre site, and many of you know what that site is if you travel along I-485. That is the Chevrolet Car Dealership that is across from this site. I would submit that the dealership was in consistent with the prior Northwest Plan for this area when it was approved along that corridor. It also calls for a second car dealership to be located on that site. That site also is on Rhyne Road; it is on the eastside and this property is on the westside and faces that property in question. This is directly out of the area plan, and it shows the various uses that are contemplated within that corridor.

I mention the 2017 rezoning, because I thought it deserved a closer look and examination of what that approval was in light of what this approval is seeking to do. That was also an R-3 zoned parcel, and this is an R-3 zoned parcel. That parcel was rezoned from R-3 to I-1(CD); we are seeking I-2(CD). That was a larger tract; it was a 14-acre tract, and it included four lots and four buildings. We are about half that at 8.7 acres, and we are seeking one lot with two buildings as you saw. Both of these properties are approximate to I-485; they absorb the noise from I-485, because they are literally one lot removed from that that interstate. They also have close proximity to the Airport. The other thing to keep in mind is, and I think the drafters of the Catawba River Area Plan didn't really take this into account; Rhyne Road is a unique thoroughfare that exists in that corridor. It is a local thoroughfare that through minor connections to other local streets connects two interchanges on I-485, both the Mount Holly Road interchange and the Moores Chapel Road interchange, So, I think that provides for some uniqueness. That was recognized in 2007 when this Council made that approval, and we think that is similarly important here. Again, I mention to you the 71-acres that lies across the street from the site.

This property is also situated near a number of industrial uses along that north corridor. Many of you know the old Clariant site that is in close proximity to this. Also, on Rhyne Road there is industrial on the northern part of that corridor as well. We think that this rezoning makes sense; it will treat Rhyne Road similar and appropriate given the uses that are occurring on that site. We think there is no major distinction given the uniqueness of this property and the uniqueness of Rhyne Road how this makes sense. We think that this property is appropriate industrially zoned use given the noise, the Airport and quite frankly the proximity to the Airport. We have had held no less than three neighborhood meetings on this property; the first one, out of transparency, piggybacked on Pawtucket HOA meeting. Councilmember Mayfield attended that; we heard discussions there. We held a second neighborhood meeting and a third neighborhood meeting with no-one attending. There is no-one here tonight in opposition, and in fact we did have the President of the Pawtucket HOA, Mr. Smith was here earlier, he had to leave for family obligations. He intends to write a letter in support of the rezoning. We are also fortunate to have Mr. Green, a neighbor, who resides on Rhyne Road here to speak in support of this rezoning.

One thing I wanted to point out to you is to show you some of the uses that exist there on Rhyne Road in proximity to this property. You can see that 438 Rhyne Road was a single family and switched to I-1; and 456 switched to I-1. Those are the two properties I mentioned the rezoning. The Lassiter Building is being used as a commercial building; it is a plumbing contractor located on the site. Our property is 614 Rhyne Road and then 708 Rhyne Road is a mobile home park. We talked with the owners of that park and they are supportive of the proposal. They did attend the neighborhood meeting and expressed their support. Then there is 240 Rhyne Road, so we would ask that you strongly consider the approval of this at your decision point, and we will get with staff and work with them on some of the issues they have raised here tonight.

Councilmember Mayfield said this is just a follow-up to what was noted by the petitioner. The President of the Pawtucket Neighborhood, Mr. Sam Smith did reach out; he will be sending an e-mail to all of Council, but he was here earlier and did note his support and the Neighborhood Association supported this petition. I wanted to make sure that was noted in the record.

Mayor Lyles said this is all being requested as I-2 and that opens up all of those uses. The question I have, when the staff looked at it and saw the list of things here, it goes

from abattoirs to colleges on the list of things that you could do on this site, and I wondered if this is a conditional, what are conditions concerning the use?

Mr. Pettine said they have a pretty extensive list of uses they have taken off the table which we are certainly appreciative of. I think there are a few more that we would like to get put on there such as some automotive related uses, auto sales, auto repairs, gas station, so those are just some of the things we feel we can get a little bit more clarity on between now and Zoning Committee but certainly appreciate all they have taken off the table so far.

Mayor Lyles said I appreciate that listing including in our document, but I will tell you I think that is a .002 font and it was very hard to see. I see the buildings, but I couldn't figure out what the uses are.

Mr. Pettine said we've got them included in the staff analysis as well, and it goes through a pretty extensive but again that is a nine-point font and sometimes that all kind of runs together as well. We feel like what they have taken off is good but just a few more we would like to get some clarity on.

Mayor Lyles said especially I think with the neighbors; they ought to know what is going to be included or excluded so that is really an important thing.

Councilmember Mitchell said Mr. Fox; we are looking at two buildings that looks like two corporate buildings; is the vision to have a gasoline station? What other use are you planning, or is this kind of like a corporate headquarters type development?

Mr. Fox said the intent is to be a high-end industrially park. If you noticed the way the plan. This is a picture of the elevation, but the way the plan is situated these buildings will be located off the street. There will be an entry way going into the property and then it will be divided to get to each of the buildings. The buildings are going to be brick, masonry with some metal, glass and steel.

Councilmember Ajmera said is the I-2 heavier than I-1 industry use?

Mr. Pettine said yes.

Ms. Ajmera said how far is that from residential? I was reading in the comments where it is inconsistent, and it says the proposed rezoning will result in the encroachment of industrial zoning into the residential planned area. How far is the residential from the site?

Mr. Pettine said there is residential zoning pretty well surrounding the site except for that parcel that you can see on the screen that has got I-1(CD) just to the north and then of course on the other side of Rhyne Road is commercial, but you can see all the yellow on the map is residential zoning. The brown is industrial, and red is commercial zoning. So, it is bounded by residential zoning, and that is where that comment came from; however, we feel like we can still, with the conditional plan, the buffering and other things that they have provided to soften some of those impacts on those adjacent residential uses and the list of uses they have provided in terms of taking some things out of the equation, we still feel will provide some compatibility while allowing the site to develop in some of that transition area that we've seen on Rhyne Road where some of the residential uses are transitioning to either highway commercial or industrial due to its proximity to I-485 and the Airport. This is an opportunity for us to look at that and try to plan it sensibly and then make that decision when we get to that final vote to determine if we've done enough to offset those impacts to those residential uses.

Ms. Ajmera said the sites that are currently zoned residential, are those just vacant site or are there homes on them?

Mr. Pettine said from what we can see on aerials and other things there are active residences out there. As the petitioner stated, they have had some extensive community meetings, and I think because of that and being proactive and engaging in the community

we can see that we don't have folks raising too many different concerns. So, I think they have done a good job of addressing those existing residents. We haven't received any calls that I'm aware of about it. So, I think overall, they have done a decent job of addressing some of those concerns of the active residents that are adjacent to the proposed site.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2019-048 BY APOLLO HOLDING COMPANY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.00 ACRES LOCATED ON THE NORTH SIDE OF QUEEN CITY DRIVE, SOUTH OF TUCKASEEGEE ROAD, EAST OF TODDVILLE ROAD, NORTH OF I-85 FROM R-17MF AIR (MULTIFAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO MUDD-O AIR (MIXED USE DEVELOPMENT, OPTIONAL, AIRPORT NOISE OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is nine-acres on Queen City Drive, south of Tuckaseegee Road, west of Toddville Road, north of I-85. You can see the general contest of the site along that frontage on Queen City Drive and I-85 and some residential uses on the outskirts of it. It is currently zoned R-17MF; the proposed zoning is MUDD-O. We do have an Airport noise overlay on the property that will remain pending this rezoning. The adopted future land use is from the Westside Strategic Plan in 2002 does recommends office, business office park land uses for most of the site. We also have a Northwest District Plan in play that recommends single family up to four DUA for just that small portion of the site, the yellow corner, but this whole portion is recommended for business office park land uses.

The proposal is for up to 225 hotel rooms along with accessory uses permitted by-right in the MUDD district. We do have some optional provisions to allow parking maneuvering between the buildings and Queen City Drive. In order to mitigate that the petitioner proposes to provide some adequate screening through some low walls and/or landscaping. We have some transportation commitments for vehicular access points limiting them to one on Queen City Drive and then we have new right-of-way for Queen City Drive as well as some dedication to be determined by NC-DOT. Streetscape improvements etc., various architectural standards and a 53-foot Class B buffer along those residential property lines that are abutting the site, you can see those shown in green.

Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and some technical revisions. It is consistent with the Westside Strategic Plan; it is inconsistent for that small portion of the site from the Northwest District Plan which recommends single-family uses; however, we feel overall the site itself is generally consistent with what the Westside Strategic Plan envisioned, and we do recommend approval.

Colin Brown, 1420 East Seventh Street said I am here on behalf of Apollo Holding the petitioner; Walker Guyer with the petitioner is here tonight if you have any questions. David had a good presentation and gave you a pretty good orientation to the site. So, I'll just the one thing that I don't know if the staff put up here. Here is our rezoning plan; here is our conception and there are some single-family homes to the rear of the site. There is a nice buffer there additionally. Most of the undeveloped land we are leaving back there to the rear of the site to keep those uses buffered. We are proposing a hotel use on the site; most of the site is already zoned for that type of commercial use. One area is recommended for residential, but this is in the Airport noise overlay zone, so we do agree with staff that the proposed use is a better use. It is in close proximity to transportation

and the Airport, so we think it is a really nice fit for the site. I think we have one or two outstanding issues, which we don't think will be an issue working out.

Councilmember Phipps said in reading the staff analysis, it looks as if some transportation issues still need to be addressed.

Mr. Brown said we have one outstanding issue. As you see here this is Sheets Court and C-DOT has asked us if we would straighten out this road. The problem is that we don't own this property right there, and one of the reasons they have indicated is the number of trips this site will generate. I've got some concerns about that. C-DOT's memo has estimate this generates 2,100 trips; there are only 225 hotel rooms. That would be nine trips per hotel room, I don't know how that is possible. I think it would generate significantly less than if you developed this under the existing zoning, which they say would be 150 apartments. I think the petitioner is committing to some significant improvements along Queen City Drive, an additional access road here, so we are holding off on this commitment here as it does impact some residential properties, and we don't want to get into that.

Mr. Phipps said if there is some dispute as to how the trip generation numbers were arrived at, is that something that is going to be looked at to see if it is consistent with the methodology in coming up with the trip generation?

Felix Obregon, Transportation said the way we did the trip generation we used the national standards which is 225 hotels rooms, and that is how we got the 2,100 daily trips. We took the trip generation the way we do it for any other hotel.

Mr. Brown said we are not disputing that is what the manual says. As a practical matter, we just don't think that is the case. One of the reasons we are actually seeking this rezoning district is to use the MUDD parking standards, because we don't want to grade the rest of the site and fill all this green space and trees in with parking. When you have a hotel that is this close to the Airport, these are seasoned operators. They know that in these cases most folks are not bringing their own cars; they are using the Airport Shuttle or ride-share, so there is not the need even for the parking on the site. There is sufficient parking here, but rather than grade out the rest of the site and move the tree canopy we have requested this district to accommodate this parking plan.

Councilmember Mayfield said Mr. Brown, do you know yet if this is going to be a full-service hotel?

Mr. Brown said it will have some meeting space; I think to give you an example of some others that are in your District that this team has developed would be the City Park Residents Inn and Fairfield Suites at City Park. They've also done at Northlake, Steele Creek Residents, so this would be very similar to A Loft that is underway at City Park or similar hotels just like what you would see with this.

Ms. Mayfield said have there been conversations as far as a commitment of a shuttle to and from?

Mr. Brown said yes, this is absolutely part of the model for this. The proximity to the Airport is fantastic.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2019-051 BY JOYCE M. GREEN FOR 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).

Mayor Lyles declared the hearing open.

Kent Main, Planning said this is an R-3 single family lot, about two-thirds of an acre on West Sugar Creek Road on a small residential street. West Sugar Creek Road is a pretty substantial street. Here is an overview of the site; you see considerable vacant land there. his house is located right here on this corner that is the subject of this rezoning. They are asking for an institutional use, conditional and that is provide for a 40-child childcare center. The Northeast District Plan does call for single-family residential for this particular area at four units per acre. The proposal is to maintain or keep the existing house in place; they will have playground and parking lot to the rear of that; they will have buffers around the two sides adjacent to single-family residential. They will also be putting in sidewalks along the front and along the side of that as well. I should point out also that in addition to the zoning, they will be subject to childcare center regulations as well.

We recommend approval; it is inconsistent with the plan which calls for single-family residential; however, as is usually the case for institutional uses they are not specified on these plan areas, so they are looked at on a case by case basis. This is on West Sugar Creek Road, so it is a fairly major street. So, it is appropriately located for that purpose. Institutional uses in particular childcare centers are considered generally uses that are appropriate in residential situations such as this. The approval of this plan will change the plan institutional use.

Councilmember Mayfield said I think it might be helpful for us to start looking at what currently zoned, residential land we still have. We are talking about development, talking about opportunity of diverse price-point housing, we have rezoned quite a bit of residential land to industrial as well as some industrial to residential, but I don't think that ratio is equal from industrial to residential. So, it may be helpful to get an ideal of what undeveloped residential land that we still may have access to so that moving forward we will have a better idea if we continue our growth pattern even for another two years, even if it drops from 100 to 35 people per day, do we have the land to build the housing that will be needed whether it be multifamily or single family.

Councilmember Winston said I will say that is something we have talked about in TAP Committee, as it relates to the 2040 Comprehensive Plan is to look at single-family, residential zoning, what there is and how do we deal with it. That is something that I believe be and I believe is being looked at.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2019-068 BY BLU SOUTH, LLC FOR 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).

Kent Main, Planning said this is an existing R-4; they are requesting R-8. It is a little over six-aces, and it is in a pretty interesting location. Here is South Boulevard; here is the rail station. This is the playground that sits atop a parking garage and this is Sterling Elementary School here. This is the site just south of that so in some ways this might be thought of as a very good TOD location, but for a couple of factors, and here you can see all of those uses at the school. Here is station, and here is the Sterling Neighborhood. There is one way in and one way out of that neighborhood, which is China Grover Church Road coming into that area.

This is a part of the Sharon and I-485 Station Area Plan, which considered this neighborhood in great detail when we were doing the Plan. It is an existing single-family neighborhood because of its one way in and one way out situation and because of the

nature of that single-family neighborhood. It was recommended at the time for uses in the R-8 eight unit per acre category. That is what most of the property in there is; you saw earlier an application taking another parcel to R-8 that we talked about earlier. This particular property has just a very limited frontage on China Grove Church Road, so it is a difficult property to try to develop. The proposed density of R-8, which is a single-family district that does allow duplexes and some other things, but it is essentially the same density that most of the rest of these properties along China Grove Church Road, along Ervin Lane and along Dendy Lane and along Packard Street. Considering that we have had a lot of nibbles at this parcel over the years for much greater density we consider this a pretty good end for this property.

We do recommend approval of this; it is consistent with the Sharon and I-485 Transit Station Area Plan, which recommends eight units per acre. The site is very close to that transit station, so it is well located for the kind of uses proposed, and it is consistent with the density with the surrounding. We have had a change in the petitioner and the agent's representative since this was filed, and it is now Blu South LLC who is the applicant, and Mr. Williams is the agent at this point.

Mark Williams, 9240 Ravenwing Drive said the proposed zoning change that we are asking for is basically consistent with what is going on in the current neighborhood right now. This property is currently zoned R-4, and we are looking for R-8, and that is pretty much about it. Not asking for too much; it has tree buffer zones already in place as it and those will be maintained and kept up just like they are. It is only five different sites.

We talked to the community leaders and went to several meetings in the area. The last meeting; we went to was about a month ago, and the particular meeting we got the consensus from the community that they were in support, and I sent to everyone today. Mr. Johnny Limos in the community said in the meeting that they were in support, and they did not want to have apartments in the community but residential, they were in support of.

Councilmember Mayfield said I'm trying to understand if there was a change in both; if this was originally brought to us under a different petitioner as well as representative, so why didn't this process start all over? With the last petitioner, there was a neighborhood meeting on the books, but that was a conversation under one particular design so I'm just trying to understand why this wouldn't have triggered.

Mr. Main said this is a conventional request so a community meeting is technically not required. It is the same property owner, who is essentially the applicant, so the property owner is continuing with the single application that was filed.

Ms. Mayfield said for clarification, this is the first time that I have experienced there was a change. As long as the property owner stay the same, it doesn't trigger.

Mr. Main said I would think that would be the case, yes.

Ms. Mayfield said that helps with that clarification. There was also a question in an e-mail that I received just asking the question, we are thinking of Item No. 25 that we approved and in listening to the possibility of this changing the character of which we've had conversations regarding neighborhood continuity and stabilization, changing the character of the neighborhood much like what happened in South End where the neighborhood changed very rapidly and very drastically. Help me understand why staff has not shared this concern.

Mr. Main said because at an R-8 density we are not talking about major TOD development, we are talking about density that is identical to what the other uses around are zoned. As I said, we have had nibbles at this property over the years that have been looking for much higher density, so that is one of the reasons that we think this is a very positive step.

Ms. Mayfield said with knowing that we have an additional project that is also proposed for this area, and maybe I missed it, but I didn't see in the language on that one or on this

one a proposal for a road widening. This is going to be considerably more potential traffic, so I'm trying to understand in transportation where there is even a note to address the future traffic concerns when we talk about connectivity and accessibility. There are no sidewalks through the area. It is a very narrow road; if something were to happen, it is literally one way in and one way out, so any consideration there?

Mr. Main said I don't want to put words in our friends at C-DOT's mouth, but again, it is a very low-density kind of area. We've got six acres and it is a relatively small project and for an R-8 single-family residential they will be meeting the standards that are required for that district.

Ms. Mayfield said I will ask C-DOT to come forward to share, because again if we look at the two projects, if we start looking at development area and not look at projects as one-offs, any concerns regarding traffic mitigation.

Felix Obregon, Transportation said in these cases C-DOT doesn't have a concern with that. We've got the light rail station right adjacent to that. Also, since it is an R-8 it would trigger the sub-division ordinance which would require curb, gutter, and sidewalk along the street frontages, so as development happens on that road the road will be widened, sidewalk will be provided to provide better pedestrian connectivity to the adjacent uses as well as to the transit station.

Ms. Mayfield said I just wanted clarification on that, because as I said, I think I missed it reading through this. So, thank you for that.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2019-071 BY FH 1524 SUNSET ROAD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 54.99 ACES LOCATED ON THE SOUTH SIDE OF SUNSET ROAD, EAST OF OAKDALE ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO MX-2 LWPA (MIXED USE, LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

Kent Main, Planning this is 55-acres of land, it is a long narrow parcel of land that extends from Sunset Road down and over and around to Oakdale Road on the other side, and it is development generally on all sides of that particular area. It is R-3 single family and R-4, basically all the way around it, except for a little bit of commercial area there as well. They are proposing an MX-2 mixed use development. The Northwest District Plan recommends single family up to four units per acre and the General Development Policies, which provide policy guidance for higher densities says that it is good with the proper design up to six units per acre in this particular area.

They are looking at 280 dwelling units, maximum of 150 attached units with a mix that ranges, because they are looking at possible townhouses and possible not. There is right through the center of it a creek, and there are a number of issues there; there is floodplain there. There is SWIM buffer requirements there, so consequently that breaks this parcel essentially into two separate developments chunks that do not meet. That has to do with preservation and the regulations around SWIM buffers etc. down the center. They concentrate the townhouses on the northern piece up here along with single family and also down here as well and it meets in and ties in several locations with existing single family. The area to the south is all single family as well. There are a number of transportation improvements such as right-of-ways and expansions and sidewalk that are included as a part of this.

Staff is recommending approval of this, on the basis that it is consistent with the General Development Policies for this area. It is actually at five units per acre, and the petition does respect the neighboring sites. They've got buffers along the edges to that. The petition does enhance the pedestrian environment; it also respects the area of the stream. This is within the Lake Wylie Protected Area, and what that means is that there are restrictions that require more extensive use of BMP's, Best Management Practices, for stormwater runoff and things like that. We have had reports and requests made by our Stormwater folks that have been met, so we are recommending approval at this point, because it is meeting those standards. It will change the Northwest District Plan from four units per acre to essentially six units per acre, which is our next category up.

Keith MacVean, 100 North Tryon Street said I am with Moore & Van Allan; Jeff Brown and I of our firm are assisting FH 1524 Sunset Road, LLC, the petitioner for this rezoning request. As you mentioned Andy Ferrell, representing the petitioner is here as is Matt Langston with Land Works. He is the land planner for the site. The site is consistent with the Northwest District Plan and the General Development Policies, which recommend up to six dwelling units to the acres.

This proposal is for five dwelling units to the acre for a combination of single family and townhomes for sale. As Mr. Main mentioned there is a creek, Gutter Branch runs through the middle of the site; it does split the site in half. The site has access to Sunset Road and Oakdale Road. There are several existing neighborhood streets that are being extended into the development as required by the subdivision regulations, and there are also several new streets that will be developed as part of this site that will extend on to adjoining properties should they in the future develop with additional residential development. It is in the Lake Wylie protected area, the requested zoning is MX-2 to allow the combination of townhomes and single-family houses on the site.

This is the proposed site plan; we are setting aside the area in the middle of the site where Gutter Branch runs through the site as open space. We are dedicating a portion of that to County Parks and Rec for a future greenway that eventually could connect from Long Creek through the site and through other parcels to the Sunset Hills Golf Course and eventually over to the backside of Hornet's Nest Park through overland connections. The townhomes for sale are located off of Sunset Road; there are single family homes in that portion of the site and then the area to the south and west of Gutter Branch is limited to single family homes as you see here. There are other areas of open space; there is open space here, tree save here. There is a buffer where the townhomes adjoin the existing single family, and we have other open space and tree save areas throughout the site.

This is the possible future greenway connection that will go from Sunset Hills back to Long Creek and potentially also to Hornet's Nest. We have worked with the Department of Transportation regarding roadway improvements. There will be curb, gutter, sidewalk and left turn lane on Sunset Road, as well as curb and gutter and left turn lane on Oakdale Road.

Adam Jaramillo, 1166 Beagle Lane said I own the property off of Beagle Lane, and I oppose this construction, because I own livestock on both sides of Beagle Lane and also down the road they might want to cut through Beagle Lane, which goes through the end of that road. What I see in there I have never seen this plan before. I'm seeing it for the first time. Also, I like the country, and there is a lot of wildlife in there like deer and turkey, and all this will be ended. So, that is one of the reasons that I oppose this. If this gets approved I would like to get a buffer, because I own livestock, and we don't want complaints for the noise of the animals or other stuff.

Peter Walter, 3214 Oakdale Road said I share some of the concerns that the former speaker mentioned. I own about six acres; I'm not adjacent to this property, but I am encompassed left and right of this. I own a small portion of property with him, and I let Mr. Jaramillo use my property for the cows, because I want a natural buffer, I don't necessarily want construction, and that is why I bought this house out there. My concerns are more, if this gets approved what happens in the future? There are no guarantees of what could happen in the future.

With the traffic as being the first reason for this opposition, the traffic was normal on Oakdale Road; with advent of I-485 it got really bad. People would use that to cut through. Oakdale road is a residential neighborhood; you look at the I-485 addition and everybody is going through there at 5:00. Our driveway is right there on a very sharp curve; there are two sharp curves on Oakdale Road. I know this is a selfish concern, but there are two sharp curves on Oakdale, and there is actually a market-to-farm project to actually widen that first curve. They are not doing that on ours, and people go down that curve, and I kid you not 55 to 60 mph around that curve. Traffic will obviously increase dramatically, because you are talking about projects that exits onto Sunset and projects that appears to exit onto Oakdale. The other concern, let's say this gets approved, I don't have the graph there. I did see it; they did cut into Highland Street or something like that that cuts into this project. I don't know the name of it but it was on the bottom right, so I can't really speak to it. Beagle Lane is a dead-end and is adjacent to my property, and it will run through his property if this is approved we want better roadways and will actually cut his property in half, and that will obviously affect me, because you have more traffic, and people will obviously got through Beagle Lane. That of course is a concern and opposition to what could happen in the future.

Let me address the stormwater, and I believe it is called Gutter Creek, which I believe is a protected creek. It runs through my property and also a sewer line that runs through his property, but it abuts to my property. I'm not in land planning, so I don't know what this would do to. We have all these people and can the sewer system handle it? I'm sure they have investigated that and whatever, but obviously, that is a concern. We are in Mecklenburg County and not Charlotte, and I'm not sure how that works out, but we are not in Charlotte and obviously when you build more houses that are going to be around us this City is going to want to annex or put us into Charlotte, which is going to dramatically increase our tax base. I know it is just a few property owners, but it is going to affect us 30% to 50% more in tax base, and I think that reason is you put more properties there the City has more reason to come in and take the property. I may be mistaken, but that is the concern.

The last two issues are with these properties we are already experiencing people would come through with their four-wheelers, their motorcycles, because this is natural land they would run the sewer lines, and they would cut his fences. The cows would get out, and he gets cited, and obviously, I am involved in that because the cows are on my property. That is bound to increase, because you put more people in this area as well as a potential raise in crime.

Those are all my concerns and my opposition to this. The question I have for the Council is, I understand this property is zoned to have 160 units already, so I guess I fail to see the objective put 280 units there, unless it is just a profit motive for the developer or does this fit in the affordable housing or what is it if the Council could address? Is this something could be addressed to like we want more housing, and this is a great place to put it? I don't know that, because it is already zone for 150 or whatever.

In rebuttal Mr. MacVean said in regards to Beagle Lane, we are not proposing to make a connection to Beagle Lane at this time or extend it. There is a stub street from the development that will head toward Beagle Lane, but there won't actually be a physical connection at this point, and the creek here acts as a buffer, and there are watershed buffers as well as floodplain that we have to stay out of in terms of development. This is our open space, and there is a buffer also here. Because of the way the creek divides the site the traffic from, the site actually goes in two different directions to different roads that helps disperse the traffic. We have worked with C-DOT on roadway improvements regarding traffic. The petitioner is considering voluntary annexation for the site. We have connected as well to three existing stub streets, one to this neighborhood to the southeast, and there are two additional connections here for a total of three connections to other neighborhoods also to help disperse traffic and create connectivity. Then there are five additional stub streets as I mentioned for future connectivity as the area to continue to develop with residential uses. The MX zoning does allow us to create a variety of housing types by adding townhomes for sale that the R-3 zoning does not currently allow, and we

believe that is appropriate at this location due to the surrounding uses and the open space that is being provided as part of the site. We have mitigated the traffic.

Councilmember Winston said Mr. MacVean just answered one of my questions that the petitioner does not intend to connect to Beagle Lane, but does this plan allow for future connections?

Mr. Main said just as the connections that they are making to prior subdivisions to the south. The subdivision ordinance requires stubs out, and they are not intended for any kind of short-term extension. We will not be going through people's property building new streets; they are there, and if and whenever those properties also develop then those extensions would be expected to connect up.

Councilmember Mayfield said Mr. Walter, just one thing I want to share, we do not do involuntary annexation. Annexation is done on a voluntary basis, and as was just noted they may be considering an annexation, but it will only be for their property and we have a lot of property throughout the City where the next-door neighbor will be in the ETJ, meaning the County and not in the City. That is one piece that I can help relay any fear or concerns on. Many years ago, the General Assembly changed that. So, it is only through voluntary, meaning you and the neighbor decide that you want to, and it has to be 50% that equals one percent of the neighborhood that would sign the petition to trigger annexation into the City. I do have a question regarding the concerns that were raised with Oakdale Road, because Oakdale Road is state maintained. So, this is a combination between staff and the petitioner. It is a state-maintained road, but we are not looking at a road widening?

Mr. MacVean said we will be widening along our frontage to create a left turn lane into the site. We don't have a lot of frontage on Oakdale Road, so we are not able to do more than this, but we are providing turn lanes so that traffic can make left turns into the site without stopping traffic on Oakdale Road.

Ms. Mayfield said it will be a left turn in but a right turn out?

Mr. MacVean said it will be a full movement intersection but no light. There are not really enough homes in this area to justify a signalized intersection.

Ms. Mayfield said the reason I'm asking is, what we have noted on here is current existing, looking at vehicle trip generation it is 40-trips per day. The entitlement for it is 1,640; this proposal takes it up to 2,570, so that is less than 710 from doubling the entitlement. So again, the reason I'm asking about whether or not we are going to have a light, we can say today there is not enough traffic, because it is basically a rural area with farm animals and other things, but that is not going to be the case once it is completed if we are proposing up to 2,570 trips, and we are proposing a development that is going to be over 280 units. I'm trying to understand why that wouldn't have triggered.

Mr. Obregon said what is going to happen, although it is one rezoning it is really two sites, because they can't connect because of the creek. It is almost two separate sites, that is part of the reason for that. Also, each access will have a left turn into the site. Another thing that is not shown here is the City of Charlotte actually has the Oakdale farm to market project that is about to start construction on this portion. So, you've got the Oakdale farm to market project that is about to start now, and you also have Oakdale farm to market Phase two that will plan the future extension and widening of Oakdale Road. In addition, you also have the Peachtree sidewalk project that the City is working on and NC-DOT also is proposing two round-a-bouts at the intersection of Sunset/Oakdale/Maranda, so there are a lot of improvements that are happening in the area to mitigate some of the existing conditions now and also looking to the future because of the development that is happening right now.

Ms. Mayfield said we are looking at a two-phase project for Oakdale Road, which is currently a state-maintained road; currently, Oakdale Road is in the ETJ.

Mr. Obregon said yes, portions of that. What I can do is as a part of the follow-up report, I can provide a nice map that shows Oakdale Phase 1 and Oakdale Phase 2.

Ms. Mayfield said in correlation of this particular development.

Ms. Obregon said yes, you've got Oakdale, which is coming from Brookshire all the way to a certain point, then you've got Oakdale Phase 2 that will come around this portion and then further up north you've got the Oakdale/Sunset/Miranda intersection where NC-DOT is proposing two round-a-bouts at that intersection.

Ms. Mayfield said for the state-maintained road, NC-DOT is proposing a round-a-bout; that is outside of us. So, Phase 1 and 2 that is being proposed that you all have been working on, that is going to connect from the City of Charlotte into the ETJ?

Councilmember Harlow said it will. Phase 1 is a little south of this site closer to the Brookshire more towards Peachtree Road area and then Phase 2 comes kind of up toward Dale Road, which we don't see in this map and going up towards Sunset, which we do get into this map.

Ms. Mayfield said but it doesn't connect to this site.

Mr. Harlow said not directly, no.

Ms. Mayfield said again, we are thinking about this particular site with 280 units and almost doubling the amount of traffic. It is great to have a left turn in but people are still going to need to get out, and if they are backed up getting out that is going to be a challenge,, and if we are talking about doing a road widening and a road improvement that stops here and the site doesn't start until down here that connectivity that we talk about seems like that would have been-

Mr. Harlow said Phase 1 is all CIP dollars that some of you all were here a while back and Phase 2 is true C-NIP money, once they realize we can actually connect this and go a little further along. We've seen a lot of voluntary annexation along that area, which has created more City of Charlotte land into that past Oakdale Elementary and going up. I was going to speak to some of those concerns a little but yes, to give the Council some idea.

Mr. Obregon said this is the intersection of Sunset/Oakdale/Miranda, and this is kind of shows the two round-a-bouts that NC-DOT is proposing. I think some of the neighbors in the area are aware of them, and I think maybe the residents as well that are here talking about it are aware of that.

Ms. Mayfield said the challenge that I have is still that it doesn't seem like these additional pieces are connecting to this project, so if we are to look at each individual project as a standalone even though I'm always trying to ask about impacted areas, this doesn't have any relevance on this project.

Mr. Harlow said the round-a-bouts have relevance, because the site is actually in this photo.

Mr. Obregon access connects to Oakdale Road, and just to reemphasize the access, it is almost two sites, because it is broken up by the creek. So, some of the trips are going to come on Oakdale Road, and some of the trips are going to be on Sunset Road. So, this intersection project will actually address some of these significant issues as well as any future development in the area.

Ms. Mayfield said that helps, so thank Dr. Harlow.

Mr. Harlow said I do think that the round-a-bout projects have more of a direct impact on this than the other one. I think we are over selling to the Phase 1 and Phase 2 of Oakdale a little bit, because those are a little bit away from the site. This is definitely more directly attached. I think when Mr. MacVean mentioned when you add in, I know it is a little strip,

you have a little more frontage on Sunset Road than you do on Oakdale Road but adding those left turn lanes in and then just a little bit up from the site is where that round-a-bout is to create some more continuous flow of traffic. I think will actually help mitigate some of the concerns around back-up in traffic that we already know exist in this area. I am not so certain that the widening further down Oakdale Road is going to make any true difference. I think over time, we will need to continue that up, but this is a good map to see, because the site is right there, and I think that will have a direct positive impact on it.

Ms. Mayfield said that helps; the last question for petition, the buffer area, because if there is livestock there, Council receives calls and e-mails every day from a new development that goes in regarding the noise that is around even though building and/or business may have been there for the last 50-years. So, what is the mitigation around that?

Mr. MacVean said in the area where the livestock, which is Beagle Lane in this area, we actually are proposing a fence between our development and the adjacent properties. So, in addition to landscaping there will be a six-foot solid fence to help create some of that barrier between the proposed development and the existing lots on Beagle Lane.

Ms. Mayfield said what is the actual setback of land before we get to the fence? I will give an example, because you don't know what you don't know, and no real estate agent ever shows you a house late at night or early in the morning. They do it during business hours when most people are there. So, therefore, I live on the backside of a nightclub, because you can't see it, because there is a stream and a whole bunch of trees. You find out about 2:30 on a Saturday morning that you've got a club right there on the other side. Now, buffer wise, it seems like it is a good distance; it is not. So, if I'm that person that is in one of those corner units, whether it is a single family or the townhome, and I hear the wonderful sounds of nature, the first thing I'm going to do is pick up the phone and call either my Council Rep or 311 or 911 about these sounds.

Mr. MacVean said the fence has to be closer to the townhomes than it is to the single family; the ordinance doesn't let us go more than 50% into buffer width itself, so it will be at most half way through. It could be as much as 37.5 feet away from the property line but no closer than half way through the buffer. The one thing I might add regarding traffic, this area of the site that is separated by Gutter Branch is limited to single-family homes; the actual density on that portion of the site is just barely over three units to the acre, so very compatible to what is allowed by-right on that portion of the site today.

Mr. Harlow said most of my comments were going to be about some of the C-NIP and transportation improvements and things that were going on on the site. Just for clarity, we are not connecting the stub of Beagle Lane so that is not being connected.

Mr. MacVean said it can't; we are stubbing to a piece of property that has frontage on Beagle Lane, but there is a separation. Someone would have to develop the property on Beagle Lane in order to connect to the sub-street we are providing. Mr. Harlow said I just wanted to say that for clarity; I know Mr. Walter had mentioned that Beagle Lane was going to be used as a cut-through now, but that is not going to be happening it sounds like.

Mr. Walter said if this goes through, we don't have a say so necessarily, it just through for the betterment of the community. I've heard if, when, when they are, talking about connecting Beagle Lane to this community but probably not going to happen. Is there a higher hurdle if the Council says, okay we want a buffer there, and you guys say hey, you want this project. You've got to put a buffer there, so is there now a higher hurdle there. So, in the future, they say we want a cut-through. I guess what I'm saying is if you put a buffer there and he puts a fence and this is part of the project, this has to be there for us to approve it, is that future possibility of a Beagle connecting if it does.

Mr. Harlow said I'm not quite sure I understand the question, but we have ordinances in place that creates certain triggers that lead to street connectivity. So, it is really more about if someone comes with a development plan.

Terrie Hagler-Gray, Senior Assistance City Attorney said I'm sorry to interrupt, but this is a little bit out of order. You all are in the question/answer section of the meeting.

Ms. Mayfield said which means we have to ask a specific question.

Mr. Harlow said I do want you to know that we don't just connect streets for the sake of just connecting them; there are certain ordinances in place that they are required.

Mr. Main said the stub street again, is there for a future connectivity, and if and when that happens then it would be connected through, but that will not happen unless and until the property owner that you are stubbing into comes in and is ready to file to do some future development under that circumstance and that circumstance only would that connection be made through.

Councilmember Phipps said as far as the round-a-bout projects go, in view of NC-DOT funding problem, do we know whether or not this is on schedule to be delayed?

Mr. Obregon said right now, they are at 25% design plans, we can definitely follow-up to make sure exactly where it falls within the list. We can provide that in a follow-up report.

Councilmember Newton said it was my understanding that our street connectivity ordinance is pretty rigid, and I wanted to ask about the two cul-de-sacs and why those aren't connected over to the one road going north to south, so is it Gutter Branch Creek to the extent that maybe that is what the issue is? Did the petitioner seek a street exception here, or is there something in our ordinance that allows this outside of the context of petitioning for a street exception and getting that granted? How does that work?

Mr. Main said you are referring to these two cul-de-sacs I assume.

Mr. Newton said yes sir.

Mr. Main said as far as I know there is no proposed or has not been a connection across. That is a greenway; it is a floodplain. It is a protected area that we would not propose to cross.

Mr. Newton said so, that was a determination made by staff, independent without any sort of street exception the petitioner applied for, the street and connectivity exception. I thought that was the process

Mr. MacVean said I think you are on the right track. Because of the creek and because of the environmental issues with crossing the creek, we did ask for a stream connection waiver exception. Matt Langston just mentioned to me there is Fred D. Alexander Road that is shown here in the dash line; it is a future road that actually will connect Oakdale Road to Sunset Road. Part of that has already been built; it is mainly environmental concerns with crossing the creek, but there is also a concern about that connection would act as a defacto to Fred D. Alexander in the short-term until it was actually built, because it would then cut off the corner of Sunset/Oakdale.

Mr. Newton said I guess my question which was answered; a waiver was applied for and granted.

Mr. MacVean said yes sit it was.

Councilmember Ajmera said I want to follow-up on my colleague's question about the setback and buffer; is this going to be undisturbed buffer?

Mr. MacVean said it could be; we do have tree save requirements as well on the site so it could be a combination of existing trees if they meet the standard for buffers, as well as new landscaping and buffering where there aren't enough trees to meet the standard.

Ms. Ajmera said is there a certain requirement for undisturbed buffer on this site?

Mr. Main said we do have buffer standards, and they are meeting those buffer standards with the distances that they have put in place on this proposal.

Ms. Ajmera said what is the buffer; is it 37 feet?

Mr. MacVean said 37.5-feet with a six-foot fence is the minimum width, it could be more, but that is the least it could be, 37.5-feet with a fence.

Mr. Ajmera said so, that is the least required by the ordinance? Are you doing the least or are you doing more?

Mr. MacVean said at this point we are showing the minimum, but there are areas where the units are actually set back further so there could be additional room, but at this point we are showing what the ordinance requires. For instance, in this area here where this townhome is setback we actually have a lot more room and there may be some areas here where we have more room as well. There are some areas that are slightly bigger and some areas where it is a little tighter.

Ms. Ajmera said I'm trying to understand on this site plan; where is Mr. Walter's property at?

Mr. Main said the property is of the three people who had signed up earlier, one of them is right here at that stub street; there was another property owner that we talked to that owns one of these properties. I believe it is one of these two right here, and the third property owner owns some property right up in this area. I believe that is Mr. Walter's property up in this area right here.

Mr. Walter said it abuts his property; we are together.

Ms. Ajmera said are you requesting more buffer or setback?

Mr. Walter said I don't have a pen, but that buffer only goes around those trees right there. Now, if that buffer went down all the way to the line to his property that is what he is asking and we are asking for. That buffer stops right there; if you go down along that line, there is no buffer in those plans. There is nothing there.

Mr. Main said that is the greenway.

Mr. MacVean said there is no buffer there, because that is open space, floodplain that isn't being developed. So, it will remain as tree save, floodplain, future greenway connection, so there are no homes or townhomes proposed at that portion of the site.

Mr. Walter said is that prevented to have a buffer there?

Mr. MacVean said there is no need for a buffer there.

Ms. Ajmera said I just have one more question; someone mentioned there is a protected creek on this proposed site.

Mr. Main said that is the creek in the center.

Ms. Ajmera said so that is protected.

Mr. Main said it is protected, and you see that big green swath on this plan right here; that represents the sum total of all of those things that are being preserved and protected.

Councilmember Mayfield said the only thing that I would add is, since tonight is just the hearing, if there could be continued conversation, because the biggest concern I have is going to be around that buffer for the future residents and the impact that it would have, not only for them, but also the current landowners, specifically the closest land owner that has animals and/or livestock on their property. There may be a possibility, depending on

if it wouldn't completely change the layout to have an additional buffer for protection and that is for your future residents as well as the current landowners.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2019-078 BY CHARTER PROPERTIES FOR 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), WITH FIVE-YEAR VESTED RIGHTS.

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said we have 42-acres located; here is I-485 running across the site, and you see this long linear space here. The Prosperity Village area is right here; Johnston-Oehler Road comes here, and there is another round-a-bout right there. This is Mallard Creek High School right across from the site. It is zoned R-3 currently, and they are proposed UR-3(CD); it is in the Prosperity-Hucks Plan, and the Plan calls for eight units and four units per acre. The Plan also does state that there is an opportunity for greater density in areas where it is compatible with other uses around it as well. I should also mention, you see Barrow Road over to the side; that was a prior rezoning that was done in 2017. It is nine-acres and has 29 units per acre on that particular site. So, this is a step down to about 10.5 units per acre, and that includes 440 units total, about 120 of those. The ones immediately closest to the village center are specified as senior multifamily residential, apartments here, also a little strip of townhouses along the edge of this other single family and the street extension that reached out to Johnston-Oehler Road. The other aspects of this is there a significant new road that is being proposed, partially public and partially private that makes the connection from Barrow Road all the way through and connects to the round-a-bout at Johnston-Oehler Road. So, it really does get us that second means of transportation improvements along there to provide another outlet to relieve Johnston-Oehler Road as well. It also does have buffer areas along these few single-family houses. This is the Charlotte's Hope Church that is built on this property right here already and this site is actually under discussion as well at this point. There is a pedestrian connection that makes it way to a crossing of Johnston-Oehler Road going to the High School, as part of the improvements they have proposed.

Staff does recommend approval; it is not consistent with the Prosperity-Hucks Area Plan which recommends eight units for part of the site and four units per acre for part of the site. It will revise that plan, if approved, from that up to the 12 units per acres that would be proposed. It is slightly denser than the Plan recommendation; however, it does provide the buffers, it is also located adjacent to I-485, so it is in an area where single family may not be the highest possibility of development there as well. It does provide those street connections through. There is also a childcare center on the corner at that round-a-bout that would be a part of that as well. It does make provisions for pedestrian connections and other appropriate things to connect to the high school.

Walter Fields, 1919 South Boulevard said let me introduce John Porter from Charter Properties; he is my client and he and I have done more than one rezoning out in the Prosperity Village area. Nick Bushon from Design Resource Group is our Land Planner and has delivered this finely tuned site plan. Thanks to the staff for a couple of reasons; one is we began this process of the rezoning with the full expectation of having that street go through the site from east to west, but right at the very end, down where the round-a-bout is, was land owned by the City. It was surplus right-of-way that was acquired when that road project, the Johnston-Oehler project and the bridge across I-485 was done. We began working with the City back in February on the process to acquire that property, etc. and all of that stuff is now come together. We had to sort of take a pause on our rezoning to stop and add that piece on, because it wasn't originally part of our site, but it

is in fact the key to the development of this property in providing that parallel street that is called for in the plan. We met early and often with the community; I've been involved since before it existed with the Prosperity Village Area and have done a number of rezonings out there and know full well that they are attentive and sophisticated and want to be involved. We began that process months and months ago, and I think the fact there is not a room full of people behind me holding signs up in the air is indication of the work that we've been able to accomplish with them. There are no real site plan issues outstanding; we are going to add one little note dealing with some fencing along our single-family neighbors. That was something they asked for, and we are going to commit to put that on, but otherwise we don't know of any opposition to this request, and I'd be happy to take your questions.

Councilmember Phipps said I haven't heard anything either from the Prosperity Village Area Association, which means to me that they are okay with this plan even though it is inconsistent. I know they police the plan pretty assertively, so I'm pleased with that. I am familiar with this area, and one of the things in looking at our staff analysis and looking at the transportation considerations, I don't see any mention of the severe stacking that we are seeing on Johnston-Oehler Road as it relates to several schools in the area, particularly the Corvian School, and I just wanted to make sure in as much as the trip generation is up substantially from what is entitled from like 1,200 trips per day to about 3,100 trips per day. I want to make sure that we have a handle on those school pick-up cueing issues that we've had. We've had some on-site visits there with C-DOT and looking at that whole area, so I'm hopeful that we could get some sort of explanation as part of this petition as we move forward that whatever plans we have for those areas, if they are being adhered to in terms of what is required in their overall, cueing and pick-up protocols. I'm hoping that C-DOT can be able to address some of that right now for me.

Mr. Main said I want to point out that exists already, and that is not an impact of this project, and I should also mention that we do have this second street here that will provide some relief in some ways for that as well.

Felix Obregon, Transportation said the development can provide left turn lanes into the access point, which is going to be off Johnston-Oehler Road. They are also going to provide a pedestrian hybrid beacon, which is a pedestrian signal for pedestrians to be able to cross the road. That way instead of utilizing vehicles, they can just walk to both the High School as well as the elementary school, the school that is right across the access on Johnston-Oehler Road.

What the development is going to be doing as well as, they are going to provide some pedestrian accommodations at Prosperity Church Road and Johnston-Oehler Road. The biggest thing for this part of town is they want the community to be more walkable and as matter of fact, staff attended a public meeting on Saturday to talk to those different issues and concerns that the community had. One of the things that did come up is the cueing for the school itself. The petitioner has been speaking with the school on the cueing; C-DOT or Land Development will also be talking to our public service folks, so we can coordinate and have some additional conversations with the school to make sure that the cueing for the drop-off and the pick-ups are at the appropriate time. What is happening right now is parents are actually stacking up a lot sooner than they to be actually doing that. So, that is part of the issue that is happening right now.

Mr. Phipps said this whole transportation section then, I wouldn't mind getting some sort of write-up or narrative that these issues are being looked at in a prompt and timely manner as we move forward with it on a go forward basis.

Mr. Obregon said I can provide that in a follow-up report.

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

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ITEM NO. 42: HEARING ON PETITION NO. 2019-084 BY LAKE MATHER, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.18 ACRES LOCATED ON GREYSTONE ROAD, EAST OF SOUTH BOULEVARD, SOUTH OF MARSH ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is 0.18 acres on Greystone Road, east of South Boulevard. It is an existing single-family home going from R-4 to UR-1(CD) which is applicable to the future land use of the Newbern Station Area Plan from 2008, recommends up to four units per acre on the site. The Newbern Station Area Plan does have some TOD oriented uses just on the edge of Greystone Road that were part of the alignment earlier this evening. This parcel is one parcel removed, and that is why wasn't incorporated into the alignment as it wasn't recommended for transit-oriented development. The proposal itself is for one duplex or one two-unit townhouse, so it is essentially replacing one single-family home with a two-unit duplex. We have a six-foot sidewalk, eight-foot planting strip on Greystone Road, architectural standards as well for the project.

Staff does recommend approval upon resolution of some outstanding issues related to transportation, some sight and building designs and some technical revisions. It is inconsistent with the Newbern Station Area Plan for four DUA; however, it is still within a quarter mile of the Newbern Station on the LYNX Blue Line and allows for a duplex at the edge of the neighborhood to transition back into the single-family neighborhood, and we feel it is compatible with the surrounding neighborhood and some of the additional development that is going on, on the back side of Greystone Road where you can see we have a lot of residential at eight DUA on the backside on Belton Street. We do feel because of its proximity on the corner that this transition is appropriate. If we were further into the neighborhood we may have some concerns about that, but the transition out from single family towards South Boulevard, we feel this is a reasonable request to go from one home to a two-unit duplex.

Maggie Watts, 1318 Central Avenue said I am representing Lake Mather, LLC; it is a single lot at 315 Greystone Road, and the intention is go to from R-4 to UR-1 for a single duet. It is located on the east side of South Boulevard, about a quarter mile from the Newbern Station. The adjacent districts are O-2, R-8, R-4, and this is the same proposed land use map so right on the edge of proposed transit oriented mixed and R-4 to the inside and towards the neighborhood. Again, we are looking at this parcel that is just next to proposed TOD-NC. We are essentially looking to step down in use scale and district from South Boulevard commercial corridor to the proposed development with that TOD alignment, and this is just a conceptual elevation that echoes the architectural commitments that are going to be made.

Councilmember Egleston said this makes sense.

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

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ITEM NO. 43: HEARING ON PETITION NO. 2019-087 BY JDSI, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.8 ACRES LOCATED ON THE WEST SIDE OF HARRISBURG ROAD, SOUTH OF STARNES-RANDALL ROAD FROM NS (NEIGHBORHOOD SERVICES) TO R-8 (SINGLE FAMILY RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said 2019-087 is a conventional petition, 14.25 acres on Harrisburg Road. We are looking at a proposal from neighborhood services which allows a different mix of retail and neighborhood serving use,s and R-8 single family residential is the proposed rezoning request. Again, conventional and not a conditional petition. The adopted future land use plan from the East District Plan does recommend residential units for four DUA; it was amended with an NS rezoning that came forward in 2001 and 2003. We stub a small portion of this recommended for residential, but overall back in 1990 the original land use plan did recommend and envisioned this property to be a single-family residential land use.

Staff does recommend approval even though it is inconsistent with the East District Plan; it is consistent with that original plan recommendation, and it is consistent with the development patterns that are in the area. You can see we have quite a bit of MX zoning, then R-3 and R-4, so this is consistent with those current development patterns. It will update the future land use plan from DUA residential to eight DUA.

Judson Stringfellow, 3515 Dovewood Drive said this rezoning will actually bring this property back in line with the original MX zoning that was done for Kingstree back in 2000. It is a down zoning as a C-DOT noted in their review; it will generate about 5,000 trips per day less than if were developed under its current zoning. I would like to acknowledge and thank the Kingstree HOA Board and Dacey, the Property Manager, for working with us on an agreement to reincorporate the property back into the Kingstree HOA as residential once the property is developed.

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

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ITEM NO. 45: HEARING ON PETITION NO. 2019-090 BY CULP ROAD MATERIALS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 34.6 ACRES LOCATED ON THE SOUTH SIDE OF OLD DOWD ROAD, WEST OF I-485 FROM R-3 AND R-MH LLWCA (SINGLE FAMILY RESIDENTIAL, RESIDENTIAL MANUFACTURED HOUSING, LOWER LAKE WYLIE WATERSHED-OVERLAY, CRITICAL AREA) TO I-2(CD) LLWCA WITH FIVE-YEAR VESTED RIGHTS (GENERAL INDUSTRIAL, CONDITIONAL, LOWER LAKE WYLIE WATERSHED-OVERLAY CRITICAL AREA).

Mayor Lyles declared the hearing open.

Mayor Lyles said Mr. Main, would you explain critical area to make sure we are all thinking the same thing about lower lake watershed-overlay, critical area.

Kent Main, Planning said those particular critical and protected areas are elements of the water-shed, which are considered in need of special protection. The critical is the more stringent than the protected area, which we saw earlier is a little bit less, but the standards and restrictions on what you can build, the percentage of building coverage is restricted more. There are other requirements for best management practices and drainage that are applied over and above what is required generally around the City.

This particular property is just west of the Airport; you can see the Airport runway right there, and here is Old Dowd Road, and Old Dowd Road continues across the railroad tracks and continues on up and about. This is the Steel Fab Steel Fabrication Plant, this is a concrete plant that we just approved within the past year. It is sort of a wide- open area at the moment. It is zoned single family still; the current zoning is R-3, and they are proposing an I-2 with some very specific conditions and limitations on uses. You can see the adopted future land use, which actually calls for office, retail, and light industrial, but what is being proposed is a heavier industrial although it is restricted heavier industrial in the area. It is to allow a contractor's office and a number of other uses that might be proposed for this particular site. It is providing for a buffer around the edges where it still abuts some single-family property, and you can see the list of uses, junkyards, foundries,

medical waste disposal, etc. that are listed as prohibited uses within this area. It does maintain 100-foot SWIM buffer along a creek that does cross the property.

We are recommending approval upon resolution of a few more transportation and environmental issues. It is inconsistent with the plan which calls for a lighter amount of industrial; however, the proposed land uses are compatible with those two sites that I just mentioned. So, that is sort of the evolving way that this is developing. It is right adjacent to the Airport as a part of their strategic plan and provides for compatible industrial land around the Airport. Again, it will change the plan as I mentioned.

Susanne Todd, 1065 East Morehead Street said I am here on behalf of the petitioner in this manner, Culp Road Materials, LLC. The owner Mr. Sapon is here tonight as well. Mr. Sapon is owner of Express Logistic Services, a hauling/delivery company that does a lot of work for the City of Charlotte, as well as DOT. This is 35-acres of challenging property, and it has a lot of topography issues with it. The goal at this point is to have this property rezoned industrial and to begin the process of filling this property for development. What the ultimate goal would be is before any new vertical construction would begin on this site we would have to come back to you for a site plan amendment, so I think that is important here. As far as the compliance, we are complying with all buffer requirements, critical area watershed, over six-acres of tree save, practically speaking this property with 100-foot buffers against adjacent residential manufactured homes as well as other buffers against creeks. Other matters, really it is closer to 15-acres that would never be cleared and would remain undeveloped.

Mayor Lyles said as I look on the map, it seems like the property extends into the residential area; how far is that boundary Mr. Main, or how far is that property from Shalom Drive?

Mr. Main said here is the future land use map or the zoning map, so it is extending. You can see this piece of a triangle in there, and I can't tell you off the top of my head what that dimension would be, but that is the area that is within the R-MH, which is the manufactured home zoning district. Of course, it is all in R-3 zoned land, the remainder of it is R-3 today.

Mayor Lyles said I saw that. My concern is, we talk about housing and manufactured housing, there is very little of it left in the City, and I just wondered if that is a very active manufactured housing site. Do we have any idea about who is there now, or is it full? If you could just give us an idea on the follow-up report. I would assume that stub street would not be connected to anything ever with this rezoning versus extending more to allow for more residential development. I just wonder about that and what happens if there are homes on that site of the triangle.

Mr. Main said the plotted element of it is along the street, so this is not property that is in use now as I understand it.

Ms. Todd said that is correct.

Councilmember Ajmera said this is inconsistent with the plan but still staff recommends it, so I'm not clear on the varies there.

Mr. Main said as you see here from the adopted land use plan, it calls for a combination of office, retail, and light industrial uses. We are stretching the boundaries of what the plan said from there into a limited number of I-2 or heavy industrial uses. So, that is a little bit of a change or a little bit of a shift more intense in industrial uses than the plan would have called for. Again, the reason we are recommending approval has to do with the factors such as the Airport, the third runway, which has been constructed. The proximity to the Steel Plant, which makes it not a good place for residential necessarily, and again, right there just to the north is the concrete plant, which was approved within the past year. So, that combination of things leads us to say that we sort of shifted the needle here in this particular area.

Ms. Ajmera said the triangle at the top, is that I-2 as well?

Mr. Main said I believe that was I-2 for the concrete plant that was approved which with the relocation that you looked at some months ago.

Mayor Lyles said I noticed that the list of exemptions includes petroleum storage facilities; so, this is going to be a truck terminal. Would the tanks be above ground or underground?

Mr. Main said that is one of the prohibited uses.

Mayor Lyles said it says the petition proposes to develop it for a contractor with accessory storage along with other limited I-2 uses including truck terminal. If you have truck terminals, you either have above ground or underground tanks for fuel. So, I'm just wondering how that works. I'm assuming it is not going to be underground tanks on the property. Are we okay with above ground? I'm just asking a question about if it is for trucks.

Mr. Main said the list of prohibited uses, I'm referring to page 2 of the staff report, petroleum storage facilities are one of the prohibited uses. So, it will not be used for that purpose.

Mayor Lyles said so, trucks won't get their fuel on the site.

Ms. Todd said that is correct.

Mayor Lyles said okay, I just never saw a place where there was a truck terminal, and it didn't have fuel tanks.

Mr. Main said we are talking in terms of petroleum storage so that would be big tanks of product.

Mayor Lyles said I would like to understand the critical area for the water-shed and how the fuel would be stored on a site for a truck terminal. That is my question.

Ms. Ajmera said I-2 is heavy industrial from I-1; are there other intensive uses. Is it I-3 or do we have such a –

Mr. Main said there is essentially the two; there are some other industrial uses, for example, distributions, which are not exactly the same thing, but it is essentially I-1 and I-2.

Ms. Ajmera said this is the most intense that it could get, the I-2?

Mr. Main said right, but it is provided with this list of prohibited uses that would be removed from the list of possibilities.

Ms. Ajmera said what rezoning would those uses be permitted?

Mr. Main said essentially all other industrial uses, other than the ones that we are explicitly prohibiting by means of this conditional plan would be permitted, including contractor storage.

Ms. Ajmera said I guess I'm asking you a different question; I'm saying the ones that are prohibited in this I-2, which is the junkyards, medical waste disposal, what zoning it would be allowed if not I-2?

Mr. Main said it would be allowed in I-2 zoning, but for this restriction which says we will take the I-2 list, and we will strike those off it.

Ms. Ajmera said is that because it is closer to residential?

Mr. Main said right.

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

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ITEM NO. 46: HEARING ON PETITION NO. 2019-091 BY RAMON ADAMS FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.6 ACES 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).

Mayor Lyles declared the hearing open.

Kent Main, Planning said this is 2.6 acres, and it consist of two single-family residential lots, fairly large lots along McLean Road; here is Old Concord Road, and it is just down the way here. The surrounding uses McLean Road Baptist Church, and here are a couple of new subdivisions as well. This is proposed to go from R-3 to R-6; here is the view from above, and here is the existing zoning R-3. There is also some R-8 up here and R-12(CD), which is an older PUD kind of development, and you can see multifamily across the way. The adopted future land use here is specifically in the Rocky River Plan and calls for six units per acre, and that is why we are recommending approval of this. It is consistent with the plan, and the Rocky River Plan actually talks about a balanced mixture of uses. Use see those other kinds of higher density uses that are along the road already in place, and it is adjacent to other uses that it fits in with.

Ramon Adames, 18633 McLean Road said I am one of the petitioners along with Mr. Rondon; we own the parcels, and I live in one of the houses, and I plan to continue living in one of the houses. The purpose of this rezoning petition is to allow a better use of the land to offer a balanced mix of land uses and affordable housing opportunities. You see high-quality design principles and following and up to date all urban and architectural standards. We have seen already the positive impact that the adjacent development Michael Crossing has done to the area, giving a fresh look to the neighborhood and improving the value of the existing houses. That is why we propose this.

Michael D. Brown, 10003 Michael Crossing Drive said I am Vice President of Michael Crossing Homeowners Association; we have a concern, and it has to do with traffic primarily. Right now, especially in the rush hours, it is very heavy traffic. We get constrained of course by the railroad, which when the train comes by it does cause congestion. One of my concerns would be as people would leave this area, now you have individual homes along the street, but now you have another neighborhood of some housing feeding out of that development going into McLean Road, and as it stands now McLean Road is very congested in the morning and also in the evening. We've had some concerns over at Michael Crossing with people being reckless and driving through that area, and we've had a couple accidents during the time I've been there. I guess my question would be if you add additional housing and increase the density of the population in our area, at what point do we reach the breaking point as far as traffic being able to get in and out to McLean, because all the houses that are over here they all have to go through that one entrance across the railroad track. There is no alternative to get down to Harris.

Mayor Lyles said where is the railroad track Kent?

Mr. Main said the train track is right here.

Mr. Brown said it runs parallel to Old Concord Road. That basically is our concern that traffic and safety, the additional congestion that we will and also there is going to be continued development in that area, how are we going to relieve that congestion long-term? This is only the first, and there are other areas that will develop there, and the

question I would ask the Council is at what point is McLean Road just simply not going to be enough?

In rebuttal Mr. Ramon I may agree on what he is saying here; there is traffic there, but there is a lot of land there and not only on McLean Road but also in the John Russell Road area, and the developments that are going to come from John Russell Road, they choose to take McLean Road as a short-cut, and it is going to create a problem. It is not a problem that I'm going to create with my development; it is a problem that the City may have at some point based on the development that is going to happen all around the area, and there is another option. It is not on the train track it is also the crossroad that can be taken depending if you are going north or south to the City, but again yes, there is something that will have to happen, but there is a lot of new developments happening in there John Russell Road area and Rocky River Road, and people sometimes choose to use McLean Road as a short-cut, but at the same time, the document that we have chosen that transportation, DOT chose that so far that our petition wouldn't affect the traffic in the area.

Councilmember Ajmera said is Old Concord Road a state-maintained road? I believe there is only one-lane in each direction, and I know that it backs up all the way because of the rail tracks. Are there any plans to expand that road?

Felix Obregon, Transportation said right now, there are no plans to expand Old Concord Road; NC-DOT is widening NC-49, as well as extending eastern circumferential, which will go over the railroad tracks and if we were to zoom out actually this subdivision ties all the way to the eastern circumferential, so that will provide another relief valve for all the residents in the area right here. While there is not an intersection project at Old Concord and McLean Road, the State will widen NC-49 to provide additional capacity. What is happening right now, some of the traffic uses Old Concord Road, but once 49 gets widened that should provide some relief and will also provide another connectivity for the residents in the area.

Councilmember Phipps said I know there have been some improvements to Old Concord Road. I think they have added another traffic signal at the interchange coming off the ramp from W. T. Harris Boulevard onto Old Concord Road and then you have the signalization that is near the other ramp that would go towards Tryon Street there on W. T. Harris Boulevard. I have a question for the Michael Crossing Representative; that is a fairly new subdivision there. How many homes are in that subdivision? That subdivision is only like a few feet from this proposed petition, but how many houses are in that particular subdivision?

Mr. Brown said I would say at least 25.

Mr. Phipps said and that is single family?

Mr. Brown said single-family, detached homes.

Mr. Phipps said I noticed the entitlement is 70 trips but this proposed rezoning is 150 trips; in my mind, I don't know that that would be significant enough to impact the traffic that is already going through there now. That is one thing that struck my mind, and the fact that I guess there is another 25 houses that is fairly new and is close to this. I'm trying to figure out, would the traffic impact be as pronounced as you project it will?

Mr. Brown said one thing to consider, I know there was discussion about widening NC-49, nothing being on Old Concord Road; keep in mind, there is an impact. Like I said, that is a railroad track; that trains comes traffic stops. So, what I would be concerned about, that traffic will back up beyond Faires Farm Road; you are going to have another entrance coming into McLean Road. Our concern is not just the immediate but long-term, and I think we both admit that as development increases there, you have one way out, which is McLean Road with a train that comes across there periodically that stops traffic cold. One thing that you would observe in the morning is getting out of there and also when people are coming down Old Concord Road, even though there is a light over Harris, when it comes from the other direction there is putting it mildly, a backlog making

that left turn. That is all because McLean Road is the only way in and out across the railroad track, and the next entrance is further down, almost to I-485 on the other side, and you have to go all the way back around Miller Acres Road and go all the way back around that way, but if you are just coming from these houses in this area, Faires Farms Road, Michael Crossing and the other development, the apartment complex that is across the street what you are going to have is as that area continues to grow McLean Road is just not enough. We are expressing a concern about this development, but there is a longer-term issue; as you increase the density of housing in that area, it is going to take a very congested road already in McLean Road, and just keep making the situation worse, because there is nothing to alleviate that traffic, and we are just expressing concern now.

Mr. Phipps said I understand that and I appreciate your concern, and I would be just as concerned. I think you probably just described what occurred when Michaels Crossing was built, because that was a new road that intersects McLean Road that is not too far from the McLean rail crossing. So, it is one of those dilemmas that we have to go through. I'm hopeful that as more development occurs there; that is a farm to market road, McLean, and there is not much work being done on those farm-to-market roads. We will see what happens.

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

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ITEM NO. 47: HEARING ON PETITION NO. 2019-093 BY 406 W. 32ND, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.12 ACRES LOCATED OFF WEST 32ND STREET, OFF NORTH TRYON STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL PROVISIONS).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just over 2 acres on West 32nd Street off North Tryon Street, and a little further down you've got Atando Avenue off to the north for this particular case. The existing zoning is I-2, and you can see I-2 is the predominant zoning district and I-1 along Enterprise Drive, but mainly this whole general area between North Tryon Street and Atando Avenue is all zoned I-2. This petition is for a MUDD-O request, the North Tryon Area Plan recommends industrial uses for this site, and the majority of the area we just looked at that was zoned industrial, and you can see there is not much change when you go between the two in terms of existing zoning and future land use. Again, this is a 2010 Area Plan that recommends industrial uses. The MUDD-O does all for all uses non-residential in the MUDD District, six-foot sidewalk, eight-foot planting street being proposed along West 32nd Street as well as existing building to remain, and it is an optional provision to reuse that existing building adaptive reuse. We have parking to remain in the front on 32nd Street, as well as past that building façade. Those are the optional provisions involved.

Staff does not recommend approval of this petition; it inconsistent with the North Tryon Area Plan that recommends industrial warehouse distribution. We do feel this area is still dominated by heavy, active industrial uses. There has been some transition of those uses, and those have been further up along the North Tryon frontage. This area is dominated by those industrial uses including an active Norfolk-Southern Rail Line, and we feel like this proposal for retail, office, eating and drinking entertainment uses with outdoor athletic fields are kind of recreation areas could be fairly incompatible with those surrounding active industrial uses, and therefore we don't recommend approval.

Russell Ferguson, 2254 Farmington Lane said I am here on behalf of the petitioner for this rezoning. As mentioned, this is an adaptive reuse of an existing building. As you might expect, I definitely disagree with the opinion that it is not compatible with this use. I've stood here many times with industrial buildings making a similar transition as this and most of them have worked out very well. In this adaptive reuse project, we have the

support of Graham Heights Neighborhood; they think it will be a useful amenity to have near their residential neighborhood, which is a part of the plan and is encouraging and protecting that residential area as development occurs. I want to thank staff for working with us on the project. They don't have an easy job. We have a few minor outstanding issues. I think we will have them all resolved except for our difference of opinion regarding the North Tryon Area Plan.

To highlight a couple benefits of the project, it improves the street; it provides quite a bit of parking. It is compatible with industrial uses next to it, because there is a very wide road here that will allow for overflow parking to work on that street. It is in an area that is far enough away from residential, so it as not to cause noise disturbance. The road itself doesn't connect to the single-family residential area, so it is not likely to cause traffic issues there. Thirty-Second Street has a stop-light signal on North Tryon Street as well. This is about a 20-minute walk and five-minute bike ride to the 36th Street Area Station right now. When the Little Sugar Creek Greenway is done, you will walk across North Tryon Street on 32nd Street, be able to attach to the Greenway which will put you about a half-block from the 36th Street Station.

I think one of the issues is while we recognize that it is marked as industrial on the North Tryon Area Plan, which is from 2010 but originally based on 2008 information; the Plan itself in its words speaks about the industrial uses on Atando Avenue, which is across the creek behind this lot and a railroad track. It is isn't connected by the roads; it is kind of a separate area, and I understand while it would have been included together at the time, but the industrial area on Atando Avenue is much more active. On our street, which is entered into by going past NoDa Tap Room and Brewery, which has been a very successful and very similar use to this. There are also two churches, Ben Marion and an exercise facility in these old industrial uses that are taking up space but haven't come in for a rezoning. The plan itself references, and this is a quote, "because much of the Plan area is recommended for a mix of uses there is considerable flexibility in the placement and allocation of land uses to accommodate the changing demand patterns including higher utilization for industrial uses if needed." I think you guys got my e-mail today, so I will leave it mostly at that and the premise being that you can plan a pretty picnic, but you can't predict the weather. The weather in this area has changed; the man patterns have changed in 10-years, and we think it merits this very minor change. I think 700-feet from where retail and office uses are in the North Tryon Area Plan, and this is not a major deviation from that. So, we would encourage you to join us and the neighborhood and support this plan.

Councilmember Egleston said I would just quickly reiterate the President of Graham Heights Neighborhood Association couldn't be here tonight, but they are in support and they see this as a potential amenity for the neighborhood in an area where there are currently not a lot. I can speak to the fact that NoDa Brewery taking over the Spies Vinegar Factory; not only has been amenity to the neighborhood and they have opened up their doors to hosting community events and things like that, but they actually won a preservation award for that project. This is in an area that has got some precedent for this type of development, and frankly, I know we are debating the merits of when we take away industrial zoning, I know that we do have some need for that in some areas of Charlotte and I know that North End has historically had a good amount of it, but I also know that North End has been historically disinvested in the quality of life and the air quality and having lots of the trucks that industrial uses attract is not great for the quality of life for the folks that Dr. Harlow and I represent in the North End. I think that seeing investment in the North End is something we should be excited about, and I guess my one question would be for staff. There is eight outstanding issues, most of two through eight looks pretty minor, and I imagine most of those could probably get worked out, but even if all of them did, it is outstanding issue #1, the land use. Staff is not going to come around on this just because two through eight get fixed. Is that correct?

Mr. Pettine said I believe that is correct at this point. We will still work with the petitioner and see if there are any other things we can do to have a different lens to view this through. Right now, that is where we are with it, and we feel this a little bit too far down 32nd Street and a little bit too outside of what that framework would be, maybe closer to

North Tryon Street to recommend some uses like this, but we talk about the benefit back to the community, but I'm standing here looking at the aerials and some of the overheads, and I'm not sure how the community gets there without getting all the way back down to North Tryon Street and back up. So, if there is maybe some ways that there can be some kind of pedestrian interface to this use, it is something else we could consider, but right now I see that it is still very cut off from that community even though they see it as a potential amenity. I certainly understand that but as far as access to it, it would be vehicular, and it doesn't seem to be pedestrian at this point. So, I feel that right now we haven't seen the full transition to this area, and this may put a little pressure where that area may not quite be at the stage to fully transition at this point, but certainly we are willing to have some more conversations and see what else can be put on the table for our consideration.

Mr. Egleston said one thing to your point about connectivity that would be interesting to see is if there are any potential or future plans for connecting Popular Street to 31st Street where 31st Street dead-ends. That is not a question for now; that can be something for later, but I think if the petitioner continues to work through the other smaller outstanding issues I would certainly interested to talk more with the neighborhood and hear from the Zoning Committee, but I think we will be faced with a decision simply based on do we want the North End to continue to be primarily industrial, or do we want to see it start to transition away from that. Maybe a philosophical question that some of us will disagree on, but I'm certainly open minded to hearing it out in this case.

Councilmember Winston said of course we are always wrestling with plans becoming out of date, and this one was from 2010, but a lot has happened in this area since 2010. We know that it is growing; there are improvements being done just to south of it that is going to spur some development. You see now that 36th Street is now back open and that station we are anticipating growth there, just seeing how this neighborhood has really changed over the past decade since this plan was put into place. How do we wrestle with something like this? We know that we need this industrial area; it is a very industrial place right now, but if you look on the other side up and down the North Davidson Street corridor, it probably will look more like this part of town a decade ago, and you see how that side of town has developed, and I would anticipate you are going to see something like that type of growth in the next decade on this side of town. Are we addressing this in the Comprehensive Plan; how do we wrestle with something like this?

Taiwo Jaiyeoba, Assistant City Manager/Planning Director said part of the outcome of growing better places came to us however requesting everyone or most who played the game did not favor expanding industrial square footage of industrial development into all the geographies in the City. So, if that holds it means, that we are pretty much set in terms of where we have our industrial development. So, the more we encroach into those places, the more we lose the industrial footprint. I'm particularly concerned about this, because of its location safety issues, especially where it is surrounded by other industrial will go there on weekends and late in the night and things like that. The more you entertain that, if you succeed, which I hope it does if it goes through then you will be having more of that happening, not just here but elsewhere. If it does go through, then you are going to have likely more people wanting to do the same thing. I'm saying it is a situation where we are hearing that we don't want industrial development in other parts of the City; we should just keep them where they are, the more we encroach into those industrial uses, the more we lose the opportunities for them. On the flip side of it is to hear that Charlotte is a major hub for logistic industrial type of uses, so we don't want to lose that advantage. Great concept but perhaps maybe not the best location in our opinion.

Mr. Winston said but you still wrestle with the fact that people like to live in this area and people are going to continue to move there, and they are going to want to do things. You have a lot of adaptive reuse of old industrial buildings in this larger vicinity around this site, and again, how do we wrestle with- We can write all the plans and policies that we want, but if people want to go there, they want to go there. So, how do we plan for that?

Mr. Jaiyeoba said I don't have the answer for you, because market will demand certain things and will dictate certain things. What I want us to be mindful of those bigger or

umbrella policy issues in terms of what percent of industrial land do we have. How much have we lost in the last five-years alone? Can this type of use or another one similar be going elsewhere as the function well? Will people continue to choose to live in rather than live out? I think those are the questions that we have to deal with and those questions eventually frame the policies that we come up with before we can truly address this.

Mayor Lyles said I think that is a great point. I think about Seigle Avenue and where we are and those facilities; if we couldn't replicate our services to do the delivery of things so if you don't keep some of that I-2 land close by your deployment, your costs go up. You have to go outside, and it is pretty inefficient, but I see the same thing especially in a lot of your District 1, and some of the other Districts that are having this issue, but I do think at some point if we actually looked at the future growth of what we are doing a lot of times we have a Center City Plan, but we don't have an industrial trucking plan and thinking about the services that you can't expand Seigle Avenue anymore, but yet we've got more household units to pick up and provide the services to, and I think that these kind of places are really endangered, but it comes at a cost and the cost of additional traffic for those types of uses and higher cost usually for everybody to pay. Is it a possibility to actually look and determine if there is some analytic around the ratio of appropriate industrial use to residents and if we have that even if it weren't for the whole City. What if we did it for inside the I-277 loop or looking at households or the places that generally we would call our revitalized or rezoning areas? Because I do think just in looking at this, it is a tough call. We need some metric that gives us some sense of what we are going to do, because it is higher expenses for everyone if we don't have industrially zoned property to provide those services that are that way. I don't know if you chunk this off instead of trying to do the whole thing, because the whole thing doesn't really matter; it is just too global sometimes.

Mr. Egleston said I was going to make one more point similar to yours and Mr. Winston underscored this. We have talked about this a couple of times, and if there has been something kind of comprehensive pulled together or presented to us, I don't recall seeing it, but I think I would maybe expand on your geography there, because inside of the I-277 there is probably next to nothing other than maybe over near the Music Factory, but I would maybe stretch it out two or three miles from I-277 and say, these are the area that we know we are going to invest in transit. We know we are going to invest in all sorts of connectivity, and people want to be in these walkable/bikeable neighborhoods. This is where people are going to continue to move, and we are going to continue to have increased density in housing. I would love to see the Planning Department working with Economic Development Department to say, what are we losing out on as we eliminate industrial in the larger Center City area in terms of business opportunity, and what do we gain in terms of analyzing everything from the tax base of these areas to the livability of these areas to how attractive we are as a community for business? I think that would be a worthwhile exercise and something where we don't have to have this conversation every time this comes up, but we can have a more- Maybe we need a plan to your point that says this is our industrial future plan, and this is the amount we think we need now and in the future, and this is where it should go and maybe two miles from uptown isn't it anymore.

Mayor Lyles said I remember too often we forget about the services that have to be done and delivered and the construction that is required is such an interesting thing, but I also looked at this idea that we are not going to commit to on-street parking. If it is walkable it is walkable, and if it is not, why are we putting on-street parking for it? So, I don't get that part at all. You've got the conditional note about we are going to give on-street parking, but that just seems to me in your District and your neighborhood. It just makes no sense to me, so I just have to say I see what they said it is kind of like we will let you do it, but we can't guarantee forever. I would rather it be you do it, or you don't do it. It just doesn't make sense to me in that area where we already have booting and all kinds of other things going on.

Councilmember Mayfield said what I wanted to share when we talk about the parking piece, the study from South End showed that 73% of the residents in South End drive.

So, when we think about public transportation and access to light rail, those who are moving into the housing developments along light rail are not necessarily the community that uses public transportation as their primary mode of transportation. They use public transportation as a luxury; most of those individuals are driving, because we are not at the same time locking in more of a differential in the rents.

Mayor Lyles said it is all about the money, and if you have to pay for it you might use transit.

Ms. Mayfield said if you think about the parking, saying no parking, or limited parking look at the reality of what is already going on, on the ground, and South End is a prime example, because language was not put in place to protect it.

Mayor Lyles said the other thing about it is, you can protect parking, or you can make it so expensive that it gives you an incentive to use transit. I also on the other hand, also know that transit isn't always convenient [inaudible], so we've got a lot of work to do there.

Councilmember Ajmera said I struggle with this one; have we seen petitions in this area for mixed use, or is this the first one we have seen? Is there a trend where we are not seeing more industrial usage and now more demand for mixed use?

Mr. Jaiyeoba said I don't know; maybe David could –

Mr. Pettine said we may see some reuse of buildings under the current zoning that may be less industrial in nature but still fall in the industrial category. The only rezoning we've seen in the area is a pending rezoning, 2019-058 that is just a little further out from the site, but that is the only rezoning in the last five-years that has occurred out there that we captured in our staff report. There may be a few others that pre-date that before 2014, but I would imagine most have been adaptive reuse under the current zoning. We haven't seen a lot of zoning requests, but like I said we could have seen other zonings where the buildings were reused.

Ms. Ajmera said that one is for multifamily.

Mr. Pettine said correct, so there haven't been any real mixed-use requests for property in this area in the last five-years.

Ms. Ajmera said Mr. Ferguson, why this site?

Mr. Ferguson said I think one of the things being lost here, because I work with a number of clients across the spectrum. This building itself has had a number of industrial uses that have failed and gone under. It was vacant for a period of time, and that is the case with a lot of the industrial property that is being talked about as being endangered. The property tax values have gone up on this land, and that will push the industrial uses further away from the center of the City regardless of whether they are zoned industrial or what because their price as a tenant is included, and the real estate taxes are involved in it and the cost of the traffic and the other things.

We are not a land locked City like many of the cities that are near water that are trapped in one direction. We have expansion areas for property, but if you drive through this area and you can see it from this picture. On Atando Avenue, you have seas of junkyards that are, not being utilized as industrial properties. We talk about the loss of industrial property, and there is maybe eight-acres of junkyard that you can see just in this picture, which is a very zoomed in picture. So, why this site for my client was its opportunity to be able to do the outdoor uses. The size of the non-building area of this lot allowed for them to be able to do the outdoor activities that they wanted to include as a part of their business. It allows for us to park it with a 50-car parking lot. The 50-car parking lot that we have there for this use, and most of that outdoor area space will be used for a field/turf type use or something if you imagine how BBGB has evolved with all of the outdoor volleyball courts. So, it is intended to be an active use; it is intended to have overlapping use with the neighborhood, and we haven't been advocating that people would

necessarily walk up but as someone that has played sports maybe longer than they should have Driving 25-minutes to get to a piece of field in Ballantyne or other places is very challenging. So, this puts that amenity close to an area that would like to have it, hence the support.

Ms. Ajmera said the other industrial sites nearby that you have I-2; are they all actually currently being occupied and currently being used?

Mr. Pettine said we haven't done an occupancy study but just from the aerials looking at what we've got going on. We certainly can go out and do a little more field recon and provide you a follow-up report. There has been some; we've got an animal clinic that has opened up down here, and of course NoDa is down on the corner. So, even if there are some uses that are ongoing they may not be as industrial in nature, but you can see there is a vinyl product there. We've got some auto-related uses that we've shown in the staff report, and it looks we've got some other occupied buildings up along this side. We would have to go back; we haven't done an occupancy study, but we could go out and do a more field recon and get you some info in a follow-up report as to what is active and what is not.

Ms. Ajmera said that would be helpful.

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

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ITEM NO. 48: HEARING ON PETITION NO. 2019-094 BY ANDREW PARKER FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.41 ACRES LOCATED ON THE EAST SIDE OF NORTH DAVIDSON STREET, NORTH OF CHARLES AVENUE AND MATHESON AVENUE FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is little under half an acre on North Davidson Street. We are looking at UR-2 conditional zoning request. It is zoned R-5 zoning currently, and you can see there is UR-2 conditional right next door. Essentially, this proposal is looking to almost replicate in a way the development that occurred next door in terms of the building type and development type that would be developed on this proposed property. It is part of the Blue Line Extension Station Area Plan; it does recommend residential up to five DUA. This proposal is for six attached single-family residential units, townhomes at 14.6 DUA. We do have widening of the side walk and planting strip along North Davidson Street. We have some architectural elements, limit building height to 40-feet and provide five parking spaces for guest of the residents. As you can see, the building patterns in this site plan, the building envelope is fairly similar in size and scale to the building envelope next door which is also UR-2.

Staff does recommend approval of this petition upon resolution of outstanding issues. It is inconsistent with the five dwelling units per acre in the Blue Line Extension Area Plan however, moderate density may be appropriate in some locations. It will meet some community design standards found in that Transit Area Plan I think that supports the higher intensity uses that are seen along the corridor recommended in the plan will also protect some of the residential neighborhoods, provide an opportunity for some additional housing, it is also consistent with some of the land uses that are surrounding the property. At this point, staff does recommend approval upon those outstanding issues being resolved, and it will amend the Blue Line Station Area Plan from five UDA to 17 DUA.

Councilmember Egleston said this use makes a lot of sense here, but have you had a chance to connect with the four adjacent Charles Avenue property owners?

Andrew Parker, 5609 Sharon Road said we've connected with three of them.

Mr. Egleston said with the buffer and fencing that you've got in this plan, the three that you have connected with have been comfortable with it?

Mr. Parker said yes sir.

Mr. Egleston said if you will make one more attempt to connect with whoever that fourth homeowner is I would appreciate it. They are really the only four that are going to be directly impacted by this project, and it is a logical use in this stretch of North Davidson as you kind of enter into NoDa. So, I appreciate the effort to connect with the three that you have. Hope you will be able to connect with the fourth or at least make another attempt at it.

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

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ITEM NO. 49: HEARING ON PETITION NO. 2019-097 BY ARDENT ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.02 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET, SOUTH OF BLAIRHILL ROAD, SOUTH OF CLANTON ROAD, EAST OF I-77 FROM I-1 AND I-1(CD) (LIGHT INDUSTRIAL AND LIGHT INDUSTRIAL, CONDITIONAL) TO TOD-TR (TRANSIT ORIENTED DEVELOPMENT – TRANSIT TRANSITION).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 17-acres on South Tryon Street; general context from a zoning standpoint, we've got I-1(CD) here, B-1, R-22, R-5, TOD, I-2 here, a lot of these properties are directly adjacent to TOD-M(CD), those were not brought in as part of the realignment that we had talked about earlier this evening; However, there are some properties up here along Tryclan Drive and Clanton Road that were, as well as some of the others down further out. You can see we've got this kind of South Tryon Street is a little bit of our boundary in terms of the recommendations for TOD uses. Here is the Blue Line; here is Scaleybark Road. About a half mile to the edge of the property that we are looking at this evening, so we do have some proximity to the Scaleybark Station.

The adopted future land use in the area plan and why this wasn't included in the alignment was because the recommendation for an office, industrial warehouse distribution. The proposal in front of us this evening is for a TOD-TR; the TR District is envisioned as a district that would work well and provide the proper transition to some of these single-family residential uses that are along Bowman Road. The petition actually came in as a MUDD option, or considering to go for a MUDD optional; as we looked at the opportunity to have 17 acres within this area where we have TOD uses and we considered potentially a TOD District, we figured that the TR District could provide the type of transition to better protect this residential component but also giving us a better design and overall outcome of the site to program 17 acres in this area is a bit of an opportunity and we felt the TOD design guidelines would actually better serve the overall development of the site, provide us a little bit of a better street network between Blairhill Road and South Tryon, as well as get the design standards that would work well with the TOD types of development that would happen between Tryon Street and South Boulevard. This area between South Tryon Street and I-77 is a bit of a challenge area for us from a policy standpoint. At this point, we do have a lot of interest in TOD development between these areas. As staff is getting those types of discussions going with potential petitioners some of the one-off sites are probably less inclined for us to look at a potential TOD, but again having a 17-acre opportunity, we felt that the TR District provided us with probably the best overall outcome for uses designed and future road connectivity rather than a MUDD District. So, that is why we have that recommendation or that zoning classification being requested this evening.

Staff is recommending approval; it is inconsistent, but again within that half-mile walk of the Scaleybark Station that TOD-TR will provide that transition and transit supportive development in the area. It will amend the future land use plan from that office, industrial warehouse to transit oriented development, but that is just a little bit of background and some high-level discussion on the policy framework that we viewed this through to get to that TOD-TR zoning class.

John Carmichael, 101 North Tryon Street said I am here on behalf of Ardent Acquisitions. Tyson Riley with Ardent Acquisitions is with me tonight and available to answer any questions. This is 17-acres on the west side of South Tryon Street, south of Clanton Road. This is an aerial of the site; you may recall there is a fitness center and a driving range here. It is currently zoned I-1 and I-1(CD); there is some TOD to the east on South Tryon Street. The request is to go from I-1 and I-1(CD) to TOD-TR to accommodate transit supportive uses on the site and conformity with the design and development standards with the recently adopted TOD Zoning Ordinance provisions. I think Mr. Pettine did a good job of going through those in some detail. The front of the site is within a half-mile of the Scaleybark Transit Station, and there was some discussion at the lunch meeting today about the TOD realignment, and you can see this is the site and then you all have entertained rezoning on the parcels on the east side of South Tryon Street that are colored in burnt orange or yellowish color to TOD. The TOD-TR, the ordinance provides that it can be applied within a mile walking distance of the transit station, and this is within a half-mile. The TOD-TR is a good district to transfer from higher intensity TOD Districts, such as those across the street to adjacent neighborhoods. We are appreciative of the staff support; this is a conventional rezoning request, so there are no outstanding site plan issues. We are happy to answer any questions.

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

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ITEM NO. 50: HEARING ON PETITION NO. 2019-099 BY TOWNES MOZER FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.33 ACRES LOCATED ON THE SOUTHWEST CORNER OF SOUTH TRYON STREET AND GRIFFITH STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT (NEIGHBORHOOD CENTER)).

Mayor Lyles declared the hearing open.

Davie Pettine, Planning said this is at South Tryon Street and Griffith Street; very similar in terms of this is the Lenny Boy Brewing Company out here and very similar in terms of the rational that we use as we've got I-2 zoning, R-22, other I-2 zoning as well and some MUDD-O zoning out here. The proposed zoning is TOD-NC; as you can see, we've got the Newbern Station Area Plan does recommend again office, retail, and industrial on this side of South Tryon Street. We have TOD uses and recommendations for these uses right across South Tryon Street including a mixed-use recommendation right across the street. So, in looking at this site mainly what would be probably an adaptive reuse or continued use of the building. TOD-NC is being proposed. Staff doesn't have any significant concerns with that, and we feel like it would still be compatible with either the TOD zoning that is around it while allowing the building to continue to be used for what is going on there currently, and if we do get redevelopment it will be in a manner that would be transit supportive. Staff is comfortable with the TOD-NC request, and we recommend approval even though it is inconsistent; however, the rational is the same from the last case, close proximity to the station area. The plan does note that the block could be converted to TOD if all properties are consolidated, even though that hasn't happened I think that is the direction that things are going in this general area. So, NC I think would apply appropriately and so recommend approval.

Townes Mozer, 3000 South Tryon Street said I am the owner of Lenny Boy Brewing Company, and I'm here to answer any questions you might have.

Councilmember Mayfield said this is more of a statement to staff and to our Planning Director; if we go back nine rezonings, going back to 2014 that have been in this area, it was all formerly industrial. We just spent quite a bit of time having a long discussion about losing industrial. I have said this once before; the South End corridor seems like this has been the Guinee Pig area; I'm not speaking directly to this, but this is a good one to challenge. The challenge is we don't get to challenge TOD, but if we are going to say that we need industrial and then if it is within a half-mile of TOD, at some point as you are creating the UDO, we have to look at the fact that it is our language that is creating some of these challenges that we are going to be facing in the future with trying to identify industrial land when new development comes in, builds housing and then in a decade or a decade and a half we transition back out again, because all you do is you move in or you move out. We have to at some point really look at the impact of what our language is doing with TOD.

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

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ITEM NO. 51: HEARING ON PETITION NO. 2019-100 BY MATT CONNOLLY-PIKE FOR A CHANGE IN ZONING FOR APPROXIMATE 1.01 ACRES LOCATED ON THE WEST SIDE OF SEIGLE AVENUE AND SOUTH OF MCADEN STREET FROM I-1 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, CONDITIONAL.

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is one acre on Seigle Avenue; the proposal is from I-2 general industrial to MUDD-O mixed-use development, optional. You can see the current zoning in the area MUDD(CD), MUDD-O, B-1, some residential. This is the Ott Street building that is City owned. We have Cityscape Drive with UR-2 and then residential components and R-22 on the backside of the property in the area. The adopted future land use, Belmont Revitalization Plan 2003, does recommend residential up to 22 DUA. This is a mix of uses on the site; it does commit to preserve and up-fitting two existing buildings to be used as retail office space. One additional retail office building not to exceed 8,300 square feet, 12 residential units within three additional structures with one affordable unit that would be provided as part of those 12, nothing taller than three-story or 40-feet. Architectural standards, building material included, limit blank expanses and things of that nature for architectural standards and it does commit to an extension improvement of Van Every Street to its intersection with McAden Street, so this would be this connection here so Van Every Street would connect back through. So, that is the proposed plan.

Staff does recommend approval of this petition upon resolution of some outstanding issues related to transportation. It is inconsistent, but we do feel that the adaptive reuse satisfies those guiding principles of the Plan and feel that the 12 dwelling units that are on there is less than the 22 DUA. The inconsistency is mainly in adaptively reusing those buildings for retail and office uses rather than the residential density; that is the main inconsistency, and staff does feel comfortable with the petition as presented.

Paul Pennell, 2219 Wittstock Drive said I am with Urban Design Partners, and I'm here representing the petitioner, Pike Properties. Pike Properties is going to be a tenant on site; they are a single-family developer here in town. The site, as it stands right now as the crow flies, is approximately one-half mile from Optimist Hall located at the corner of Seigle Avenue and Van Every Street. The site is current I-2; we are requesting a rezoning to MUDD-O. The site as it stands today, most of it has actually gone through a land development permit review. It has been approved, and that is identified by the cross-hatched area that you see that is the majority of the entire site. The additional areas, which includes a three-story office and the 12-townhome units is the purpose of the rezoning. We are also committing to an extension of Van Every Street the site plan as

shown. In keeping with everyone's time this evening, I will wild you with some models as I roll through these. I am here to answer any questions that you may have.

Councilmember Egleston said this is a good project.

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

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ITEM NO. 52: HEARING ON PETITION NO. 2019-119 BY RMK BUILDERS FOR 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is a pretty standard request, R-8(CD) going down to R-5, which is the predominant zoning surrounding the area. We do have an R-8(CD) across the street. The main reason is there was a caveat to this plan that was on the R-8(CD) originally that discussed having to retain the existing home that was on this property that looks like it will be split out and different lots created going back to this R-5. That is really the main reason is to go back to the R-5 zoning that was originally in place. It is consistent with the rest of the zoning in the neighborhood and surrounding area and really be able to rebuild a home on that lot that doesn't require to maintain that structure that was existing from the previous rezoning. It is consistent with the Plan; we do recommend approval, and no outstanding issues as it is a conventional petition.

Maggie Watts, 1318 Central Avenue said I am here representing the petitioner, RMK Builders and I will be happy to take any questions.

Councilmember Egleston said the only thing on this one of note is obviously the house has some history and some age on it. I've been in the house in the last couple months, and unfortunately, it is probably beyond the point where somebody is going to undertake the cost to renovate it. It is an unfortunate loss of a historic house in this area, but I think probably inevitable at this point.

Councilmember Phipps said what makes it historic?

Mr. Egleston said what makes it historic is its age.

Mayor Lyles said you know Greg, you did take up the driveway door and let him drive straight in.

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

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ITEM NO. 53: HEARING ON PETITION NO. 2019-122 BY BEACON PARTNERS FOR 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just under 40-acres on Old Statesville Road north of Gibbon Road, out in the Expo Center Area. The petition is for an I-1(CD) going to just I-

1 conventional. The adopted future land use does recommend retail; that has been amended by the prior rezoning, so again the original recommendation was for the industrial rezoning prior to this one amended that plan to retail. While the petition itself requesting zoning is inconsistent. It is consistent with the original intended use for this area, and it is consistent with the general surrounding land uses and land use recommendations. Staff does recommend approval. Before that petition in 2009 this was recommended for industrial, so it would be consistent otherwise we just have that inconsistency, but our rational stands as is and we recommend approval and will adopt the plan back to industrial if this gets approved.

Colin Brown, 1420 East 7th Street said I am here on behalf of the petitioner, Beacon Partners. John Morris is here who is giddy with all this talk about industrial throughout the night. I think David has hit the highlights here; this is the site that was industrial for a long time. The land use plan called for it to be industrial; it got kind of a crazy zoning put on it, and we are here to try and zone it back to industrial. This is a conventional petition, so I don't have a site plan, but if you know the area. You know the success the Beacon Team has had with the Metrolina Park, and we think they can continue that success on this site.

Councilmember Egleston said is the cool old sign from the speedway still out there?

Mr. Brown said if you go through, Metrolina Beacon has done a good job of taking some historic things and using them as markers in the Metrolina Park.

Mr. Egleston said a nod to the history of the site would be cool. It is the old Metrolina Speedway; it is really cool history, but there was a really cool sign before the speedway that is in some pictures if you do a Google search.

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

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ADJOURNMENT

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

The meeting was adjourned at 10:21 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 6 Hours, 6 Minutes
Meeting Completed: November 11, 2019