

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, September 21, 2020 at 5:03 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Victoria Watlington, and Braxton Winston II.

ABSENT: Councilmember James Mitchell

ABSENT UNTIL NOTED: Councilmember Dimple Ajmera

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Mayor Lyles said this is September 21, 2020, Charlotte City Council Zoning Meeting. This meeting is being held as a virtual meeting in accordance with the electronic meeting statutes which means that we have met all the requirements of notice, access, and minutes through electronic means. You may watch this meeting on the Government Channel, the City's Facebook Page, or the City's YouTube Page.

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INVOCATION AND PLEDGE

Councilmember Newton gave the Invocation and the Pledge of Allegiance to the Flag was led by Councilmember Watlington.

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EXPLANATION OF ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Taiwo Jaiyeoba, Planning Director said I was going to quickly introduce our new staff Robyn Byers and some of you may be familiar with Robin, she is not a stranger to our region and having worked as a Planner really for a number of municipalities. Robyn joined us recently and she is our new C-DOT Land Development Division Manager, she has a Ph.D. in our region analysis with 15-years of combined experience in Planning, Transportation, and Municipal Management along the east coast. She is a great addition to C-DOT and will be working very closely with Lekisha and also David Pettine on our rezoning process. We are excited that she is here and I'm personally happy she is here because she is my friend. Happy to have you, Robin.

Mayor Lyles said we will look forward to your continued expertise and hopefully you will enjoy the time on Monday nights.

Keba Samuel, Zoning Committee was called on to introduce the members of the Zoning Committee.

Dave Pettine, Planning said Ms. Samuels may not be on the WebEx with us. I know she is viewing with the other members of the Zoning Committee, but she may not be on currently.

Mayor Lyles said you can find a list of our Zoning Committee members on our website at charlottenc.gov.

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DEFERRALS/WITHDRAWALS/NEW PUBLIC HEARING DATE

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to defer a decision on Item No. 3, Petition No. 2019-167 by Grubb Management LLC to October 19, 2020; a decision on Item No. 4, Petition No. 2020-014 by Carolina Builders, LLC to October 19, 2020 and a decision on Item No. 7, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC to October 19, 2020.

Mayor Lyles said before we begin our actual meeting; I thought about this as Mr. Driggs reminded me and as Mr. Newton spoke for the Invocation, the loss of one of our Supreme Court Justices, Ruth Bader Ginsberg. If you noticed the flag is flying at half-mast, it is because of her service. I think she was appointed by President Clinton, but what she is known for is her advocacy for women's rights, her leadership in making sure that women, as a commentator said, she found ways to protect women by representing men. And in that case, she has done so very much, and she has been through a lot. Many of us have watched her as she has battled pancreatic cancer which is a very difficult cancer for anyone. If we could just acknowledge on behalf of the citizens of our City, our residents, that we've lost someone that has served this County well. I would appreciate it if we could just have a moment of silence in her honor.

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ITEM NO. 2: FOLLOW UP REPORT

There was no follow up report.

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DECISIONS

ITEM NO. 5: ORDINANCE NO. 9874-Z, PETITION NO. 2019-111 BY HIVE FITNESS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.1 ACRES LOCATED ON THE SOUTH SIDE OF SOUTHSIDE DRIVE, WEST OF OLD PINEVILLE ROAD, AND EAST OF YANCEY ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-TR (TRANSIT TRANSITIONAL).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Scaleybark Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Scaleybark Station Area Plan recommends office/industrial warehouse-distribution. However, we find this petition to Choose an item. public interest based on information from the post-hearing staff analysis and the public hearing and because the site is just under a ½ mile walk to Scaleybark Station on the LYNX Blue Line. The property directly across Old Pineville Road is zoned TOD-TR. Use of conventional TOD-TR (transit transition) zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land-use as specified by the Scaleybark Station Area Plan, from office/industrial warehouse-distribution to transit-oriented development - mixed for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-111 by Hive Fitness, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Scaleybark Station Area Plan, based on the information from the final staff analysis and the public hearing and because the Scaleybark Station Area Plan recommends office/industrial warehouse-distribution. However, we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because the site is just under a ½ mile walk to Scaleybark Station on the LYNX Blue Line. The property directly across Old Pineville Road is zoned TOD-TR. Use of conventional TOD-TR (transit transition) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit- oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land-use as specified by the Scaleybark Station Area Plan, from office/industrial warehouse-distribution to transit oriented development - mixed for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 281-282.

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ITEM NO. 6: ORDINANCE NO. 9875-Z, PETITION NO. 2019-168 BY SUNCREST REAL ESTATE AND LAND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 22.87 ACRES LOCATED ON THE NORTH SIDE OF OAKDALE ROAD BETWEEN MIRANDA ROAD AND Interstate 485 FROM R-3 LWPA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO MX-2(CD) LWPA (MIXED USE, CONDITIONAL, LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Northwest District Plan (1990) recommendation for single-family residential use of up to four dwelling units per acre and for open space/parkland. The petition is consistent with the General Development Policies recommendations which support a density of up to 6 dwellings per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential use of up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes a maximum of 138 residential townhouse-style dwelling units, for a density of six dwelling units per acre. This density is consistent with the General Development Policies' support for residential development at up to eight dwelling units per acre. The petition commits to following the General Development Policy guidelines for townhomes which include using porches as a prominent feature of the building façade and minimizing the visual impact of garage doors. These additional design guidelines will contribute to the single-family character of the area. The petition includes a 100-foot watershed buffer and tree save area between development on this site and all single-family homes on the surrounding parcels, protecting the floodplain on this parcel, and also providing an appropriate buffer between the proposed dwelling units and the surrounding single-family homes. The petition will plan for connectivity in the area by constructing a collector road at the back of the parcel that will connect to other future developments. The approval of this petition will revise the adopted future land-use as specified by the Northwest District Plan, from single-family residential up to four units per acre and park/open space to residential up to 6 units per acre.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-168 by Suncrest Real Estate and Land and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northwest District Plan (1990) recommendation for single-family residential use of up to four dwelling units per acre and for open space/parkland. The petition is consistent with the General Development Policies recommendations which support a density of up to 6 dwellings per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends single-family residential use of up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes a maximum of 138 residential townhouse-style dwelling units, for a density of six dwelling units per acre. This density is consistent with the General Development Policies support for residential development at up to eight dwelling units per acre. The petition commits to following the General Development Policy guidelines for townhomes which include using porches as a prominent feature of the building façade and minimizing the visual impact of garage doors. These additional design guidelines will contribute to the single-family character of the area. The petition includes a 100-foot watershed buffer and tree save area between development on this site and all single-family homes on the surrounding parcels, protecting the floodplain on this parcel, and also providing an appropriate buffer between the proposed dwelling units and the surrounding single-family homes. The petition will plan for connectivity in the area by constructing a collector road at the back of the parcel that will connect to other future developments. The approval of this petition will revise the adopted future land-use as specified by the Northwest District Plan, from single-family residential up to four units per acre and park/open space to residential up to 6 units per acre.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 283-284.

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ITEM NO. 8: ORDINANCE NO. 9876-Z, PETITION NO. 2019-184 BY TAFT MILLS GROUPS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.2 ACRES LOCATED TO THE EAST OF W. T. HARRIS BOULEVARD, SOUTH OF WOODLAND CIRCLE AND NORTH OF Interstate 485 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-17MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) 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's recommendation for residential uses but inconsistent with the Northlake Area Plan's recommendation of up to 8 units per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential development up to 8 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 71 age-restricted multi-family dwelling units, for a density of 16.9 dwelling units per acre. While this density is inconsistent with the Northlake Area Plan's future land-use recommendation of up to 8 units per acre, the proposal for residential units is still consistent with the plan's residential recommendation. The petition commits to a 28-foot Class C buffer separating the site between the single-family homes surrounding the northern area of the site. This buffer will consist of maturing evergreen trees, evergreen shrubs, and other understory trees. This buffer will help mitigate impact to the single-family adjacent to the site. Almost directly across the site, on the other side of West W.T. Harris Boulevard, are parcels 02521146 and 02521149, which are recommended for commercial development. The commercial development across the street zoned to B-2(CD) after a 2017 zoning, and the site's location facing West W.T. Harris Boulevard and the exit to get off Interstate 485 makes it an unlikely location for single-family development. Allowing for multi-family development will change the land-

use to a higher density than recommended in the plan but will keep the land for residential use rather than commercial. Multi-family residential is conducive to the growing commercial and higher-density residential nature of West W.T. Harris Boulevard. Commercial development and commercial zoning are located at the intersection of West W.T. Harris Boulevard and Mt. Holly-Huntersville Road, a quarter-mile north of where the parcel is located. An apartment complex and single-family attached homes are located just on the other side of Interstate 485 on West W.T. Harris Boulevard, less than a half-mile away from the site. The petition is committed to increasing pedestrian mobility and safety by including an eight-foot planting strip and a 12-foot multi-use path alongside West W.T. Harris Boulevard. This petition commits to constructing age-restricted dwelling units, which will help to accommodate the growing senior population in Charlotte. The approval of this petition will revise the adopted future land-use as specified by the Northlake Area Plan (2008), from residential up to 8 dwelling units per acre to residential up to 17 dwelling units per acre for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-184 by Taft Mills Group and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan's recommendation for residential uses but inconsistent with the Northlake Area Plan's recommendation of up to 8 units per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends residential development up to 8 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 71 age-restricted multi-family dwelling units, for a density of 16.9 dwelling units per acre. While this density is inconsistent with the Northlake Area Plan's future land-use recommendation of up to 8 units per acre, the proposal for residential units is still consistent with the plan's residential recommendation. The petition commits to a 28-foot Class C buffer separating the site between the single-family homes surrounding the northern area of the site. This buffer will consist of maturing evergreen trees, evergreen shrubs, and other understory trees. This buffer will help mitigate impact to the single-family adjacent to the site. Almost directly across the site, on the other side West W.T. Harris Boulevard, are parcels 02521146 and 02521149, which are recommended for commercial development. The commercial development across the street, zoned to B-2(CD) after a 2017 zoning, and the site's location facing West W.T. Harris Boulevard and the exit to get off Interstate 485 make it an unlikely location for single-family development. Allowing for multi-family development will change the land-use to a higher density than recommended in the plan but will keep the land for a residential use rather than commercial. Multi-family residential is conducive to the growing commercial and higher-density residential nature of West W.T. Harris Boulevard. Commercial development and commercial zoning are located at the intersection of West W.T. Harris Boulevard and Mt. Holly-Huntersville Road, a quarter-mile north of where the parcel is located. An apartment complex and single-family attached homes are located just on the other side of Interstate 485 on West W.T. Harris Boulevard, less than a half-mile away from the site. The petition is committed to increasing pedestrian mobility and safety by including an eight-foot planting strip and a 12-foot multi-use path alongside West W.T. Harris Boulevard. This petition commits to constructing age-restricted dwelling units, which will help to accommodate the growing senior population in Charlotte. The approval of this petition will revise the adopted future land-use as specified by the Northlake Area Plan (2008), from residential up to 8 dwelling units per acre to residential up to 17 dwelling units per acre for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 285-286.

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ITEM NO. 9: ORDINANCE NO. 9877-Z, PETITION NO. 2020-005 BY RONALD STALEY, JR. OF VERDE HOMES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .92 ACRES LOCATED AT THE SW INTERSECTION OF ALLEN STREET AND PARKWOOD AVENUE IN THE BELMONT COMMUNITY FROM R-5 (RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Kelly) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential uses up to 22 dwelling units per acre (DUA) for the property fronting Parkwood Avenue and residential uses up to five DUA for the property fronting Allen Street. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposal for 3,000 square feet of retail space achieves the Plan's economic development goal by increasing retail services within the Belmont Neighborhood. The request is consistent with uses already allowed by-right in the B-1 zoning district directly across Parkwood Avenue. The requested density of 23.9 DUA is a reasonable variation in density from the recommended density of 22 DUA for a majority of the site. The proposal achieves the Plan's goal of creating a more pedestrian-friendly community and improves vehicular flow by committing to inter-parcel connectivity with petition number 2019-156. The proposal's units along Allen Street are oriented in a way that is compatible with existing residences along the street, in particular by providing pedestrian connections from the sidewalk to the front door and by matching front setbacks. This compatibility is one of the Plan's guiding principles to assist in achieving the overall vision for Belmont. The approval of this petition will revise the adopted future land-use as specified by the Belmont Area Revitalization Plan, from multi-family up to 22 units per acre and single-family use up to 5 units per acre to residential/office/retail for the site.

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

- A modification of one of the affordable units from 80% to 50% AMI.
- Regulations placed on short-term rentals at the site.
- Language and site plan revision reflecting the commitment to a vehicular cross access connection with approved Petition 2019-156.
- Note added to include covered stoops as part of the townhome design along Allen Street.

Councilmember Egleston said these are also directly in response to concerns that some of the immediately adjacent neighbors had and so they were done to address some of those concerns. They are definitely beneficial to the project and to the neighbor's comfort with the project.

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

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-005 by Ronald Staley, Jr. of Verde Homes, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to 22 dwelling units per acre (DUA) for the property fronting Parkwood Avenue and residential uses up to five DUA for the property fronting Allen Street. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposal for 3,000 square feet of retail space achieves the Plan's economic development goal by increasing retail services within the Belmont Neighborhood. The request is consistent with uses already allowed by-right in the B-1 zoning district directly across Parkwood Avenue. The requested density of 23.9 DUA is reasonable variation in density from the recommended density of 22 DUA for a majority of the site. The proposal achieves the Plan's goal of creating a more pedestrian-friendly community and improves vehicular flow by committing to inter-parcel connectivity with petition number 2019-156. The proposal's units along Allen Street are oriented in a way that is compatible with existing residences along the street, in particular by providing pedestrian connections from the sidewalk to the front door and by matching front setbacks. This compatibility is one of the Plan's guiding principles to assist in achieving the overall vision for Belmont. The approval of this petition will revise the adopted future land-use as specified by the Belmont Area Revitalization Plan, from multi-family up to 22 units per acre and single-family uses up to 5 units per acre to residential/office/retail for the site, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 287-288.

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ITEM NO. 10: ORDINANCE NO. 9878-Z, PETITION NO. 2020-007 BY ERWIN CAPITAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.211 ACRES LOCATED ALONG THE NORTHERN SIDE OF ALBEMARLE ROAD BETWEEN ROCKY RIVER CHURCH ROAD AND BLAIR ROAD FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-1(CD) SPA (NEIGHBORHOOD BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Albemarle Road/I-485 Interchange Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends multi-family/retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this site plan amendment is consistent with the land-use recommendations of multi-family/retail uses for the property. The request is consistent with the context of surrounding land uses found along this area of Albemarle Road. The request will help achieve the Plan's land-use recommendations for Zone A by allowing retail uses to be oriented along Rocky River Road and Albemarle Road. The petition is committing to enhanced architectural design guidelines which help realize the Plan's design recommendations for zone A.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-007 by Edwin Capital and adopt the following Statement of Consistency: This petition is found to be consistent with the Albemarle Road/I-485 Interchange Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends multi-family/retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this site plan amendment is consistent with the land-use recommendations of multi-family/retail uses for the property. The request is consistent with the context of surrounding land uses found along this area of Albemarle Road. The request will help achieve the Plan's land-use recommendations for Zone A by allowing retail uses to be oriented along Rocky River Road and Albemarle Road. The petition is committing to enhanced architectural design guidelines which help realize the Plan's design recommendations for zone A.

The ordinance is recorded in full in Ordinance Book 63, ag Page(s) 289-290.

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ITEM NO. 11: ORDINANCE NO. 9879-Z, PETITION NO. 2020-017 BY ASPEN HEIGHTS PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.75 ACRES LOCATED EAST OF BALTIMORE AVENUE, SOUTH OF REMOUNT ROAD, AND NORTH OF BENJAMIN STREET FROM R-22 MF (MULTIFAMILY RESIDENTIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the New Bern Transit Station Area Plan based on the information from the post-hearing staff analysis and the public hearing and because the New Bern Transit Station Area Plan recommends institutional 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 project site is along Baltimore Avenue, which is primarily residential in character. The proposed residential use is compatible with the surrounding uses. A 20-unit townhouse community is proposed on the opposite side of Baltimore Avenue via petition 2020-018. The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood. The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses. The development commits to community space for local non-profit organizations. The development commits to streetscape improvements, on-street parking, a pedestrian refuge island, and a new ADA compliant bus waiting pad. The approval of this petition will revise the adopted future land-use as specified by the New Bern Transit Station Area Plan from institutional to residential greater than 22 dwelling units per acre.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, and carried unanimously to approve Petition No, 2020-017 by Aspen Heights Partners and adopt the following Statement of Consistency: This petition is found to be inconsistent with the New Bern Transit Station Area Plan based on the information from the final staff analysis and the public hearing and because the New Bern Transit Station Area Plan recommends institutional 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 project site is along Baltimore Avenue, which is primarily residential in character. The proposed residential use is compatible with the surrounding uses. A 20-unit townhouse community is proposed on the opposite side of Baltimore Avenue via petition 2020-018. The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood. The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses. The development commits to community space for local non-profit organizations. The development commits to streetscape improvements, on street parking, a pedestrian refuge island, and a new ADA compliant bus waiting pad. The approval of this petition will revise the adopted future land-use as specified by the New Bern Transit Station Area Plan from institutional to residential greater than 22 dwelling units per acre.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 291-292.

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ITEM NO. 12: ORDINANCE NO. 9880-Z, PETITION NO. 2020-019 BY DEPENDABLE DEVELOPMENT, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.17 ACRES LOCATED ALONG PLAZA ROAD EXTENSION, EAST OF FAIRES ROAD AND WEST OF ITS INTERSECTION WITH I-485 FROM R-3 (RESIDENTIAL) TO R-8 MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Rocky River Road Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential uses up to four dwelling units per acre and greenway uses for the site. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the requested density (4.29 DUA) is only marginally higher than the recommended residential density for the site (4 DUA). The site's dedication of a 40-foot easement to Mecklenburg County Parks and Recreation is consistent with the park/open space recommendation for a portion of the site. The petition helps achieve the vision of the Rocky River Road Area Plan by offering housing opportunities that offer high-quality design principles (through its commitment to enhanced architectural design standards) and through on-site open space preservation (through a dedication of a 40-foot easement for future greenway construction). The approval of this petition will revise the adopted future land-use as specified by the Rocky River Road Area Plan from residential up to 4 DUA and greenway to residential up to 5 DUA for the portion of the site that is not recommended for a greenway.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-019 by Dependable Development, Inc. and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Rocky River Road Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to four dwelling units per acre and greenway uses for the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the requested density (4.29 DUA) is only marginally higher than the recommended residential density for the site (4 DUA). The site's dedication of a 40-foot easement to Mecklenburg County Parks and Recreation is consistent with the park/open space recommendation for a portion of the site. The petition helps achieve the vision of the Rocky River Road Area Plan by offering housing opportunities that offer high-quality design principles (through its commitment to enhanced architectural design standards) and through on-site open space preservation (through a dedication of a 40-foot easement for future greenway construction). The approval of this petition will revise the adopted future land-use as specified by the Rocky River Road Area Plan from residential up to 4 DUA and greenway to residential up to 5 DUA for the portion of the site that is not recommended for greenway.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 293-294.

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ITEM NO. 13: ORDINANCE NO. 9881-Z, PETITION NO. 2020-021 BY K SADE VENTURES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.56 ACRES LOCATED ALONG THE NORTHERN SIDE OF UNIVERSITY CITY BOULEVARD, JUST WEST OF THE MECKLENBURG/CABARRUS COUNTY LINE FROM B-1(CD) (NEIGHBORHOOD BUSINESS) TO B-2(CD) GENERAL BUSINESS, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Northeast District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because transportation improvements (including left-overs and signalization) resulting from petition 2018-160 (approved October 2019) will improve overall pedestrian and traffic safety for planned retail uses at this site. The subject property location makes sense for retail uses as it fronts University City Boulevard and will serve a recently approved mixed residential development and numerous other residences in the area. The request is in alignment with the proposed land-use for the site. This request is in alignment with the plan's recommendation that commercial development be limited to areas already zoned for or identified as retail uses.

Motion was made by Councilmember Johnson, seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2020-021 by K Sade Ventures, Inc. and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because transportation improvements (including left-overs and signalization) resulting from petition 2018-160 (approved October 2019) will improve overall pedestrian and traffic safety for planned retail uses at this site. The subject property location makes sense for retail uses as it fronts University City Boulevard and will serve a recently approved mixed residential development and numerous other residences in the area. The request is in alignment with the proposed land-use for the site. This request is in alignment with the plan's recommendation that commercial development be limited to areas already zoned for or identified as retail uses.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 295-296.

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ITEM NO. 14: ORDINANCE NO. 9882-Z, PETITION NO. 2020-022 BY BOULEVARD REAL ESTATE ADVISORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.24 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF ANDERSON STREET AND SPENCER STREET IN THE NODA COMMUNITY FROM I-2 (HEAVY INDUSTRIAL) TO TOD-TR (TRANSIT ORIENTED DEVELOPMENT, TRANSITIONAL).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends industrial uses for this site. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because while inconsistent with the plan's recommendation for industrial uses at the site, the plan acknowledges the likelihood of light rail development and resulting land-use changes. The plan states "when a light rail system is built, adjacent land uses will be affected". The TOD-TR district is an appropriate transition from higher intensity TOD Districts to adjacent existing neighborhoods. As there is existing TOD-TR to the north and existing single-family zoning to the south, TOD-TR is an appropriate district for this site. The request for TOD-TR at this site is appropriate as the site is greater than a one-half mile but less than one-mile walking distance to a transit stop. The approval of this petition will revise the adopted future land-use as specified by the Central District Plan, from industrial uses to transit-oriented development-mixed for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-022 by Boulevard Real Estate Advisors, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends industrial uses for this site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because while inconsistent with the plan's recommendation for industrial uses at the site, the plan acknowledges the likelihood of light rail development and resulting land-use changes. The plan states "when a light rail system is built, adjacent land uses will be affected". The TOD-TR district is an appropriate transition from higher intensity TOD Districts to adjacent existing neighborhoods. As there is existing TOD-TR to the north and existing single-family zoning to the south, TOD-TR is an appropriate district for this site. The request for TOD-TR at this site is appropriate as the site is greater than one-half mile but less than one-mile walking distance to a transit stop. The approval of this petition will revise the adopted future land-use as specified by the Central District Plan, from industrial uses to transit-oriented development-mixed for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 297-298.

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ITEM NO. 15: ORDINANCE NO. 9883-Z, PETITION NO. 2020-034 BY JEFFERSON APARTMENT GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.07 ACRES LOCATED .2 MILES NORTHEAST OF INTERSTATE 277, SOUTHWEST OF NORTH TRYON STREET, NEAR OPTIMIST HALL AND NORFOLK SOUTHERN RAILYARD FROM I-2 (HEAVY INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Kelly, seconded by McMillan) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the North Tryon Area Plan based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/industrial-warehouse-distribution uses for the site. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because of the project assists in implementing the North Tryon Area Plan's vision to "build on the area's locational strengths" in order to create an area of "thriving, mixed-use communities surrounding and interacting with Center City" by transitioning a portion former industrial land to high-density residential uses. The commitment to one pedestrian connection to North Tryon Street and a potential multi-use path connection to E. 16th Street to get residents safely in and out of their residences to points of interest dovetails well with the stated purpose of the MUDD district which states the district should "maintain a strong emphasis on pedestrian scale, urban development, and amenities." The petitioner has committed to construct an off-site sidewalk along Wadsworth Place along one side of the street within the existing right-of-way to improve pedestrian safety as they travel from the site to nearby amenities. The proposal is consistent with the form and density of development along the N. Davidson Street corridor and redevelopment that has occurred around the Optimist Park neighborhood. The approval of this petition will revise the adopted future land-use as specified by the North Tryon Area Plan, from office/industrial-warehouse-distribution to residential uses over 22 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to approve Petition No. 2020-034 by Jefferson Apartment Group and adopt the following Statement of Consistency: This petition is found to be inconsistent with the North Tryon Area Plan based on the information from the final staff analysis and the public hearing and because the plan recommends office/industrial-warehouse-distribution uses for the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the project assists in implementing the North Tryon Area Plan's vision to "build on the area's locational strengths" in order to create an area of "thriving, mixed-use communities surrounding and interacting with Center City" by transitioning a portion former industrial land to high-density residential uses. The commitment to one pedestrian connection to North Tryon Street and a potential multi-use path connection to E. 16th Street to get residents safely in and out of their residences to points of interest dovetails well with the stated purpose of the MUDD district which states the district should "maintain a strong emphasis on pedestrian scale, urban development, and amenities." The petitioner has committed to construct off-site sidewalk along Wadsworth Place along one side of the street within the existing right-of-way to improve pedestrian safety as they travel from the site to nearby amenities. The proposal is consistent with the form and density of development along the N. Davidson Street corridor and redevelopment that has occurred around the Optimist Park neighborhood. The approval of this petition will revise the adopted future land-use as specified by the North Tryon Area Plan, from office/industrial-warehouse-distribution to residential uses over 22 DUA for the site.

Councilmember Ajmera arrived at 5:24 p.m.

Councilmember Egleston said I'm just going to continue to encourage the petitioner here, and I know they have been, and I know they have discussed as recently as the last day or two some of the plans for this project with Liz Clasen-Kelly, who is the Executive Director of Roof Above, formerly Urban Ministry Center and the Men's Shelter of Charlotte. This project is adjacent to the light rail and adjacent to the Men's Shelter property and I know there is a connection that they want to make across the Men's Shelter property as well as U-Haul property to get to 16th Street from this project for pedestrian connectivity. I know we didn't get it all ironed out before this vote tonight, but there is an easement that they need from Roof Above and I hope they will continue to work with them, both to make that pedestrian connectivity and improve the walkability from this site to things like our light rail station, Optimist Hall, but also how they can be a good neighbor to the Men's Shelter of Charlotte and to Roof Above and work with them to advance the work that they are doing in our community to try to house folks who are housing insecure. I think that they want to be a good neighbor and they want to be a partner in that work with Roof Above, but I hope they will follow through with the initial conversations they've had with Liz. I know they addressed the concerns staff had previously with the pedestrian experience around that corridor and I think we can move forward with it tonight.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 299-300.

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ITEM NO. 16: ORDINANCE NO. 9884-Z, PETITION NO. 2020-039 BY HINSHAW PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.44 ACRES LOCATED NORTH OF FIREFIGHTER PLACE, EAST OF 7TH STREET, AND WEST OF WEDDINGTON AVENUE FROM R-22 MF (MULTIFAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Elizabeth Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Elizabeth Area Plan recommends residential land uses up to 22 units per acre. However, we find this petition to choose an item. public interest based on information from the post-haring staff analysis and the public hearing and because the site is an infill parcel with frontage on 7th Street. The proposed density is slightly over the recommended density at 22.61 units per acre. The site is generally surrounded by existing attached and multi-family residential developments. The plan provides buffer/ screening abutting single-family homes. The plan limits the height of the buildings to 48 feet which is compatible with surrounding development. The request provides a 10-foot vegetated area along the property line abutting the single-family residence. The plan provides architectural standards related to building materials, limitations on blank walls, and treatment of corner/end units. The development enhances walkability via streetscape improvements along abutting frontages. The approval of this petition will revise the adopted future land-use as specified by the Elizabeth Area Plan, from residential up to 22 units per acre to residential over 22 units per acre for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to approve Petition No. 2020-039 by Hinshaw Properties, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Elizabeth Area Plan, based on the information from the final staff analysis and the public hearing and because the Elizabeth Area Plan recommends residential land uses up to 22 units per acre. However, we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because the site is an infill parcel with frontage on 7th Street. The proposed density is slightly over the recommended density at 22.61 units per acre. The site is generally surrounded by existing attached and multi-family residential developments. The plan provides buffer/ screening abutting single-family homes. The plan limits the height of the buildings to 48 feet which is compatible with surrounding development. The request provides a 10-foot vegetated area along the property line abutting the single-family residence. The plan provides architectural standards related to building materials, limitations on blank walls, and treatment of corner/end units. The development enhances walkability via streetscape improvements along abutting frontages. The approval of this petition will revise the adopted future land-use as specified by the Elizabeth Area Plan, from residential up to 22 units per acre to residential over 22 units per acre for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 301-302.

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ITEM NO. 17: ORDINANCE NO. 9885-Z, PETITION NO. 2020-046 BY TAKE 5 CAROLINAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.09 ACRES LOCATED SOUTHWEST OF WHITEHALL PARK DRIVE, ON THE NORTH SIDE OF TRYON STREET, EAST OF SANDY PORTER ROAD FROM I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO I-1(CD) SPA (LIGHT INDUSTRIAL, CONDITIONAL SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Steele Creek Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/retail uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed changes to the site are consistent with the area plan and the only changes were made from the previously approved plan was to the permitted uses to include automobile service stations. The site, due to its location on S. Tryon Street and

as an out parcel, is a sensible location for the development of an automobile service station within the Whitehall Business Park. The proposed site plan amendment maintains the existing site and building design standards as required by the Whitehall Business Park.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-046 by Take 5 Carolinas and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/retail uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed changes to the site are consistent with the area plan and the only changes were made from the previously approved plan was to the permitted uses to include automobile service stations. The site, due to its location on S. Tryon Street and as an outparcel, is a sensible location for the development of an automobile service station within the Whitehall Business Park. The proposed site plan amendment maintains the existing site and building design standards as required by the Whitehall Business Park.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 303-304.

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ITEM NO. 18: ORDINANCE NO. 9886-Z, PETITION NO. 2020-047 BY PECAN RIDGE OF CHARLOTTE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.72 ACRES LOCATED ON THE EASTERN SIDE OF W. T. HARRIS BOULEVARD, NORTH OF FOREST DRIVE, AND SOUTH OF MOUNT HOLLY-HUNTERSVILLE ROAD FROM CC (COMMERCIAL CENTER) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Kelly) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Northlake Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends retail uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the subject site is located on West W.T. Harris Boulevard and Forest Drive, a primarily residential street. The petition proposes one building up to 10,000 square feet to be used for retail, restaurant, personal service, or office use. The petition also proposes up to one drive-through on the site. The site is adjacent to retail uses on the corner of Mt. Holly-Huntersville Road and West W.T. Harris Boulevard, and also adjacent to residential uses on West W.T. Harris Boulevard and Forest Drive. The Northlake Area Plan (2008) calls for the small commercial part of this residential area to contain "neighborhood-serving retail." This petition's proposal commits to a 42-foot buffer along Forest Drive. 32-feet of this buffer will be undisturbed and will include the preservation of trees of four-inch (4") caliper or greater to support visual screening along Forest Drive. In areas where the existing tree canopy is materially absent, trees of three-inch (3") caliper or greater shall be installed to supplement the existing tree canopy. The remaining 10-feet of the disturbed buffer will include shrubs planted to support visual screening. In addition to the buffer, a 6-foot tall opaque fence will be installed along the internal edge of the buffer. The petition site plan encourages pedestrian activity by including a 12-foot multi-use path along West W.T. Harris Drive and a 6-foot sidewalk along Forest Drive, as well as a 5-foot internal sidewalk leading to the entrance of the establishment.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-047 by Pecan Ridge of Charlotte, LLC 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 recommends retail uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is located on West W.T. Harris Boulevard and Forest Drive, a primarily residential street. The petition proposes one building up to 10,000 square feet to be used for retail, restaurant, personal service, or office use. The petition also proposes up to one drive-through on the site. The site is adjacent to retail uses on the corner of Mt. Holly-Huntersville Road and West W.T. Harris Boulevard, and also adjacent to residential uses on West W.T. Harris Boulevard and Forest Drive. The Northlake Area Plan (2008) calls for the small commercial part of this residential area to contain "neighborhood serving retail." This petition's proposal commits to a 42-foot buffer along Forest Drive. 32-feet of this buffer will be undisturbed and will include the preservation of trees of four-inch (4") caliper or greater to support visual screening along Forest Drive. In areas where the existing tree canopy is materially absent, trees of three-inch (3") caliper or greater shall be installed to supplement the existing tree canopy. The remaining 10-feet of the disturbed buffer will include shrubs planted to support visual screening. In addition to the buffer a 6-foot tall opaque fence will be installed along the internal edge of the buffer. The petition site plan encourages pedestrian activity by including a 12-foot multi-use path along West W.T. Harris Drive and a 6-foot sidewalk along Forest Drive, as well as a 5-foot internal sidewalk leading to the entrance of the establishment.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 305-306.

ITEM NO. 19: ORDINANCE NO. 9887-Z, PETITION NO. 2020-048 BY FLOURNOY DEVELOPMENT GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 24.605 ACRES LOCATED ALONG THE EASTERN SIDE OF JOHN ADAMS ROAD, NORTH OF MALLARD CREEK CHURCH ROAD, EAST OF I-85 FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL), 0-1 (CD) (OFFICE DISTRICT, CONDITIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL),

The Zoning Committee vote 7-0 (motion by Kelly, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Northeast Area Plan (2000) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends a mixture of research/office/retail uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because while the Northeast Area Plan (2000) does not call for residential uses for this site, it does identify this site as a neighborhood center, which can include residential uses. The plan recommends higher density residential uses in areas close to a transit corridor. This site's density proposal of 17.15 dwelling units per acre and its proximity to the West Mallard Creek Church Road and Interstate 85 intersection is appropriate for what the plan recommends for areas close to a transit corridor. This petition will add to the mixed uses desired in a neighborhood center by providing office and non-office uses in addition to the proposed residential uses. The petition commits to an open space amenity that will include hardscape areas, landscaping, lighting, and walkways. The approval of this petition will revise the adopted future land-use as specified by the Northeast Area Plan (2000), from research/office/retail uses to residential/office/retail uses for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-048 by Flournoy Development Group and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast Area Plan (2000) based on the information from the final staff analysis and the public hearing, and because the plan recommends a mixture of research/office/retail uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because while the Northeast Area Plan (2000) does not call for residential uses for this site, it does identify this site as a neighborhood center, which can include residential uses. The plan recommends higher density residential uses in areas close to a transit corridor. This site's density proposal of 17.15 dwelling units per acre and its proximity to the West Mallard Creek Church Road and Interstate 85 intersection are appropriate for what the plan recommends for areas close to a transit corridor. This petition will add to the mixed uses desired in a neighborhood center by providing office and non-office uses in addition to the proposed residential uses. The petition commits to an open space amenity that will include hardscape areas, landscaping, lighting, and walkways. The approval of this petition will revise the adopted future land-use as specified by the Northeast Area Plan (2000), from research/office/retail uses to residential/office/retail uses for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 307-308.

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ITEM NO. 20: ORDINANCE NO. 9888-Z, PETITION NO. 2020-051 BY M/I HOMES OF CHARLOTTE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.90 ACRES LOCATED NORTH OF INTERSTATE 485, ON THE SOUTH SIDE OF RIDGE ROAD, EAST OF COOPER'S RIDGE LANE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Kelly) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015) recommendation of 4 dwelling units per acre, but consistent with the plan's recommendation of residential uses based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential uses up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this 21.9-acre site is located off Ridge Road and proposes up to 98 single-family attached units. The Prosperity Hucks Area Plan (2015) recommends residential uses up to 4 dwelling units per acre (DUA) for this site. At 4.47 DUA, this petition is only slightly above the recommended density. This petition commits to furthering connectivity among residential areas in this area by including a street connection to the existing subdivision located on the left of the site, and by including two road stubs on the right side of the site to allow for connectivity with future developments. The petition commits to enhancing the pedestrian environment by including front porch stoops on all homes and walkways which will connect all residential entrances to sidewalks along public and private streets. The approval of this petition will revise the adopted future land-use as specified by the Prosperity Hucks Area Plan (2015), from residential uses up to 4 DUA to residential uses up to 5 DUA for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-0551 by M/I Homes of Charlotte, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015) recommendation of 4 dwelling units per acre, but consistent with the plan's recommendation of residential uses based on the information from the final staff analysis and the public hearing, and because the plan recommends residential uses up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this 21.9-acre site is located off Ridge Road and proposes up to 98 single-family attached units. The Prosperity Hucks Area Plan (2015) recommends residential uses up to 4 dwelling units per acre (DUA) for this site. At 4.47 DUA, this petition is only slightly above the recommended density. This petition commits to furthering connectivity among residential areas in this area by including a street connection to the existing subdivision located on the left of the site, and by including two road stubs on the right side of the site to allow for connectivity with future developments. The petition commits to enhancing the pedestrian environment by including front porch stoops on all homes and walkways which will connect all residential entrances to sidewalks along public and private streets. The approval of this petition will revise the adopted future land-use as specified by the Prosperity Hucks Area Plan (2015), from residential uses up to 4 DUA to residential uses up to 5 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 309-310.

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ITEM NO. 21: ORDINANCE NO. 9889-Z, PETITION NO. 2020-053 BY LAUREL OAK FARM, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.32 ACRES LOCATED ON THE SOUTH SIDE OF YOUNGBLOOD ROAD, WEST OF BUCKTHORNE RIDGE LANE, AND EAST OF MCKEE ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) AND MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) AND MUDD-O-SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent for a portion of the site and consistent for a portion of the site with the Steele Creek Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family residential up to four dwelling units per acre (DUA), and the plan recommends retail. 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 for a portion of the site the petition is inconsistent with the area plan recommendation; however, it will allow the expansion of an existing adjacent commercial indoor pet center. The proposed expansion of the commercial indoor pet center provides a needed service to the surrounding residential neighborhood. Adequate fencing, buffering and sound insulation are included as part of the proposed site plan to protect adjacent properties. The parcel to the east, adjacent to the proposed expansion of the indoor pet center, is used as the community pool, playground, and parking lot for the adjoining residential subdivision. The approval of this petition will revise the adopted future land-use as specified by the Steele Creek Area Plan, from residential up to four DUA land-use to retail for a portion of the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-053 by Laurel Oak Farm, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent for a portion of the site and consistent for portion of the site with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends single-family residential up to four dwelling units per acre (DUA); and the plan recommends retail. 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 for a portion of the site the petition is inconsistent with the area plan recommendation; however, it will allow the expansion of an existing adjacent commercial indoor pet center. The proposed expansion of the commercial indoor pet center provides a needed service to the surrounding residential neighborhood. Adequate fencing, buffering and sound insulation are included as part of the proposed site plan to protect adjacent properties. The parcel to the east, adjacent to the proposed expansion of the indoor pet center, is used as the community pool, playground and parking lot for the adjoining residential subdivision. The approval of this petition will revise the adopted future land-use as specified by the Steele Creek Area Plan, from residential up to four DUA land-use to retail for a portion of the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 311-312.

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ITEM NO. 22: ORDINANCE NO. 9890-Z, PETITION NO. 2020-054 BY TRIPOINTE HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.27 ACRES LOCATED ON THE EAST SIDE OF INTERSTATE 77, WEST OF TRYON STREET AND SOUTH OF CLANTON ROAD FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Scaleybark Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Scaleybark Transit Station Area Plan recommends residential uses up to 8 dwelling units per acre. Therefore, we find this petition to Choose an item. public interest based on information from the post-hearing staff analysis and the public hearing and because the request is consistent with the adopted plan's recommended density. The project provides buffers along all property lines abutting single-family homes, and along the property line adjacent to I-77. A pedestrian network will be provided internal to the site. The development provides architectural standards addressing expanses of blank walls, building materials, and corner/end unit articulation. The project proposes transportation improvements along Orchard Circle. The proposed project yields fewer vehicular trips than development allowed under the existing zoning. The proposed project provides multiple points of ingress/egress to the site and creates an interconnected network of public streets and private alleyways.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-054 by TriPointe Homes and adopt the following Statement of Consistency: This petition is found to be consistent with the Scaleybark Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the Scaleybark Transit Station Area Plan recommends residential uses up to 8 dwelling units per acre. Therefore, we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because the request is consistent with the adopted plan's recommended density. The project provides buffers along all property lines abutting single-family homes, and along the property line adjacent I-77. A pedestrian network will be provided internal to the site. The development provides architectural standards addressing expanses of blank walls, building materials, and corner/end unit articulation. The project proposes transportation improvements along Orchard Circle. The proposed project yields fewer vehicular trips than development allowed under the existing zoning. The proposed project provides multiple points of ingress/egress to the site and creates an interconnected network of public streets and private alleyways.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 313-314.

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Mayor Lyles asked Mayor Pro Tem Eiselt to preside over Item No. 23. Mayor Lyles serves on the Board of Novant Health, Inc.

Mayor Pro Tem Eiselt is presiding.

ITEM NO. 23: ORDINANCE NO. 9891-Z, PETITION NO. 2020-058 BY NOVANT HEALTH, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 38-0 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF JOHNSTON ROAD AND PROVIDENCE ROAD WEST FROM INST(CD) (INSTITUTIONAL CONDITIONAL) TO INST(CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the South District Plan based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends institutional use for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-haring staff analysis and the public hearing and because the plan proposal is for the same use as the recently approved rezoning petition. The proposal is for a minor increase in the allowed square footage. The site plan amendment does not make any changes to the previously approved building heights, setbacks, or buffers. The amendment adjusts the transportation improvements to mitigate the increase in square footage.

Councilmember Driggs said he would like to thank Novant Health for their investment in South Charlotte.

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-058 by Novant Health, Inc. and adopt the following Statement of Consistency: recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South District Plan based on the information from the final staff analysis and the public hearing and because the plan recommends institutional use for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the plan proposal is for the same use as the recently approved rezoning petition. The proposal is for a minor increase in the allowed square footage. The site plan amendment does not make any changes to the previously approved building heights, setbacks, or buffers. The amendment adjusts the transportation improvements to mitigate the increase in square footage.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 315-316.

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ITEM NO. 24: ORDINANCE NO. 9892-Z, PETITION NO. 2020-061 BY WHITE POINT PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.5 ACRES LOCATED ALONG BREVARD STREET AT ITS INTERSECTION WITH BELMONT AVENUE NEAR THE OPTIMIST HALL DEVELOPMENT FROM TOD-M (O) & I-2 (TRANSIT-ORIENTED DEVELOPMENT, OPTIONAL AND HEAVY INDUSTRIAL) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT, URBAN CENTER).

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by McMillan) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent and consistent with the Parkwood Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends both office/retail/industrial and transit-oriented uses for the site. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because as a portion of the site is currently zoned a legacy TOD district (TOD-M(O)), this rezoning will allow the whole site to obtain updated TOD zoning which will allow for a unified development with shared design standards. As written, the TOD-UC district may be applied to parcels within ½ mile of a transit station. The site is within a ½ walk of the Blue Line's 9th Street Transit Station. The use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. The approval of this petition will revise the adopted future land-use as specified by the Parkwood Transit Station Area Plan, from office/ retail/industrial to transit-oriented - mixed for the western portion of the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-061 by White Point Partners, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent and consistent with the Parkwood Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends both office/retail/industrial and transit-oriented uses for the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because as a portion of the site is currently zoned a legacy TOD district (TOD-M(O)), this rezoning will allow the whole site to obtain updated TOD zoning which will allow for a unified development with shared design standards. As written, the TOD-UC district may be applied to parcels within ½ mile of a transit station. The site is within a ½ walk of the Blue Line's 9th Street Transit Station. Use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. The approval of this petition will revise the adopted future land-use as specified by the Parkwood Transit Station Area Plan, from office/ retail/industrial to transit oriented - mixed for the western portion of the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 317-318.

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ITEM NO. 25: ORDINANCE NO. 9893-Z, PETITION NO. 2020-63 BY KAPPA FOUNDATION OF CHARLOTTE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.48 ACRES LOCATED AT THE WEST SIDE OF BEATTIES FORD ROAD, SOUTH OF PAULINE LANE, AND NORTH OF SUNSET ROAD FROM R-9 MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL), R-4 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Northwest Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends multi-family uses for the northern portion of the site and single-family uses for the southern part of the site. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the Northwest Area Plan's (1990) goals include preserving, protecting, and enhancing the character of existing neighborhoods, as well as establishing a balanced land-use pattern. This petition's request for an Institutional rezoning will continue to support the current use of this site, which has been occupied by the Kappa Foundation of Charlotte for over 30 years. Area plans do not typically recommend locations for future institutional uses. Institutional uses are considered compatible with residential uses. The approval of this petition will revise the adopted future land-use as specified by the Northwest Area Plan (1990), from multi-family and single-family to institutional for both parcels.

Motion was made by Councilmember Graham, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2020-063 by Kappa Foundation of Charlotte and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northwest Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends multi-family uses for the northern portion of the site and single-family uses for the southern part of the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the Northwest Area Plan's (1990) goals include preserving, protecting, and enhancing the character of existing neighborhoods, as well as establishing a balanced land-use pattern. This petition's request for an Institutional rezoning will continue to support the current use of this site, which has been occupied by the Kappa Foundation of Charlotte for over 30 years. Area plans do not typically recommend locations for future institutional uses. Institutional uses are considered compatible with residential uses. The approval of this petition will revise the adopted future land-use as specified by the Northwest Area Plan (1990), from multi-family and single-family to institutional for both parcels.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 319-320.

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ITEM NO. 26: ORDINANCE NO. 9894-Z, PETITION NO. 2020-065 BY HERMAN E. RATCHFORD AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.84 ACRES LOCATED ON THE SOUTH SIDE OF ALBEMARLE ROAD, WEST OF REGAL OAKS DRIVE AND EAST OF FARM POND LANE FROM O-1 (OFFICE) TO R-17 MF (MULTIFAMILY RESIDENTIAL).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Eastland Area Plan and the General Development Policies based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends Single-family/Multi-Family/Office/Retail for this site. The General Development Policies guidelines support up to 17 DUA for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site is currently developed with multi-family residential. The site is adjacent to other multi-family residential use in R-17MF zoning districts. The density increased from 12 DUA in O-1 to 17 DUA in R-17MF is consistent with other multi-family developments in the broader area zoned R-17MF. In addition, multi-family up to 22 dwelling units per acre would be allowed in the surrounding B-2 zoned areas. The proposed zoning would allow up to 17 units per acre, as supported by the General Development Policies. The site is located in an area with a mix of uses appropriate for moderate density multi-family use.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-065 by Herman E. Ratchford and adopt the following Statement of Consistency: This petition is found to be consistent with the Eastland Area Plan and the General Development Policies based on the information from the final staff analysis and the public hearing and because the plan recommends Single-family/Multi-Family/Office/Retail for this site. The General Development Policies guidelines support up to 17 DUA for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is currently developed with multi-family residential. The site is adjacent to other multi-family residential use in R-17MF zoning districts. The density increased from 12 DUA in O-1 to 17 DUA in R-17MF is consistent with other multi-family developments in the broader area zoned R-17MF. In addition, multi-family up to 22 dwelling units per acre would be allowed in the surrounding B-2 zoned areas. The proposed zoning would allow up to 17 units per acre, as supported by the General Development Policies. The site is located in an area with a mix of uses appropriate for moderate density multi-family use.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 321-322.

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ITEM NO. 27: ORDINANCE NO. 9895-Z, PETITION NO. 2020-070 BY ELMINGTON CAPITAL GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.8 ACRES LOCATED ON THE SOUTH SIDE OF BULLARD STREET, THE NORTH SIDE OF JOY STREET, AND WEST OF ASHLEY ROAD FROM UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-2 (CD) SPA (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Nwasike, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends multi-family residential uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petition is consistent with the multi-family land-use recommendation for the site. The site is already zoned for multi-family development, as per rezoning petition 2016-134. The proposed plan helps to expand housing options within the neighborhood by providing income-restricted multifamily units. The plan addresses compatibility with single-family residential by providing additional buffers and architectural standards.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-070 by Elmington Capital Group and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends multi-family residential uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition is consistent with the multi-family land-use recommendation for the site. The site is already zoned for multi-family development, as per rezoning petition 2016-134. The proposed plan helps to expand housing options within the neighborhood by providing income restricted multifamily units. The plan addresses compatibility with single-family residential by providing additional buffers and architectural standards.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 323-324.

ITEM NO. 28: ORDINANCE NO. 9896-Z, PETITION NO. 2020-092 BY K SADE VENTURES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 93.86 ACRES LOCATED ON THE NORTH SIDE OF UNIVERSITY CITY BOULEVARD AT THE MECKLENBURG COUNTY/CABARRUS COUNTY LINE FROM MX-1 (MIXED RESIDENTIAL) TO MX-2 (MIXED RESIDENTIAL).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Northeast District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential uses up to six DUA. 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 request to modify the zoning district does not change any prior entitlements from the approval of rezoning petition number 2018-160. The request for the rezoning addresses a note in the approved plan that incorrectly indicates that more than 50 percent of the dwelling units within the MX-1 district could be multi-family dwelling units. MX-2 allows the proposed unit mixture (250 single-family detached and 288 multi-family dwelling units), while the previously approved MX-1 does not.

Motion was made by Councilmember Johnson, seconded by Councilmember Graham, and carried unanimously to approve Petition No. 2020-092 by K Sade Ventures, Inc. and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to six DUA. 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 request to modify the zoning district does not change any prior entitlements from the approval of rezoning petition number 2018-160. The request for the rezoning addresses a note in the approved plan that incorrectly indicates that more than 50 percent of the dwelling units within the MX-1 district could be multi-family dwelling units. MX-2 allows the proposed unit mixture (250 single-family detached and 288 multi-family dwelling units), while the previously approved MX-1 does not.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 325-326.

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

Ed Mulheren, 2709 Harris Houston Road

HEARINGS

ITEM NO. 30: HEARING ON PETITION NO. 2020-104 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT FOR A TEXT AMENDMENT TO CHAPTER 13, "SIGNS" SECTIONS 13.2, 13.3, 13.4, 13.5, 13.6, 13.7, 13.10, 13.12, 13.15, TABLES 13-1, 13-2, 13-3, AND THE TABLE OF CONTENTS OF THE ZONING ORDINANCE. TO PROVIDE ADDITIONAL FLEXIBILITY., ALLOW INNOVATIVE DESIGN., PROVIDE BETTER SCALE FOR CERTAIN SIGN TYPES, PROVIDE GREATER UTILIZATION OF BUILDING WALL SPACE FOR SIGN AREA, ADDRESS UNINTENDED CONSEQUENCES, CLARIFY THE ENFORCEMENT PROCESS, UPDATE, ADD, AND DELETE DEFINITIONS AND GRAPHICS.

Mayor Lyles declared the hearing open.

Kevin May, Zoning Code Specialist Entitlement Services said I represent the petitioner, the City of Charlotte Planning, Design, and Development. This is a proposed Text Amendment to update the City's sign regulations. As some of you may recall, while the City works through its 2040 Comprehensive Plan in Unified Development Ordinance projects, the staff brought forward to Council some impactful text changes to the TOD (Transit Oriented Development) Zoning Districts, the Tree Ordinance, and the Sign Regulations in advance of the completion of the Comp Plan and UDO (Unified Development Ordinance). Previously, a Comprehensive Text Amendment to the City's Sign Regulations was approved and adopted by Council in October 2019. As part of bringing those advanced pieces forward, staff also committed to evaluating them and improving upon them as we learned from the experience of implementing them. The staff did this precisely earlier in May which an amendment to the new TOD Zoning Districts. That provides for you a little bit of context for tonight's public hearing on this petition to amend the City's new Sign Regulations.

As you can see what this Text Amendment proposes is to update the Sign Regulations previously approved and adopted in October of last year. It is proposing to provide additional flexibility and encourage more innovative design. Also, we seek to provide a better scale for certain sign types and also allow for greater utilization of building wall space for sign area and finally it addresses unintended consequences, clarifies the enforcement process, and also updates add, and deletes definitions in graphics.

Specifically, some of the substantive proposed amendments to the text that we are putting forth is an increased allowance for a-frame signs, we've seen that this has been warmly received and utilized throughout the City and so we are proposing to allow a-frame signs for all commercial, institutional, multifamily and temporary outdoor sales uses in all zoning districts to free up some additional building wall space for signage we are seeking to uncouple awning and canopy signs and regulate them separately as their own sign type. With regard to marque signs, we are wanting to encourage more creative design in introducing a vertically oriented extension from the marque base. With regard to wall-mounted signs, again encouraging a little bit more creativity and allowing some flexibility with allowing some projections above the tops of walls for certain types of wall-mounted signs.

Additionally, with skyline signs we have a situation now where it is not quite scaled to the best utilization of these type of signs, so what we are proposing is that going forward skyline sign area is based on building height and you can see the breakdown in the table there based on building height, the square footage that would be allowed for sign area. For detached pole signs, we are increasing the sign area 100% from 42 to 84 square feet with the sign height remaining at a 30-foot maximum.

Lastly, a series of technical corrections, specifically with regard to applicability and sign permitting, exempting some certain types of logos that may be on equipment and additionally adding on some historic district commission language, clarifying and correcting errors. As you can imagine [inaudible] ground with punctuation, introducing and revising definitions specifically revising the definition for on-premise advertising and portable sign structure and introducing a new definition for sign face, clarifying enforcement, specifically with regard to notices of violation and warning citations. Then lastly, just providing some additional clarification with regard to the measurement of sign faces.

The staff does recommend approval of this petition, we find it to be consistent with the Centers, Corridors, and Wedge's growth framework goal to support a diverse and growing economy. The rationale for this is to provide for additional flexibility and encourages more innovative design, provide greater utilization of building wall space for signage, clarifies the enforcement process, and adds further clarity with its amendments to graphics and definitions. It provides a better scale for certain sign types and addresses the unintended consequences of the text amendment that was approved and adopted in October 2019. That concludes the petitioner's presentation and I'm happy to answer any questions if there are any.

Councilmember Egleston said I think some of this discussion started with a frantic phone call I made to Mr. Jaiyeoba a year or two ago when a local business in my District had been ordered to paint over a mural that they had that was a beloved mural in the neighborhood. I think that the original discussion around this was how do we encourage more creativity, and how do we encourage more private investment and public art in our community. I think now, given what some of our small businesses are going through in the City and all over the country right now, I'm glad and appreciative that staff continues to improve these policies. I think, not only will encourage more public art in the community, which I think there is broad support for, but I think it will also give more flexibility to our businesses as they start to come back online and try to recover from what has been obvious, an incredibly difficult year in how they market and how they get their message out to potential customers. I think there are even more good reasons that we continue to support these sorts of modifications to our regulations now than there were before and I'm grateful for the staff for continuing to strengthen our position on being flexible and trying to be business-friendly, art-friendly and kind of forward-looking on this issue.

Councilmember Eiselt said what is an A-frame sign?

Mr. May said it refers kind of to the profile look, but you may know them as sandwich board signs and you often find them in front of businesses around sidewalks.

Mayor Lyles said are they the ones that you basically take in at the end of the night?

Mr. May said yes, that is correct and sometimes they may have menus on them, or they might be like chalkboards where a business might put on their what their current daily special is.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2020-049 BY THE KEITH CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 156.32 ACRES LOCATED ON THE SOUTH SIDE OF INTERSTATE-85, EAST OF MOORES CHAPEL ROAD, AND NORTH OF WILKINSON BOULEVARD FROM R-3 LWPA LWCA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA, LAKE WYLIE CRITICAL AREA) TO I-2 (CD) LWPA LWCA (GENERAL INDUSTRIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA, LAKE WYLIE CRITICAL AREA.

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just over 156 acres, located south of I-85 along Moores Chapel Road, just north of Wilkinson Boulevard. The current zoning is as mentioned, R-3 Lake Wylie Protective Overlay as well as Critical Area Overlay on the property. The proposed zoning for this petition is I-2 (CD), there is a Lake Wylie Overlay for the protective area and the critical area will also remain intact should the zoning be approved.

The adopted future land-use for this project is for single-family, and that is from the Dixie Berryhill Strategic Plan that was adopted in 2003. The proposal itself is for up to 1.53 million square feet of industrial uses, outdoor storage developed with potentially up to three buildings. We have one single building over one phase, there is another possibility, but again that total would not be able to exceed 1.53 million square feet. There is a 100-foot Class A buffer against any residential uses. A traffic impact study would be submitted during the subdivision review process. There are some transportation improvements associated with this petition. One of those is a realignment of Moores Chapel Road, which would tie back into Wilkinson Boulevard as well as an extension of Lakebrook Road as a public street once those development conditions would trigger that improvement. There

are also intersection improvements at Lakebrook Road and Sam Wilson Road as well as turn lanes from Moores Chapel Road into the site, also an eight-foot planting strip and 12-foot multi-use path will be installed along the entire frontage of the site along Moores Chapel Road. There are also commitments to continue to work with our Land-use and Environmental Permitting folks to enhance erosion control measures that would be associated with the development.

The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. It is inconsistent with the Dixie Berryhill Strategy Plan; however, staff feels that the transportation improvements would mitigate traffic impacts that would be part of this project. They will provide buffers between industrial development and adjacent residential neighborhoods. There are existing and numerous industrial projects that have been developed in the area recently, especially along the Wilkinson Boulevard Corridor as well as along I-485 and Sam Wilson Road. The location of this site near I-85 and Wilkinson Boulevard, as well as the Charlotte Douglas International Airport, does provide regional access which makes this site and this area generally desirable for a larger scale industrial development. The site is located within a growth corridor as per the Centers, Corridors and Wedges Growth Framework which does encourage industrial development near interchanges like this. That is the staff's recommendation and we do have presentations by both petitioners and members of the community. The staff will be happy to answer any questions following those presentations.

Joel Horwich, P.O. Box 1490, Belmont, NC said I am speaking in favor of the conditional rezoning, Petition No. 2020-049. I reside in West Charlotte on Moores Chapel Road and have been a resident here since 2008. My argument is primarily in favor but for those that could not be present today. They include our trees that are vastly more important, the generations of Charlotteans who will rely upon those trees and your decision here today and the weeks and months following. As you may know, the U.S. Department of Agriculture is planting one acre of forest which will be approximately six tons of carbon dioxide while admitting four tons of oxygen annually. That trees absorb and remove pollutants such as carbon monoxide and sulfur dioxide [inaudible] water and soil. They blow an air temperature, they [inaudible] and filter solar energy as well. The inconvenient truth here is between 2012 and 2018 business and residential expansion caused the disruption of approximately eight percent of the City's tree canopy and that translated to approximately 250,000 trees. As you are probably aware North Carolina Code of Ordinances, Section 21 permits up to 90% disruption of trees in residential in the single-family area than Section 2195 and 85% in commercial zones, Section 2194. That statute dates all the way back to 1978. Nothing about our present roads [inaudible] Charlotte becoming another Atlanta or some other city of that nature. In fact, Atlanta had three percent more tree cover.

With regard to the addendum that I submitted, and I will resubmit further. Please note that I have pictures of my home as it stands now, pictures of the five acres which have recently been clear cut on a plain directly above my home that have pictures of the soil erosion and flooding and erosion that we have there, but [inaudible] removal of trees without proper zoning or consideration. Also, other pictures November [inaudible]. Just to note if you disapprove of the petitioner's request, we could have 468 of the homes I've pictured there come in and that would lead to producing ornamental trees on site. If you approve what they are requesting you could also wind up with [inaudible] in conclusion. [inaudible] move this commission except the petitioner's conditional rezoning and request that they adhere to strict restriction of no more than 55% tree canopy destruction the entire project be surrounded.

Keith MacVean, 100 North Tryon Street said thank you for your time and thank the staff for their support and assistance with this petition. As Dave has mentioned, this site is located near the Airport, near I-85, and Wilkinson Boulevard in a growth corridor which is an appropriate location for this type of use.

A little bit about The Keith Corporation; it started in 1989 by Graham Keith, Sr. and Jr., they have developed over 310 developments in 34 states and five countries and become one of the most well respected and full service private commercial firms in the nation. I'm

going to turn it over to Allen Lewis, the managing partner for industrial development for Keith Corp.

Alan Lewis, 4500 Cameron Valley Parkway said I am the Managing Partner of our Industrial Development Division. On this slide, I would really like to just point out the 48 acres on the entire east side of the property that is not being rezoned and will remain R-3 so it completely separates the project site from any adjacent residential that is along Sam Wilson Road. This slide actually shows the Class A buffers that will be put in on each side of what is shown as the single building plan. They are 100-feet on each side and of course, that does not include the additional 48-acres east of the eastern boundary. This slide shows the buffer areas, the tree save areas; we will have approximately 30% on this plan as shown as tree save but we will be planting additional trees along the entrance road into the site as well as around the boundary of the truck courts and parking areas. That 30% does not include the 48-acres that is not being rezoned. Also, you can see on this plan at the top the connection of Lakebrook Road into the I-85 and Sam Wilson Road interchange. We will be creating a left-turn lane coming out, there is already a right-turn lane, no lane being put in there from another project. We've been asked by TIA(Temporary Infrastructure Agreement), our review, to put in some interchange improvements which we are willing to do. Most of the truck traffic that will be coming to this project will be exiting off of I-85 onto Sam Wilson Road and turning into the northern end of the site to get into the truck court area. The other way trucks would come in would be off of Wilkinson Boulevard and up the realigned Moores Chapel Road section that we are building so coming in from the south. I would not anticipate much truck traffic coming south on Moores Chapel Road from above I-85 nor would I envision truck traffic coming north on Sam Wilson Road from Wilkinson Boulevard. All of those areas could of course be used for automobile traffic.

We expect to invest about \$5.5 million in public infrastructure, including the road improvements, a [inaudible] station that would serve a broader community and so all of the off sites will be done at our expense, there will not be any public expenditure on those.

Mr. MacVean said just regarding transportation and trip generation; the trip generation as was mentioned; the site could be developed with about 468 single-family homes. The proposed development actually represents a 1,800 daily trip reduction in cars or vehicles from the site. The reduction of 128 in the a.m. peak and a reduction of 236 trips in the evening peak. That compounded with a substantial and meaningful improvement that Allen just described, we see that as a huge benefit to the area and a location for this site. This is an image of the realigned portion of Moores Chapel Road that will be constructed as part of the site. This will be a two-lane facility with 75-feet of right-of-way, two 12-foot lanes, two 12-foot multiuse paths as well as eight-foot planting strips.

Mr. Lewis said this slide in particular I believe shows why this type of development ought to be in a location like this with the interchange of I-85 and I-485 as well as Wilkinson Boulevard with I-485 and the multitude of ways that you can come in and out. Again, the truck traffic would be coming off of Sam Wilson Road, Lakebrook, and north from Wilkinson Boulevard to our project site on the new road that we will be building. We have conducted our traffic study and are reviewing that now, but basically an alignment of all the recommendations in the draft, so we are going to comply with those and pay for those improvements privately.

Mr. MacVean said in terms of the zoning benefits some of the benefits we see with this petition are again, substantial and meaningful roadway improvements that are being funded by the developer. Buffers, a tree save area that was mentioned and enhanced erosion control measures to address water quality issues, economic benefits.

Mayor Lyles said Mr. Smith; we are having technical difficulty and we do not think we are going to be able to resolve it to have the video shown to all of us at one time. I would like to ask for your consideration that if you e-mail that video to the City Clerk, we would all be able to have it on our devices and would be able to watch it, but we would also give you the time to speak to the issues in the video that we are not able to see. Would that be acceptable; I think you've at least 15 people signed up and I know it is a tough

negotiation when you had planned something like this, but I don't know of any other way to be productive with this and get it done so that everyone can watch it.

Councilmember Egleston said [inaudible] he could defer it to the next Business Meeting, just do this one here and if they want to present the way they intended.

Mayor Lyles said would it be possible to fix it? I don't know what is wrong with it and whether or not it is a connection of disconnect with our equipment or if in a week could it be repaired and fixed. I think we are going to have to defer it until next week, the 28th in order to be fair. We've given the proponent 10-minutes, they get a rebuttal, the folks in opposition have 10-minutes to present, and right now they had a seven-minute video and a plan for three additional minutes of comments. So, then we would have to follow-up with questions from the entire Council if we add it to the 28th meeting.

Councilmember Bokhari said Madam Mayor, I just wanted to add that while definitely extended time and conversations I think are warranted, it is pretty out of the ordinary for us to have a prepared video to watch. In fact, I can't remember more than maybe one time that every happened.

Martha Eppes, 12601 Moores Chapel Road said I helped to prepare the video, it was on the advice of one of the Councilmembers that I spoke with about this petition and we prepared the video in order to be able to actually see the voices of those of us who are protesting the petition. If I could be the ability to share my screen, I could perhaps show the video myself or we could come back and speak on the 28th. That will be fine.

Mayor Lyles said I was wondering if we could share a screen under our technology. This is what I propose to do; we will continue the public hearing and then we would come back after we get an okay from our technology team, they are ready to present and work with you Ms. Eppes and you will work with our team members and when this is ready to go, we would come back to you for that time.

Denada Jackson, Constituent Services Div Manager said we are ready to work with the shared screen with Ms. Eppes.

This hearing was temporarily put on hold and returned to this hearing when the technology glitch was corrected.

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ITEM NO. 32: HEARING ON PETITION NO. 2020-059 BY HANOVER R.S. LIMITED PARTNERSHIP FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.474 ACRES LOCATED ON THE SOUTHSIDE OF EUCLID AVENUE, SOUTHWEST OF ROYAL COURT, AND NORTHEAST OF MOREHEAD STREET FROM B-1 PED (NEIGHBORHOOD BUSINESS, OPTIONAL, PEDESTRIAN OVERLAY) AND MUDD (MIXED-USE DEVELOPMENT DISTRICT) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 1.474 acres on Euclid Avenue, Royal Court, and East Morehead Street. Currently, we have B-1 pedestrian overlay zoning for this property, the proposed zoning is MUDD-O. The adopted future land-use is from the Midtown/Morehead/Cherry Plan that was in 2012 and recommends a mix of residential, office, and retail uses for the area in which this site is located. This particular petition is for a 350-unit multifamily building with accessory uses. This would be one single building on the site. There are optional provisions that would be to allow a maximum building height of 170-feet. We do have some modifications to the streetscape along with Royal Court for on-street parking as well as on-street passenger pick-up and drop-off. Encroachment seems to set back on Royal Court for some stairs; things like transformers, balconies, roof overhangs, etc. We also have multiple transportation improvements proposed with this petition which include drop-off and entrance only access points and a

full access movement onto Euclid Avenue. Proposed eight-foot sidewalk and eight-foot planting area along East Morehead Street along with existing trees, those would remain in place. We do have a stop sign, stop bar, and crosswalk on Euclid Avenue at the intersection of Euclid Avenue and Royal Court and we also have a stop sign, stop bar, and crosswalk on Royal Court on the southernly leg of the intersection at Royal Court and Euclid. There are also enhanced architectural elements including transparency requirements along the ground floor.

The staff does recommend approval of this petition, we do have some outstanding issues to work through that are related to the site and building design as well as some technical revisions related to transportation. We've been in coordination with the petitioner and feel those will be worked out prior to the Zoning Committee. It is consistent with the Midtown/Morehead/Cherry Plan for a mix of residential, office, and retail, and again, we do recommend approval and will be happy to answer any questions following the petitioner's presentation.

John Carmichael, 101 North Tryon Street said I represent the petitioner. With me tonight are Bo Buchanan and Kay Bonasera of the petitioner and Nate Doolittle of Land Design. The site contains approximately 1.474 acres and is located on the southwest corner of the intersection of East Morehead Street and Euclid Avenue, it is outlined in red. The site is currently zoned B-1 PED and MUDD-O. The petitioner is requesting that the site be rezoned to MUDD-O to accommodate the development of a building on the site. It could contain a maximum of 350 dwelling units and have a maximum height of 170-foot. The petitioner has worked diligently with the Royal Court Condominium Association and the Dilworth Land-use Committee. We appreciate the time that these folks have provided to us. We also appreciate the work of the Planning staff and their favorable recommendation.

Bo Buchanan, 1780 South Post Oak Lane, Houston, Texas said really what I wanted to communicate is who I am and my company, the Hanover Company. We are a nationwide multifamily development company specialized in very high-end multifamily specifically. We have been building units in Charlotte since 1990 and really nationwide since 1983. I think we have built [inaudible] homes across the country, about 4,500 are in Charlotte and [inaudible] which represents have a billion in investments in Charlotte. This is the footprint that we've generated since 1983, shows you that the heavy eastern seaboard concentration of [inaudible] We are located in Houston, Texas, 575 employees, and the way that we are organized, we are a very centralized group, we call it suits and nuts here. [inaudible] own land, get our own capital. We have our design group that Kay runs part of, you are going to hear from him, be able to control the process, and control the quality of the design. We have our own GC and we have our own operating folks [inaudible]. I was going to hand it over to Nate, but I think we are having some technical issues with Nate. I think he is still muted. So, if you go to the next slide, I'll go over the site plan real quick. I forgot about this slide. This is just smattering and an example of our products across the country. The Upper left is the building on the end.

Councilmember Egleston said I wondered if you realized you only had three minutes because I felt there were some other parts to this presentation, but I've met with these folks and talked with the folks at Royal Court as well the Dilworth Community Association and I think that everybody is mostly on the same page here at this point. The one thing I would say is I would encourage the petitioner to continue to work with the Dilworth Community Association. I know there are ongoing discussions with their leadership about trees around the site and having larger trees than maybe had been in the original plan, some of that will probably require coordination with Duke Energy to allow for that to be incorporated into the streetscape, but hopefully, the petitioner can work through those small items, but I think by in large they have addressed most of the concerns and most of the asks of the neighborhood association as well as the most immediate neighbor to this site.

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

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CONTINUATION OF ITEM NO. 31: HEARING ON PETITION NO. 2020-049 BY THE KEITH CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 156.32 ACRES LOCATED ON THE SOUTH SIDE OF INTERSTATE-85, EAST OF MOORES CHAPEL ROAD, AND NORTH OF WILKINSON BOULEVARD FROM R-3 LWPA LWCA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA, LAKE WYLIE CRITICAL AREA) TO I-2 (CD) LWPA LWCA (GENERAL INDUSTRIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA, LAKE WYLIE CRITICAL AREA.

Mayor Lyles declared the hearing reopened.

Martha Eppes, 12601 Moores Chapel Road said I think this is going to work; a member of the City Council I appreciate your time and patience with this unconventional video normally to demonstrate the large number of neighbors that are in opposition to a petition like this we would have shown up in your Council Chambers wearing red shirts or something like that and we hope that this video will at least give you a sense of the diversity and number of faces of people that are in protest of Petition No. 2020-049.

Ms. Eppes tried to share the video, but it did not work.

Mayor Lyles said Ms. Eppes, I think we have two choices, you can send this to every Councilmember and you can have 10-minutes to walk through your presentation and then follow that with mailing the video to all the Councilmembers or we can go back and put this on our September 28th agenda and have it be a separate item. I'm not sure that we will be able to figure out how to do this virtually as well as to provide adequate attention to the video that you have. Something is not compatible, and I don't it to be a situation where we are not giving you the chance to show us that video. This is my suggestion, to e-mail the City Clerk or to the Planning staff the video and we will give you the 10-minutes now to talk about the issues in the petition or we can reschedule so if there is a fix you could still e-mail us the video and you would have three minutes to speak on it at the next meeting. I know that is a difficult choice but trying to be fair to give the 10-minutes of time to you.

Councilmember Bokhari said Madam Mayor, if I could suggest, if we are going to give an alternative here I think, understanding this is a pretty large project it seems, understanding the implications of pushing for a month because of the video and not knowing if we could actually make it work in a month, I think we should either figure out how to do that now or at maximum keep it in this month's cycle and add it to our agenda next week. I think it would be a little unfair just because of our own untechnical difficulties and inability to play videos of a project of this magnitude.

Mayor Lyles said Mr. Bokhari, it would be next week, and I've offered two options. So, there are two choices here, mail the video and have 10-minutes now to explain it and work through or just wait until next week and show the video and have three minutes to explain it. So, you get your 10-minutes no matter what.

Ms. Eppes said I understand, I hate to speak on behalf of the dozens of people who were part of this. Sam Smith, I believe is also on the call; he is a neighborhood leader as well. I want to make sure that the Council understands that we submitted the video on Friday and were told that everything was in working order.

Mayor Lyles said we absolutely understand that; this is really regrettable. Actually, I was looking forward to it because we talked about it a number of times today. No, this is no intent at all on behalf of you or for us. I just want to give you two choices and as I said to comply with the case law that we have, the opposition has 10-minutes so you can take 10 minutes now or you can send us the video and we can watch it, and then you can have three minutes.

Ms. Epps said I understand. I was going to see if I could hear from some of my colleagues or neighbors who are on the video to see if they were texting me. I think it looks like we would like to go ahead and talk tonight. We worry if we wait a week the notes from the petitioner themselves would be lost to you. I can speak to this petition and then I would also like for Sam Smith, who I believe is also the call tonight, for him to be able to speak some words as well. Also, Janaris Washington and a couple of other people are also had been planning to play the video and Lisa Borkowski I believe is also on the call. All of them were in the video and were here prepared to speak if necessary. I guess I would like to speak now, then let Sam speak and if there is still time and those others that are on the call would like to give them the opportunity.

Mayor Lyles said there at least 15 other people I understand from my list so, let me suggest this if you take four minutes, Mr. Smith takes four minutes, that would give you two-minutes for a wrap-up, but we would still get the video and everyone in the video would have the opportunity to be viewed.

Mr. Bokhari said, and the Zoning Committee.

Mayor Lyles said and the Zoning Committee will have it as well. Is everyone okay with this, everyone understands what we are doing? Ms. Eppes is going to lead off to speak in opposition to the petition.

Ms. Epps said I wasn't planning on speaking this evening. Obviously, rezoning Petition No. 2020-049 is a massive proposal that would be injected into the middle of what is in fact a quiet residential area. One of the images the petitioner showed this evening is zoomed out into a larger area of industrial is somewhat misleading. I would encourage each of you to drive down the roads of Moores Chapel and Sam Wilson and see that the area that this property that this parcel is in is in fact very isolated from that existing industrial development. You don't feel and hear that development as you drive around our residential neighborhood. I believe I don't need to tell this Council the research, I'm sure you are all familiar with the research that shows unambiguously the link between the proximity of residential neighborhoods to industrial and how that proximity correlates with negative health outcome with lowering of home prices with negative environmental justice. This particular parcel is in the Lake Wylie area, situated between two streams that drain directly into Lake Wylie and the Catawba River. So, the environmental impact would be amplified by the proximity of this site with Lake Wylie.

There are many reasons that are outlined in the video for why industrial is a bad idea in this particular location, but more importantly, my neighbors and I want to emphasize the potential that is lost in this location if it becomes rezoned to industrial. In other words, it is a location that can take advantage of access to the light rail that is going to be coming within less than a half-mile for even the southern boundary of this parcel would even fall within a TOD rezoning district for example. It is close to the Whitewater Center, a nature preserves, Lake Wylie, all of these things are amenities that are attractive to residents and why we moved out here. We know there is industrial here, but we wouldn't move in an area like this where this parcel is if we could feel that industrial. This rezoning would actually bring a link to industrial in an area that otherwise could be redeveloped for something like housing or amenities. This part of Charlotte has some of the lowest equity scores for access to amenities and environmental justice in the whole county. So, do we really want to add to that by inserting a facility that is three times the size of the Amazon Warehouse to the south on Wilkinson Boulevard? I think that is it and I'd be happy to answer questions about it.

Mayor Lyles said we will have time for questions afterward as well.

Sam Smith, Jr. 7008 Palatine Lane said I am here today to speak against the rezoning for Petition No. 2020-049. I have lived in the Moores Chapel area for over three-years, I am a Community Leader, President of the Northwest Community Alliance, [inaudible] President for Moores Chapel Village, and Board Member for Freedom Division Advisory Council. If you are not aware of the area, the only thing around us is warehouses for distribution hubs. Most of the workers that work at these warehouses are not from the

area, including those that work in the warehouses. Over the last several years, I have been reaching out and engaging developers to look at the area because of the potential to develop to bring jobs and other economic mobility and workforce drivers to the area for the residents which is why I'm against this rezoning petition today. I'm not sure if any of you are familiar with the Moores Chapel Road area, it is a very narrow, two-lane road that has plenty of curves. Bringing a massive project like this in this area will not only disturb the current residents, but it will create a traffic nightmare and impede on a road that over 200 bikers use weekly. We would like to see a more economic friendly project proposed for this area of Charlotte, perhaps more single-family residential, affordable housing, community park and recreational center, bike lanes, restaurants, shopping, etc.

To show that the distaste for this project, over 125 community members have signed a petition in opposition to this rezoning. Lastly, many of the residents in the area are also not English speakers, have reached out to me inquiring if they should also reach out to Council via e-mail specifically written in Spanish. Today, I'm asking you to please, please, please do not support this petition.

Lisa Borkowski, 9117 Singing Pine Road said I live in the West Moreland Community. I have previously submitted a letter concerning the Petition No. 2020-049. I urge you to consider the impacts it will have on the far west Charlotte communities. In the short-term, some of the benefits include jobs and some growth, but in the long-term, there could be bad consequences to the environment and the community. I currently stand opposed to the industrial rezoning Petition No. 2020-049.

Lynn Cook, 9110 Thayer Road said I live in West Moreland and this is the neighborhood that this is going to back right up against on the Moores Chapel side. My biggest concern is the noise abatement with our neighbors. We already are hearing the beepers from Amazon all during the night and with Loves on the other side of I-85, the truck traffic is unreal. We asked for a stop-light at that intersection and we were told that was not allowed so, we have so many trucks coming in this area it is unbelievable. When there is a wreck on I-85 Sam Wilson Road gets everything, all the traffic comes from Wilkinson Boulevard and from I-85. So, my concern is the traffic on Sam Wilson Road. We also have one entrance and exit into our neighborhood and whenever there is a wreck out there, we cannot get out of our neighborhood going in either direction. So, my concern is the traffic, also the noise abatement, and over half of this property is the Lake protected area and I don't see how that is going to be protected with this proposal. That is my reason for coming to this and I just hope you will think about it, and even the developers, if they will think about it; that coming in on Lakebrook, that road is a dirt road right now, a gravel road and I don't know how they are going to bring trucks in and out of there safely.

Janaris Washington, 4749 Charlie Hipp Road said with everything we've heard I definitely oppose. Let's think about the grands of our West Charlotte area, it is an opportunity to work together and to make it a better place. We are one of the fastest-growing cities and we need to show that. We are a place of opportunity and that we could also residential where people could make their dreams come true with it comes to having land and having their home. Just like I've had that opportunity, I want others to have that same opportunity. We know that the infrastructure for our roads needs help, and it is going to take time guys. I just feel like West Charlotte is not ready yet. Let's think about our water quality as we've heard, let's think about our air quality, our trees. We are trying to preserve some of the natural boundaries that we have left, and if we don't do something about it and we just continue to grab the hanging fruit then instead of doing more effective planning then what exactly are we expecting for our future generation. With that said, we want to summarize that after you see the video please let us know if you have any questions, but please keep in mind that we have bikers on our lanes, we have a two-lane road, and we are not the only ones going into Moores Chapel and other roads. We want to make sure that we do the right thing for everyone around us and we think about the fact that we need more residential areas as well.

Mayor Lyles said I would like to ask Mr. Pettine that we organize to get that video into the Clerk and to the Councilmember's hands.

In rebuttal **Alan Lewis, 4500 Cameron Valley Parkway** said I want to thank all of you for your time and your consideration and I'm grateful for the support of the Planning staff, we appreciate that very much and feel like the rationale behind that was appropriate. Several points I want to make; one is we are committing a 48-acre buffer behind the West Moreland Neighborhood. We are going to pave and widen Lakebrook Road. The TIA we just received requests stop-lights at the I-85 and Sam Wilson Road interchange on both sides of I-85 which we are going to comply with. We are in compliance with all critical watershed development standards and intend to operate this site in compliance with all environmental laws by the uses that we anticipate for this site are not negative environmental uses. In addition, on Moores Chapel Road we are building two 12-foot multiuse lanes on both sides of Moores Chapel Road for bikes, for walkers, for runners. We are spending a lot of money to provide public infrastructure and to comply with TIA requirements that are in addition to the \$5.5 million. We anticipate 1,000 jobs [inaudible] investment and we are committed to working with the Resource Center of the Goodwill Opportunity Campus and Charlotte Works and we've had conversations around that and plan to introduce our respective clients to these organizations to utilize their job resources and job development programs.

Councilmember Watlington said my question is actually for Mr. Jaiyeoba; in regard to the area plan or the status of the Comprehensive Plan for this area, can you speak to where we stand?

Taiwo Jaiyeoba, Assistant City Manager said I'm sorry I didn't hear your question.

Ms. Watlington said I just wanted to know what is the status of any area plan update or Comp Plan for this particular part of Charlotte and how does this zoning fits into it?

Mr. Jaiyeoba said obviously, as you know the Comprehensive Plan is not done yet and we are still working on it. As we work on the Comprehensive Plan, it is not just going to be land-use in terms of where they are but also what the market is telling us today and also in the future. What I can tell you right now, is that we don't have enough land area for industrial development. When we think industrial and when people hear the word industrial, they often think pipe and foundry type of thing, but that is not where the challenge is. It is really about jobs related to assembly logistics for which Charlotte is very well known. Unfortunately, as we lose small opportunities for that type of development it means competent cities get an advantage over us. As we look in our Comprehensive Plan the effort is where can we, first of all, we have to rebrand the word industrial and make sure that communities don't always feel intimidated or overwhelmed when they hear the word industrial and that is not necessarily something that can be done adjacent to residential development. We need to rebrand, and we are working on that right now as part of our Comprehensive Plan and the Unified Development Ordinance. We will be sharing with the Transportation and Planning Environmental Committee on September 28th, actually on Monday.

The Comprehensive Plan will focus on how we do that, but also how do we create more opportunities for economic growth in the City by leveraging what we have today without broadening residents. It is a tough balance, we also know that we are losing land to industrial development and we want to be very careful that we don't put ourselves out of the market if we don't look at the areas where we can have that. Typically, there will be areas where you are close enough to freeways or to rails where people can actually get in and get out, but we also want to make sure that in the process we are creating jobs close to where people live, but not the type of industrial development that will create the quality of life issues for residents.

Councilmember Driggs said I wanted to make the general observation that this is a situation where we have a very major rezoning outside of the City limits and that means that we don't automatically have a process where one of our kind of looks after this. So, I did just speak to Ms. Watlington and find out if she would be prepared to help us out by performing a kind of District role, engage with the residents and do all the things that a District person does because as you may recall, the last time we had one of these situations, it ended up in court. I do have a question about what exactly the uses are that

are expected here, are these going to be warehouses, trans-shipment facilities? Can we get a little more detail on exactly what sort of things will be going on at this location?

Mr. Lewis said we anticipate a lot of demand and have already spoken with potential clients who are in the logistics business, eCommerce, also though due to the pandemic we are not only having an explosion of eCommerce, we are having reshoring of critical manufacturing and a lot of manufacturers that are already here in our region are going from a just in time delivery products from their vendors to just in case and so it is requiring more warehouse space. In one scenario I'm working on we have a company that is a large manufacturer in the Charlotte region who wants to consolidate several facilities into one large facility in uptown. I can't name names at this point, we have non-disclosures, but in that scenario, you might have a portion of the building that would be light manufacturing and then the remainder of the building would be storage and distribution of the product. Any light manufacturing, we would have would be clean manufacturing. We as a company and as a partner in the company, we've done a tremendous amount of build to suit business for all different types of manufacturing operations, including food grade, cabinetry, electronics, all of these are clean facilities and these buildings are built eight to 12-inch thick concrete panels so the noise from these manufacturers is contained within the buildings for the most part. There is very little noise coming out of the operations on the inside.

Mr. Driggs said I guess then one concern is traffic that we heard about. What is the composition of the trips; are we expecting that a lot of these trips are going to be tractor-trailers or what types of vehicles would comprise the trip volume?

Mr. Lewis said we don't know exactly of course until we get the use, but in the TIA I believe that the allocation that is standardized for the industry in this type of thing, you are expecting about 25% of the trips to be truck trips.

Mr. Driggs said alright, thank you. I would just say to C-DOT (Charlotte Department of Transportation) I'm interested to see your analysis and would point out that this is one of the situations, where the comparison with the existing is favorable by right, is favorable, but we are going into a place where there isn't anything right now and so we need to be thoughtful about how we manage that traffic. I think we need to be responsive to those questions. I'm not prejudging that, but I'm just saying that I hope we will get from C-DOT some good analysis on how adding that much traffic in that area affects mobility.

Mayor Lyles said I think Ms. Hall and Ms. Byers will be paying attention to that. I would like to also add the number of jobs and what we are talking about, what does it mean for bus and rail as well?

Councilmember Johnson said I wanted to thank Mr. Smith, but also Ms. Eppes and the other speakers who weren't prepared to speak today and who stepped up on a moment's notice. Sometimes that takes some courage, so thank you. I have a question for the residents; were they aware of the 48-foot buffer and the infrastructure improvements such as the lights and the 12-foot multiuse lanes on either side? Does that make a difference to them in the way that this project is received?

Ms. Eppes said yes, we are aware of all of those points, and our response to the 48-foot buffer that is left as R-3 is what development would want to come in and build a residential development adjacent to an industrial facility? Although there is a buffer between the existing houses that regardless we know what industrial proximities to industrial does to land-use values and also the way that the property is situated, they have to leave that 48-foot, oh they don't have to, but the industrial facilities are situated between two streams with a part of it between them so that extra buffer to the east is a result of that topographic difference. Then in terms of the infrastructure improvements, Moores Chapel Road right now is a two-lane country road. It is not built for commercial truck traffic and what you heard from the petitioner a minute ago to remind you is looking at something on the order of 500 commercial truck trips a day, that is 18-wheeler trucks. Regardless of what the map shows we know from living here that the most convenient way to get up to I-485 going towards Huntersville is up Moores Chapel Road and then down Sam Wilson Road

to get to Wilkinson Boulevard. So, we respectfully disagree that those improvements are going to make a difference for a two-lane street that is already quite overburdened. Even during COVID we still have heavy traffic back-up on Moores Chapel Road and Sam Wilson Road, especially with the new industrial facility. I guess the point is we understand we have to have industrial, we understand we have to have jobs and we would argue that there is plenty of room for industrial development along Wilkinson Boulevard and adjacent to I-485 and I-85 that would be infilling as opposed to this project which breaks boundaries into some of the remaining few tracts of land that one of the Councilmembers just pointed out, there is nothing there right now. It is an area that could be preserved for a different use than something like industrial, and the neighborhood is also well aware that it is just "light industrial" but we are also aware that even with light industrial accidents happen. We have some very good industrial neighbors that nevertheless we experience still white soap suds filling up the creek that my kids play in and that is light industrial use, and nevertheless, accidents happen.

Councilmember Ajmera said I have a couple of questions; some of my questions are already addressed. I am looking at the document that was part of our package and I looked at the Strategic Plan which was Dixie Berryhill and this proposed rezoning is inconsistent with Dixie Berryhill Strategic Plan, so I want to hear from the staff. It isn't consistent with the area plan however, the staff is recommending approval of this. Could you explain why is that?

David Pettine, Planning said the Dixie Berryhill Plan does recommend single-family residential. That plan is from 2003; as we've stated in our rationale in our staff analysis that we do feel that the change in some of the landscape in that area in terms of existing development and development that we've seen over the past 17-years or so since that plan has been adopted has been primarily industrial employment type uses in nature, particular around the interchanges of I-485, Sam Wilson Road, Wilkinson Boulevard and we felt that the existing development that we had seen out there that is similar in nature to this was consistent more with what we've seen in the area that has been developed versus some of the things that were adopted in that policy some 17-years ago. I think some of those improvements that have happened and the location of that in-between I-485, I-85, Wilkinson Boulevard, and the Airport really have an area that we've seen that has become from a market standpoint more industrial intensive versus residential that maybe was envisioned with that plan was adopted back in 2003. I think our rationale is tied to outline some of that given those locations along some of those key interstates and interchanges as well as some of the language in that Centers, Corridors, and Wedge's framework which does encourage industrial development near interchanges like this. I think that is where the basis for our rationale came from while it is inconsistent, we felt it was consistent with the type of development that we've seen since that plan has been adopted in that area.

Ms. Ajmera said in terms of infrastructure improvements what improvements have been made? It is a two-lane road as several speakers have pointed out.

Mr. Pettine said I think that is one of the questions that we have heard and some of the things and concerns that we've seen from folks in this area as that industrial development has continued. I think this petition in particular has some of those improvements for that realignment of Moores Chapel Road down to Wilkinson Boulevard. That is a fairly intensive road project that would be conducted by this petitioner. That is something NC-DOT (North Carolina Department of Transportation) identified as the desired roadway improvement and that is something that this petitioner has committed and decided to partner with NC-DOT and some other property owners in the area to make that realignment of Moores Chapel Road happen with Wilkinson Boulevard. They had also talked about infrastructure improvements to Lakebrook Road which would be almost a complete redo of that road and upgrade. We did hear from the petitioner and they are conducting a traffic study currently that is going to be done in conjunction with both NC-DOT and C-DOT. That is going to look primarily at some of those interchange areas that could result in things like stop-lights, other areas of infrastructure improvements that we still are going to go through that process and that process are actually something that would be done and finalized during the permitting side. We do have improvements that

are identified particularly to this rezoning, but even after this rezoning, should it be approved they may have additional improvements that would be as a result of that traffic impact study that is still in process and in progress with NC-DOT and C-DOT so I think there is a multitude of some of those infrastructure improvements that would be done both through this rezoning in the conditional notes and then as a result of that traffic impact study which would be done and finalized likely after the rezoning should be approved, it would be conducted during that permitting phase. So, I think that is where we see some of those infrastructure improvements coming from.

Ms. Ajmera said I appreciate some of the infrastructure improvements that have been proposed by the petitioner. Could you bring up some map of the area where it shows the proposed site and then nearby you will see whether it is residential or industrial?

Mr. Pettine said yeah if we could go to the existing zoning slide?

Ms. Ajmera said while you are pulling that up, I'm looking at our artifacts that were in our package and I'm looking at how close the residential site is with this proposed rezoning. Anytime there is a proposed rezoning that converts or if there is a request where it is asking for a rezoning request from residential to industrial and where there is residential already nearby, That is concerning because there are residents that are already living there and there is a residential site right next to them. I don't know, it is an industrial site, even if it is light industrial coming right next to their site. That is a concern that I have so you can see here we've got R-5 right next to it and then this site is R-3 and then there is industrial on the other side and then there is multifamily. What is the plan that the City has in terms of some of these other residential sites that are already there? Is there a plan to at some point do you see this area as eventually transitioning into more industrial?

Mr. Pettine said I think we've seen and continue to see the area that has transitioned to some more industrial. I can try to work up a rezoning history map. I think that it may be in our packet that may show some of the previous rezonings that have occurred out there just over the last five years and we have had some undeveloped land. It has mainly been the undeveloped land in the area that has been around some of the existing residential that has been looked to have converted to industrial over those last five-years or more and that certainly has been something that we've seen more of an increase and a trend on and like I said it has been primarily in that undeveloped property and that vacant property more so than taking some of the residential properties and consolidating those.

We do have some of that occurs, but they may be larger residential holdings versus some of the more individual smaller lots like we have in that area along Lakebrook Road, Spring Pine, Thayer Road, and then along Moores Chapel Road. I think we've tried to work with the folks that are proposing some of these petitions and where we have existing residential development, tried to program some of the property and land uses to be less of noxious industrial uses. That is certainly one area that we start in and then with buffering and other things with noise abatement and of course the infrastructure improvements that we talked about, try to have those work as harmoniously as we can, but certainly there is the potential for some of those land-use conflicts when you do have residential and industrial being neighbors, but our role is to try to work through this process to mediate those and work with both parties to try and find some commonalities that we can try and abate some of those concerns and I don't think in some of those cases all concerns will certainly be addressed, but I think we try to come out with an outcome that is positive and certainly I think this one, we can continue to have some of that dialogue with both the petitioner and the neighbors. I don't know if there is going to be an answer to every question that we have, but I think there are still opportunities.

Ms. Ajmera said understand the history of rezoning in this area I have not seen any rezonings that have included part of our trackage, but it has where we've rezoned something from residential to industrial. Anything that is on here is from office to industrial or general business to industrial. I'm not seeing anything from residential to industrial and I have some concerns. If I'm mistaken please let me know, but I'm just looking at what was provided to us. The next question I have is for the petitioner; why this site versus something that is already industrial or where it is not next to a residential site?

Mr. Lewis said this site represents a great tract of land that does not have any land uses on it right now and it is very difficult to find a tract of land like this where you can put a large footprint building. There are a very few of them left in Mecklenburg County, there are very few if you go to surrounding counties now. The streams that delineate this site that were referred to earlier are natural boundaries and of course one of the reasons we left the 48-acres, not a 48-foot buffer, by the way, it is 48-acres next to the neighborhood on the east, we had the luxury to do that because we weren't going to cross a stream and to have an environmental impact with the building. I guess the main answer to your question is we've used up the industrial sites, there is not a lot of industrial sites available and so this seems to us as a natural extension of the industrial to the south and the industrial to the north.

Ms. Ajmera said staff, could we get a list of industrial sites that are either light or heavy industrial in the City or within the ETJ area or within the county that is over 100-acres as some of this rezoning is for 156-acres? That would be helpful. Another question I have is, this is also for staff; could we provide interpretation service for those who are non-English speakers? This has come up a couple of times, say if there is a speaker who wants to speak in Spanish because of the language barrier, could we have an interpreter at our Zoning meetings or other Council meetings?

Mayor Lyles said Ms. Ajmera, I believe that we have tried to do that by request and that is the way it has worked and that has been going through the Clerk's Office. The question that I've been more often asked is the sign language and I think that is something that I've been asked consistently, and I thought we were going to try to do more of because of the American Disabilities Act and so it is something that we've been doing on a lot of our televised meetings. I think that it is something that we will see more of because of the increased requirements of the law. If there is a language, the City Clerk's Office makes that accessible. I don't know if there are other options. I've seen some technology where the translations are done in the closed caption, I don't know about that. I think that is something that if the Council discusses, it is certainly a valid question.

Ms. Ajmera said I would like for us to review that. As we all know we have a very large population of immigrant communities here in Charlotte so that we can make our City services accessible to all of them. If we can look into how we can accommodate such a request as they are coming in, especially in this case. When I had a meeting with some of the neighborhood leaders that expressed concerns about non-English speakers were not able to sign up. If it can be something, we can include on our City website that would be great so that we can also advertise it.

Mayor Lyles said I think the Office of Immigration has been working on the various languages and interpretations on our sites and they've been coordinating that, we'll just ask Mr. [inaudible] to give us an update of where we are and what options there are available to us.

Ms. Ajmera said one last question I had is for the staff; I'm looking at the proposed trips; when you are looking at trips do you all differentiate when a car versus heavy machinery or trucks or is it all the same?

Mr. Pettine said I believe we are looking mainly at volume in terms of the number of trips, but I could certainly defer to C-DOT if they want to provide any clarification on whether we look at type versus just the volume of number.

Lakisha Hull, , Transportation said Mr. Pettine is correct, we just look at the volume, we don't go into the type of vehicle with our trip gen table.

Mayor Lyles said I have a further update for you Ms. Ajmera; the City's website has a google translate button and it says top right and all of this can be done by google translation by use of that.

Ms. Ajmera said could anyone go online and sign up to speak that are non-English speakers, would they be able to see interpretations and how would we be able to see that?

Mayor Lyles said you know, I'm just reading what I've been told so, I will get someone to tell you how that works. Ms. Jackson will call you tomorrow and let you know how it actually works. I just wanted to make everyone aware that right now on the website you have a google translation button that can be used.

Mr. Jaiyeoba said I was also going to say that I don't know if it is on yet, but we have been working with the office of Federico's Office with regard to a language line, not just for the rezoning piece, but also for all kinds of engagement. If you go on the Planning website right now there are probably more than 100 different languages where someone can really come in and get with us with regard to questions that they may have on different planning activities. Again, I'll work with Ms. Jackson to get a response to you.

Mayor Lyles said we will get something back about the 100 languages that are available.

Councilmember Winston said there are a lot of things that seem to be unfair about this considering this petition right now, and I fear that we lack proper policy that will guide us on this decision. As Mr. Bokhari and Mr. Driggs have pointed out, this seems like this could be a very significant petition that could lead to a great economic development project on it. Mr. Jaiyeoba touched on as we complete the comprehensive plan, we really need something that we've been asking for ever since I've been on Council, and it is guidance around industrial development. We don't have that now; we know that we are losing a lot of land and a lot of lands that could be zoned industrial and that is very difficult for some of the jobs that provide the economic mobility in our City that we seek. I don't really know how to weigh this other than a gut reaction.

I would like to know how these interplays and how these overlays with the Airport expansion plan for instance because this is the type of project that we would want close to our Airport which is our economic generator. We were having a discussion in Intergovernmental Relations today about looking at the I-74 and I-85 corridor as a smart transportation corridor. This is going to be possibly close to the future Silver Line alignment and you want this type of development next to the Silver Line where there are going to be jobs to take light rail too. It does seem like we have a bunch of industrial tracts around here in the past few years, but they are significantly smaller, so I don't know if that provides any type of precedent for this type of rezoning and potential development. We don't have any really good guide as it relates to putting industrial zones in these environmentally protected areas. Is this a good idea to put this type of zoning and this type of potential development in the middle of many different streams and inlets and outlets to our wetlands? As Mr. Driggs pointed out, this is in the ETJ, so I don't how to necessarily consider future development here. This island by the waterfront, and it is something that makes Charlotte, North Carolina so desirable, our land and our natural resources. I'm torn about this. This doesn't seem like a developer coming in and just wanting to grab and snatch as he said, we are a growing City and the ability to do large scale projects is becoming harder and harder, but we really need these types of projects for economic mobility. So, how do we approach this? I guess to Mr. Jaiyeoba, taking all of these things into consideration, how do we approach this from a real planned kind of mentality? How do we use anything besides a gut reaction and a subjective decision between what is good and what is bad for the common good of the entire City of Charlotte or the County as it may in this situation?

Mayor Lyles said do you want the term paper version of that or the executive summary?

Mr. Winston said I'll make a summary; how do we apply a plan to this? We talk about going from a deal-making City to a plan making City; how do we apply a plan here because it really doesn't seem possible?

Mr. Jaiyeoba said usually in the absence of a plan like what you expect, you look at a pattern, what has been happening in an area for a while and then you balance that with

potential future needs. That is really where I think the Council has to fall in here. We have said thereon in the year that as we draw close to having a draft Comprehensive Plan, we are going to begin to share certain policies with you that could be applied to this type of development where you don't have the right type of document in front of you. We are only a few weeks removed from that. We are going to be presenting this draft document to Council at the end of October and releasing it to the public for review, but what you are going to see there is consistent with what I said earlier and that is that we are going to redefine what industrial use is.

Part of the reason why the staff supports this is because of the type of industrial use being proposed for this development, the road network that is close enough, and then the pattern of development that we've seen there over the past few years. I do understand and we've had conversations in the community so I definitely do get that, but the Comprehensive Plan is not necessarily going to be significantly different in terms of what I've just said to you and that is to continue to make Charlotte a very attractive community for jobs and for residents and really having to be able to balance between the two so that as we talk this notion of creating 10-minute communities, it is about bringing jobs close to where people live. But bring the right types of jobs close to where people live, close to where people can travel if they choose to. We've had conversations also with public transit, but as you know transit is not something that is driven by shift workers. They have a particular schedule that they have to run by and so maybe the conversation has to be with the developer or wherever the business is that is going to go here with regard to what kind of transportation would you provide to your employees in the future that will minimize many vehicles trips from those who will be working in this place in the future. Again, I'm just speaking out, understanding that some of these things will be reflected in the overall plan.

So, again, you've got to look at a pattern of development in this area over the past few years, look at the transportation network that is close by and then also thinks about what the future brings in terms of the development of our City, then you make your decision from that place.

Mr. Winston said thank you; I would love to spend some time personally speaking to the residents, speaking to the developer, but also understanding from the staff for instance, how do we really approach these protected areas and how do I apply plan logic to this decision because it seems like it is going to be a very important one?

Councilmember Eiselt said I'm going to piggyback a little bit on Mr. Winston's comment. I have spoken to the neighborhood group, I have spoken to the developer and I drove out to the area and I'm trying to wrap my head around this because in the past few years we have talked a lot about the fact that we are losing area for light industrial in Charlotte and it really speaks to the need to get, not just the Comprehensive Plan done, but to map out what that Comprehensive Plan tells us. The Comp Plan isn't the map, correct me if I'm wrong Taiwo, but that is the plan that then has to be laid out and says this is what it is going to look like. I think that is really important right now, we need the staff to give us some guidance because this is a big project that is dissecting a very big residential area and if the staff says to us most likely, this is where light industrial logistics are going to go, this is a development that is going to continue, then we need to know that and residents need to know that because these people invested in homes in this area and land and there has to be some predictability for residents and for businesses as to what this area is going to look like. I do feel that it is a major change.

I drove up Moores Chapel Road and frankly, as it is a little scary. It's got a lot of bends to it; if you were a cyclist, I think you would have to be awful careful so I'm really happy that the developer is talking about multiuse paths on both sides, but right now I don't know how you put that much traffic on there for trucks. I think you explained how they get onto I-85, but I couldn't figure that out from Moores Chapel Road, but you are saying it is really not from Moores Chapel Road, it is from Lakebrook Road I guess over to Sam Wilson Road. I have to understand a little bit more about that, but I just feel need a little bit more help from the staff on this one to help us understand where you really think light industrial is going to go. It is a very important part of our economy, it is a very important part of our

Airport because we could be the premier intermodal facility in the southeast if we had all of our intermodal pieces right there by the Airport. Atlanta doesn't have that, Memphis has it, but it is pretty much FedEx and we really could be the premier intermodal facility, but we need some help here. We need some help in deciding where this is most likely going to go, and I think that is only fair to the residents.

The last comment that I would make then is about traffic and Ms. Ajmera touched on it. What my question was is I don't know how you do that traffic estimate if one, you are really saying that cars and trucks are the same things, are both vehicles. It is just not the same thing. If you get stuck behind a couple of trucks or you just get stuck behind three cars at a stop sign your timing is very different and the impact on the environment is very different. So, we need a little bit more help on that and with regard to the possible uses we heard that it could be manufacturing, it could be logistics, but Alan, as you said logistics has changed, especially with the pandemic that it is not from just in time, but to just in case. I can order something today and have it that afternoon and we all have seen the increase of FedEx trucks up and down our streets so that tells me that is a lot more in and out traffic and so I don't know how you come up with the same traffic number if it is manufacturing as you do if it is just warehousing. Honestly, at this point, I just feel that we need more information from the staff. I need to understand a little bit better how the staff went from saying that they weren't sure about it because it was supposed to be residential to it is going to have traffic improvements. How do those two arguments align and if it is because you really feel this is going to be our light industrial region then you need to tell us that. Those are my comments, thank you.

Mr. Bokhari said I won't add much because much of what I was going to say has been said. I will just kind of recap to say we've had a lot of conversations these last few years that I would summarize down as almost the industrial gentrification of Charlotte. We've talked about it a lot and as much as we love a booming South End in all these areas it is at the cost of a lot of the industrial capabilities we once had in this city and the home they once had. So, I think the bottom line is we are going to have neighbors whether it is this case or whatever case when we actually get a plan where this is going to go, they are going to absolutely hate us for having that plan. Full stop right there.

The opportunity for us to get a plan at the time of this decision is impossible, I don't think that is something we are going to be able to have. So, the staff has told us that these are the precedents we've seen, these are the reasons we've gone through to have our support of why this makes sense. I think they've gotten some fair questions for a follow-up to more detail that we need to see, but at the end of the day I see an opportunity with a trusted partner, not someone coming in town, trying to make a few bucks, but someone who has a track record and is a part of this community to build something here in finally an area that still allows for and is possible and it is in an industry that if I saw it just in time I would say that seems it is aligned to the 1990s why are we doing that here. When I see this, I say while that may create additional traffic and trips, which is a problem and we have to be cognizant of that, it is also aligned with where the industry is going, where logistics is going and I think that is critically important as we talk about the economic impacts, we are looking for in addition to the land-use decisions we are ultimately going to make in these plans. It is not going to be an easy decision, but I think we've gotten probably 90% of the answers that we are going to get in the time of this decision and the staff is going to have the ability to add 10% more. If we are going to use our time effectively, probably needs to be an exercise in finding concessions between the petitioner and between the neighborhood that could make something we know we need to do a more optimal and more of a win/win for both sides.

Mayor Lyles said I just wanted to add, but I think Mr. Bokhari hit on what I was going to really talk about. We have studied this idea of industrial property, jobs, logistics, having the Airport as a hub for both the economy around this creating good-paying jobs and all of those and we've enjoined in partnerships, the COG has done studies around this area, the intersections and the highways in that area so we are going to have this question of how do we manage this idea that we are going to have to create jobs that pay well because if we don't pay jobs within our City, then people have to go further out. That means they have to have higher-paying jobs, higher costs because transportation is a

major component of any household's income these days. I don't know that it is as difficult, I would like to see the data that we have, the pieces that have been worked on for the years put in some central way that we could say if you were to take a conclusion from all of the work that has been done in this area what are the top three things those studies aspire to for our City and especially our County?

The bottom line I think, we've been doing a lot of negotiation on rezonings and we need help from the developer here. I think that this could be a model development, but it requires some flexibility, some ideas of what ought to happen, and ways to make it a livable community. I think about the places where when we built the Blue Line, when you go out to the north in Southern Rail's tracks along with NoDa and you think about it, there was a negotiation there about here you have a modal yard, it is a rail modal yard with lots of tracks, lots of industrial uses and I'm not sure if anybody really thinks about it, it took us almost a year or more to negotiate how to treat that property and it was a heavy industrial site. It was one that necessarily, for me I've often wondered about its environmental standards. In this case, you have land that you want to create something that would provide jobs, would provide opportunities.

There may be people that are willing to live closer to it because they don't want to own a car anymore. That they are willing to bike or walk to work so, Mr. Bokhari has asked the question what are the existing plans? Mr. Winston has asked the question of how to do those plans fit together, and what do they mean, and I believe Ms. Eiselt is saying without a transportation plan how do you actually make something work out there? And that transportation plan ought to be considered just like our mobility plan, not just because of trucks and cars, it ought to be about trails and bike lanes and the roads that we need to do. To the developer, I say help us. To the neighborhood, I say join with us and try to think about the people in this community whose lives can be changed by having the access to a good-paying job as well as for the developer to think about how do we make sure that people that live in the area don't feel that they've been forgotten because they are next to an industrial site? We can do industrial sites that look like an urban center that we could all be proud of. Maybe we just haven't thought about it or maybe we don't want to pay for it. Those are all choices, but at some point, there will be a decision made about this.

Ms. Johnson said I did have one other question. Ms. Eppes mentioned that there was a spill in the water near her home and I wanted to ask her about that but also ask the question to do we consult with OSHA (Occupational Safety and Health Administration) because we are not engineers or most of us are not, we do have one on Council, but even I pull up the environmental report on this petition there is information in here that looks like it could be concerning, but I really don't know. I would like to see in future zonings if we can get an environmental report of what happens in our report to say see the zoning notes. When you pull some of these up, they do look like that there should be questions that we might ask. I think that is what happened in that other petition that was in the ETJ that we have a lawsuit on. I would like to be informed more about the environmental impact of petitions, especially when we are looking at putting industrial in neighborhoods if that is something that we should be concerned about. I don't know if anyone from the staff has the zoning environmental report handy.

Mayor Lyles said I don't think we do; I think it references see the comments at the rezoning. I don't see that we have it in front of us right now. I'm reading the Mecklenburg County Land-use and Environmental Service, see advisory comments on the rezoning website.

Mr. Pettine said I have the report up, I've actually just given a brief overview of them. The first comment from groundwater service does indicate that there is potential contamination on-site or within 1,500-feet of the property. That is mainly just an advisory comment that identifies that there was a contaminated site at some point, and they would have to do potentially some things if they develop the property, they need to be aware that there could be contamination. This site would be built with water and sewer so that wouldn't necessarily apply to that. It is mainly to just identify that we have made a note that there was contamination within 1,500 feet of the property and there would need to be

additional measures taken to ensure that groundwater is taken into consideration when the property is developed. The Stormwater Services comment denotes that a floodplain permit would have to be obtained during that development process should this rezoning be approved and then if anything is built within that hazard area, they would need to meet the community-based flood elevations. Those are comments that we generally get for petitions that have floodplain on the property or that may have a contaminated site from a well in that area, but it doesn't preclude any type of development and really doesn't fall into any kind of play until they would go to a permitting situation if the rezoning should get approved. It wouldn't fall into any kind of detriment of the potential development of the site, it is more just a note putting them on notice when they go into permitting.

Ms. Johnson said if I could ask Ms. Eppes, I think you were mentioning something about this spill. Did you want to add anything else?

Ms. Eppes said the spill that I was referring to had nothing to do with this rezoning petition but it is more to make the point that even with environmental regulations, even when industrial property pass environmental checkmarks in terms of what they must comply with, that the probability of environmental impact will always be higher for industrial use than residential use. I have a Ph.D. in geology, I'm a Professor over sciences at UNC-Charlotte. I have a background in environmental sciences and can speak to that. [inaudible] that shows the overall impact of industrial, not necessarily that this type may or may not be complying with environmental regulations.

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

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

Abby Dillworth, abbydillworthenterprises@gmail.com

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Allan and Christine Rorie, 4500 Charlie Hipp Road

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Brenda Gladden, 8725 John Gladden Road

Christine Remmer, christineremme@gmail.com

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Janaris Washington, 4749 Charlie Hipp Road

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Paula Edmund, pjedmund1212@gmail.com

Ronnie Bozardt, rbozardt@gmail.com

Tammy Helms

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ITEM NO. 33: HEARING ON PETITION NO. 2020-066 BY YORUK DEVELOPMENT COMPANY, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.62 ACRES LOCATED ALONG THE NORTH SIDE OF SARDIS ROAD, EAST OF SUNNYWOOD LANE, AND SOUTH OF WATERGATE ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 3.62 acres on the north side of Sardis Road to the intersection of Sunnywood Lane. The existing zoning for this petition is R-3, the petitioner is proposing to rezone the property to UR-1(CD). The adopted future land-use for this area is from the South District Plan which was adopted in 1993 and that recommends single-family residential development at three units per acre. This particular proposal proposes 18 single-family detached homes on individual lots. They would be consistent with our residential height which is 40-feet, have internal access via a shared alleyway with connections from Sunnywood Lane and Sardis Road North. There would be a minimum of 20,000 square feet of internal improved open space, pedestrian refuge island would be installed across Sardis Road North, east of Sunnywood Lane, as well as an eight-foot planting strip and six-foot sidewalk on both Sunnywood Lane and Sardis Road North, landscape screening against existing single-family homes as noted on the plan in green and also some architectural standards for the homes that would be built on the site.

The staff does recommend approval of this petition; we do have a few outstanding issues to work through on technical revisions for site design, transportation and tree save. It is consistent with the South District Plan recommendation for single-family residential development however, it does exceed the density recommendation. When we have the South District Plan, we do apply the General Development Policies or GDP. Those GDP do support up to eight units per acre which is consistent with the density recommended for this petition so, again, we do recommend approval and I'll be happy to answer any questions following a presentation by both the petitioner and members of the community.

Keith MacVean, 100 North Tryon Street said I am assisting Yoruk Development with this rezoning request. With me tonight is [inaudible] of Yoruk, they are the petitioners and property owners, also Paul Pernel with Urban Land Partners is also available to respond to questions. As Dave mentioned a 3.6 acres site currently zoned R-3, the proposed use will be for an 18 single-family home pocket park and neighborhood with a density of just under five units to the acre. Eighteen single-family homes could front on Sunnywood Lane and then on an internal common open space. A pocket neighborhood is a small cluster of homes in urban or rural settings that are arranged around a common open space. In this case, we have roughly 20,000 square feet plus a common area in the middle of the site that the single-family homes are arranged around. We do have tree save areas, landscaped areas, screening around the perimeter of this site to act as a transition to the other existing single-family homes that are adjacent to the site. We will be making improvements to Sunnywood Lane with a curb, gutter, and a six-foot sidewalk, and a

planting strip. There will be additional improvements to Sardis Road North in terms of a sidewalk and planting strip and then an additional common space that actually also fronts on Sardis Road North.

It looks like we are not going to be able to get our presentation up for some reason. We will be happy to e-mail to you. Other matters in terms of traffic, again a very modest increase from what 10-units could be developed on the site today to a total of 18, keeping the single-family nature of the area so 18 single-family detached homes. They will be two to two and a half story homes, predominantly two-story. The half story is really a potential to have a unit with some heated space in the attic space or in the eve of the homes so not a true third story, but two and a half story homes. They will have two-car garages.

In terms of traffic, as I mentioned, a very modest increase actually only adds seven more cars in the a.m. and nine more cars in the p.m. in terms of total traffic. We are also contributing money to speed up the installation of the pedestrian hybrid beacon along Sardis Road North to allow residents on the south side of Sardis Road North to cross Sardis Road North and use Sunnywood Lane to access McAlpine Greenway. We are also providing a pedestrian refuge island in Sardis Road North as part of the development of the site. Unfortunately, our presentation isn't coming up; we do have images of the homes and the common open space, how they would be improved and some of the trees save areas as well.

There are some large trees on the site that are being preserved, specifically at the perimeter of the site adjacent to the existing homes. We've had several meetings on the site with the residents; they've been very polite and cordial and have asked good questions. One of the things we did do, maybe you can go to the site plan again, that is the site, a little bit about what a pocket neighborhood is. There is an image of the pocket park neighborhood, there is the common open space the homes will front on that will improve and be maintained by the Homeowners Association. This is a view from Sunnywood Lane looking back, there are four homes that front on Sunnywood Lake keeping the residential character of the local street. The homes will be designed to the front on the street, each home will have a two-car garage and there are 18 on-site visitor spaces for visitors as well as the garage spaces.

Over 58% of the site will be actually left an open space area, roughly two-acres with the open space in the middle, tree save, and other landscaped areas. The improved open space, again no less than 20,000 approximately about 28,000 square feet actually what is showing on the site plan. Again, a pocket neighborhood is a different size from the single-family neighborhood, trying to create a little different environment for having single-family homes that are arranged around a common open space while still addressing the neighborhood character by fronting on the street and providing adequate buffers and landscaping.

William White, 101 Sunnywood Lane said I want to thank you for allowing us to address this meeting. I live on Sunnywood Lane, directly across the street from this proposed development. This is the overall drawing; Keith showed a little sub-drawing of this, that red square down at the bottom is where they are requesting the rezoning. All of this yellow is R-3 and there is no high-density development outside of the growth and transportation corridors, so this would be pretty much unique. This Southern District Plan, the very first bullet point says single-family homes should be a residential density for the Southern District of three-units per acre. It goes on to say that it would take privately initiated zoning based on the following locational criteria to allow housing densities higher than three per acre. One of those is a half-mile from the transportation corridor, we are not. Independence is the closest transportation corridor, it is a mile and a half away. Within a half-mile of a commercial indoor employment center or public park; McAlpine Park is over a mile and a half away.

There is a very small little shopping center, a gas station, movie theater that are a half-mile away, but they are not in any way a commercial or employment center. The other things about floodplains tree just not applicable. Large scale mixed-use in the area, there is none. So, really this does not meet any of the requirements and it is supposed to meet

all of them. It goes on to say the existing neighborhoods are supposed to be less densely developed, should be protected. My house is directly across the street from this development as I said, I'm over an acre. The house next door to me is on over a half an acre. All the houses around us are a third of an acre. These houses are saying to be two and a half stories high. I don't quite understand what a half story is but there is no house above two-stories high within a mile of this property, so I just do not see where this fits into our neighborhood at all.

Rachel Nilson, 525 Kelford Lane said thank you for your time; I'm a local resident as well as a local architect, I'm here with my husband and he is also an architect and resident. In terms of the Centers, Corridors, and Wedge's framework this site is in an area defined as a wedge area. Like Bill mentioned, it is over a mile and a half from a transportation corridor and over a half a mile from Monroe Road. Again, those are transportation corridors. I'm looking at the rezoning history in the area and those other properties that have been rezoned are directly adjacent to Monroe Road which again is much more commercialized and much more developed than this R-3 residential area.

One thing that we are extremely concerned about this project is a lack of adherence to some of the land development standards from the City. Shown in front of you is detail 11.19-C calling for a minimum 20-foot wide pavement for a fire lane. Again, this is an alley detail, single loaded for two-way operation which is currently shown on the site. That says that there no [inaudible] on the non-loaded side of the alley. What you will see from that City detail is that the [inaudible] measurers 20-feet starting from the inside of the [inaudible] and measuring outward towards the non-loaded site for the 20-feet. You will see in the details provided on the proposed plan by the developer that that detail is actually measuring in the opposite direction. It is taking the measurement from the outside of the valley, including that entire valley curb area, and measuring it inward towards the loaded side.

We are very concerned about this because this is a hazard to local development, has limited access and incorrect access by a firetruck. It is a hazard to the surrounding development of all of the neighborhoods, of all of our residences nearby because of limited access by the firetrucks to that area, with increased risks for fire and other emergency use without that correct access. It is a significant life safety hazard to pedestrians and kids so that sidewalk you will see in that detail, below that is what is proposed currently in the detail. That sidewalk is part of the fire lane which means that if you have any pedestrians, you have kids out there, even attraction out there would impede the truck and also because the residences are so close together and so close to that 20-foot fire lane, but there is nowhere for those pedestrians to go. If you have a mother out there with a stroller, she has got to get out of the way somehow very quickly to get out of the way of that firetruck. In addition, this proposed detail establishes a precedent for unsafe standards moving forward. This detail should allow for pedestrian movement safe from emergency vehicles to maintain the required 20-foot fire lane, keep the fire lane more than two feet away from the nearby buildings which are what is currently shown. In addition to that, if this sidewalk is a move to the other side of the street that impedes on the minimum tree safe area that is required along with that buffer zones and those tree save areas between this development and our neighborhood.

It was mentioned that parking allowances were increased. What we were shown was about four to eight spaces for the entire development and that has been increased to 18. That still only allows for three total spaces per unit including the two spaces in the garage. The drive-ways are not deep enough to park a car in. All local precedents and developments including similar pocket developments like this are closer to uptown on Sardis Road, establish a minimum of two to three spaces per unit in addition to those garage spaces. The neighborhood has significant concerns about traffic and parking in their neighborhoods because what is provided is not sufficient. As we mentioned, this is not a transportation corridor, it is over a half-mile from any nearby areas, so we are not in a walkable neighborhood per se there. No houses over two-stories are located within at least a half-mile radius. A few other items, site planning over not addressed in order to make the site plan [inaudible] be 35 at 35 and include improvements on another property.

We were told that multiple times that R-3 zoning would not be able to be done here without doing retention on-site; this quick [inaudible] shows that is possible. In summary, the proposed development we believe is inconsistent with the local development and the South District Plan. We actually have over 480 signatures on an online petition that has been sent to you or will be sent after this meeting in opposition to this development. Public safety is jeopardized over the dense development, so what we showed you before was a diagram on that detail for the fire lane and we believe that in order to meet these land development standards because of the buffer zone and the tree save areas there are significant modifications that would need to be reviewed.

In rebuttal, Mr. MacVean said first to address the General Development Policies and the South District Plan criteria, as it states clearly in the South District Plan there may be policies or other plans that have been approved since the South District Plan was approved in the early 90's that supplements some of those land-use criteria that were mentioned by Rachel and Bill, and that is what has happened since 1992 and 1993 when the South District Plan was approved. The General Development Policies have been adopted, the County and City Council adopted a base density of four units for the area for all parts of the City and then indicated through the General Development Policies that certain sites like this site which you will find in the General Development Policies are applicable to can be supported for densities above four units to the acre if they meet certain criteria which as the staff has mentioned, this site actually meets the more recent land-use policy and supports dwelling units up to eight units to the acre which is 29 units. We are proposing just under five or a total of 18 units. We believe we have provided adequate parking in addition to the two spaces in the garage, there is actually one additional space for each unit along the private drive. We don't want to sacrifice more of the open space for parking that may never be used and again we feel the parking that is provided is adequate. The fire lane and the access drive have been reviewed by the Fire Department and will continue to be reviewed by them during the land development approval process should we get supported. A 20-foot lane is needed for the Fire Department, not for travel, but to allow them to park and extend the support for the larger vehicles. Obviously, there is enough room for the vehicle to move up and down the street.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2020-067 BY TERRANOVA GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.96 ACRES LOCATED AT THE 2400 BLOCK OF MECKLENBURG AVENUE, JUST EAST OF ITS INTERSECTION WITH MATHESON AVENUE NEAR THE CHARLOTTE COUNTRY CLUB FROM R-3 (RESIDENTIAL) TO UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just under three acres as was stated on Mecklenburg Avenue at the corner of Mecklenburg Avenue and Matheson Avenue. This is the location of the historic Shaw House. The property is currently zoned R-3, the proposed zoning is UR-2(CD). The adopted future land-use for this property is from the Central District Plan which was adopted in 1993. It does recommend single-family detached residential uses up to four dwelling units to the acre. This proposal is for a maximum of 11 residential units, eight of those are single-family attached within four principle buildings and then we also have three single-family detached units.

Those are located primarily up on the front end of the property closer to Mecklenburg Avenue. The maximum height for all structures is 40-feet, consistent with residential zoning. Internal circulation will be provided by a proposed private alley. There would be an eight-foot planting strip and six-foot sidewalk along the site's frontage along Mecklenburg Avenue and there are also architectural standards as a part of this proposal. The main crux of this proposal this evening and we will certainly let the petitioners discuss

more, is for development about the historic Shaw Home that would help to ensure its preservation. I'll let them speak to that in a little bit more detail but just wanted to provide that background from the staff perspective. We do support this petition upon the resolution of outstanding issues related to environment and site and building design. It is inconsistent with the Central District Plan recommendation for single-family detached, but it is consistent with the overall residential density of up to four dwelling units per acre so again, it is really inconsistent with the housing type with some of those detached units on the back end of the property, but again staff does recommend approval of this and we will be happy to answer any questions following comments by both the petition and the community.

Brian Jenest, 200 South Tryon Street said I am Chairman of Cole/Jenest & Stone. I'm so pleased to be with you tonight to discuss the renovation and redevelopment of the Shaw property in Plaza/Midwood. As you can it is a significant property; it is three-acres, one of the largest tracts in the area near Charlotte Country Club. This house was slated for demolition, it was coming down and had the approval to be removed and through the efforts of Dan Morrill and the Preserve Mecklenburg Group, which is a group of citizens in Charlotte, of which I'm a member, we came together, we got a contractor, purchased the house in a satiable contract, we put together a plan, we met with staff, we found a developer and we've been able to save this house and put together a plan in a context-sensitive way. I'm so pleased to be part of the team. We've all seen so many of these places go down because they are not economically viable. This is a great example of something that is economically viable and will contribute to the neighborhood. Had this gone down, this would have turned into a cul-de-sac with eight houses that would have been oversized and crammed onto a very small piece of property and we've seen this happen over and over again. So, we are really pleased to see this hopefully come to fruition. This is the first project this group has done.

A little bit about the history of the house, built-in 1928 by James Melton, he was a Duke Power Executive. In 1944 a man named Victor Shaw purchased it, he was the Mayor of Charlotte and his claim to fame is the Charlotte Coliseum on Independence Boulevard. The Mayor also proposed a zoo and the City purchased an elephant, which never came to fruition, so he was a colorful character. Some significant folks have lived in this house over the years.

A little bit about the Developer, Terranova; Rob Haney is on the phone and can answer some questions. He is a group out of Greenville, South Carolina, and has done several projects of this nature. This is the slide that was mentioned earlier, there are two houses that will flank the existing house, which is right there in the middle. There are quite a few trees to be saved and then on the backside is eight R-8 duplexes. It is geared towards empty nesters. Actually, several of the folks who live nearby have expressed interest. There is going to be a private alley around the back, and we are most excited about it. That is all I have to say and I'm happy to answer any questions.

Amanda Smith, 2124 Matheson Avenue said thank you for this opportunity, Mayor Lyles. I am a near adjacent neighbor with sightlines to the property from my home and property. I oppose this development and in addition, the Plaza/Midwood Lane Use group opposes this petition. The reason why I oppose is because this site is deep inside a residential neighborhood based on large lots. It is not near a development or a density corridor, there are no businesses nearby and there is no public transportation nearby. There is no multifamily nearby. To add increased density would be inconsistent with the neighborhood and would not make sense, especially once the two flanking homes are built quite close to the Shaw Home. Right now, this property does allow the build and development of additional buildings, so it is not a hardship for the developer, but instead, more to be done on this site within the current zoning. This developer has already engaged in the removal of trees that are shown on their site plan that was just now referenced as being saved however, they are already gone. That work took place over two days and it disrupted my ability and my neighbor's ability to do work. There is a significant work from home posture and the plan currently called for a 24-month development process. It is not consistent with an established neighborhood having this much work being done.

As I mentioned there is a removal of trees that would be required by this and it would be replaced by asphalt and concrete and building [inaudible]. Given the recent tree, canopy report came out fighting the need to fully preserve our trees, specifically mature existing trees like this that can't be well replaced by nursery stock. It doesn't make sense to approve this much of a footprint and increase the density zoning. Furthermore, this site does not provide for any sort of public good to offset the negative of density. There is no plan for any community use anywhere, no open spaces that are public, community gardens, playgrounds, and that sort of thing. This density will be an extremely expensive piece of property to purchase so this is not something that is workforce housing that makes sense. Given there is no [inaudible] given that as Councilmember Eiselt mentioned, neighbors need predictability for residents out of fairness when she was discussing another project. It is not appropriate to change the density on this when there is nothing else around it like that. In fact, it would create an anchor property that as others have mentioned then developers in the future would hang their hat on in order to say well, the Shaw property was already developed, what is the difference in developing mine? There is no call for increasing density this deep within a large lot residential development and I would ask you to oppose this.

Brad Smith, 2124 Matheson Avenue said I appreciate the opportunity to voice my opinion. I live catty-cornered to the site at 2124 Matheson Avenue. I am opposed to the rezoning of the Shaw site from R-3 to UR-1 with a higher density development. I would much rather have the cul-de-sac and the eight home sites that were described previously over redeveloping the site like it is. I appreciate and commend the developer and its partners and team who wish to preserve the historic Shaw House, but I think they are failing in their effort. I've never seen a historic site to be preserved by increasing density and development next to it, it just doesn't make sense. I think the rezoning of the site sets a precedent for the immediate area as well as for the rest of Plaza/Midwood unlike some of the other sites. This site is not on a major thoroughfare like The Plaza where one of the other similar sites was rezoned to UR-1. I think the site could also be sub-divided into flag lots and still keep the historic homesite in place and restore the homesite like it is. That is possible another option and keep the R-3 zoning; I don't know if the developer or the team has looked into that. The alleys I do not believe a planting and design sticking point is the right move for a sub-division site like this. Alleys are typically secondary access routes for sub-divisions not primary use routes for any of these homes if they have relatives or friends come over to visit, I don't believe they are going to have adequate space in the parking lots or the garage areas to park and they are going to park on the side of the alley which blocks access for the fire trucks and emergency vehicles. I think that is just a poor plan and an accident waiting to happen. I think it jeopardizes the safety of the public. Luckily, I live upstream from the site and I notice the pond is below the grade of the site and there is about a 25% different grade difference between the low end of the site and the high end of the site. I would not want to live downstream of this site if that pond fails. I know the pond has to be designed to meet regulations and I'm sure it will be, but that would be a concern as well. Those are the list of my comments; thank you for your time this evening and I appreciate the opportunity to speak.

In rebuttal, Mr. Jenest said I just beg to differ with these folks professionally. To put a cul-de-sac in here and eight houses would be completely out of character with this neighborhood. It has been done, but it is not in keeping with what is happening here. There are alleys all over this neighborhood, and the alley is very much a part of this neighborhood. The preservation of trees is much more likely when you cluster rather than put a cul-de-sac and separate lots. The other thing we are trying to do here is to provide a housing type that doesn't exist in this neighborhood. There are a lot of folks that have lived here for a long time as I mentioned earlier, that are interested in this. They are interested in it because this is the housing that is going to attract an empty nester or an older resident and there is not a lot of that in this neighborhood so we are trying to provide a housing type that doesn't exist in a way that we can preserve the house. This house will not be preserved if we don't do this thing creatively so, it really started with the house and the preservation of the trees. If some trees have come down it is because the trees are unhealthy and yes, we will lose some trees but the majority of them are hoping to be saved based on what we are doing here. I will be happy to meet with these folks, and

we've tried to talk with them earlier, but all of the folks we have talked to heretofore have been very, very supportive of this.

Councilmember Egleston said as you might imagine, I have a good deal to say on this one in my District and a preservation project and one that thanks to my friend and mentor Dan Morrill I got pulled into probably a year or two ago at the very early stages of discussion. I am first and foremost quite appreciative of any effort to save one of our historic landmarks and one that was truly in imminent danger to the idea that we don't use adding density to a site to preserve historic landmark I would encourage Mr. Smith, probably only a couple of hundred yards as the crow flies, there is the Cramer/Barnhardt Estate that is over near the corner of Country Club and Matheson and we just in the last two-years maybe, while I still on the Historic Landmarks Commission, I guess three years ago, the Historic Landmarks Commission purchased that 15-acre site, was able to save the historic Barnhardt/Cramer Estate on one acre of land and the rest of the site was redeveloped. That was literally the only way that we could possibly save that historic home so, it has not only been done, it has been almost literally within a stone's throw of this site that we are discussing tonight.

The density here is undoubtedly significantly different than the density as it exists today, but it is not significantly different than the density that is allowable today, which is really what we often have to look at. The R-3 zoning allows for three units per acre, this proposed plan is 3.71 units per acre, so it changed from three to less than four is not significantly different than what is currently allowable. There was a statement made that the Plaza/Midwood Land-use Committee is in opposition to this petition. I have in the last five-minutes confirmed with someone on that Land-use Group that they did not actually oppose or support this petition. There were mixed feelings about it, but they were happy for the ability to save the home, had some other concerns that are shared I know by the Smiths and some of the other neighbors, but did not actually oppose this petition.

One of the things has been brought up in a couple of e-mails that I received as late as today that I would like the petitioner to address is what portions of the historic Shaw Home are being removed as part of this redevelopment?

Mr. Jenest said you can see the house in this diagram; the [inaudible] on the far right as you face the house is to be removed. If you are looking at the house, to the far left this [inaudible] which is not original is being removed and this far-right end which is where the garage is, this piece right here. So, the main house and this little edge and this piece and this other piece which is right here.

Mr. Egleston said using the windows as a reference point, around the main front door the five windows on the main home, is that the only piece of the structure that would remain.

Mr. Jenest said no, the four windows around the house, and then this wing to the right of the house where you can see the dormer window.

Ben Collins, 1221 Hawthorne Lane said can I interrupt for a second?

Mr. Jenest said absolutely.

Mr. Collins said as you see the main house, the center and core of the house is the structure and then on the right side, that shoulder if you will, and the breezeway that is clapboard and the garage are all original and the left side they had done at some point in the late '50s or early '60s had done a renovation and added the two shoulders of the house were identical at some point. Our goal is to tear off only the left side and put back to what you see on the right side. We decided that we wanted to keep which makes the property and the lot on the right side a little more difficult to have a building envelope but the breezeway and the garage are both original and there is a servant's quarters above in the garage that is quite unique and extremely interesting and a very friendly point of reference in today's environment that we live in. The left side would be re-worked and go back to much more of what it was originally and everything on the right will remain. In our current site plan, it doesn't show that on original, it hasn't been updated in meeting the

plan that is proposed, but that is the goal that we have at this point and we know that we can make it work with the two homes facing Mecklenburg Avenue.

Mr. Egleston said that might be a discussion I want to have with you off-line because I doubt many of my colleagues are as interested in getting into the weeds on that as I might be. There were concerns from some of the neighbors that I couldn't directly address that there were portions of the home that were original that were being removed. It sounds like you are saying that no original portions are removed. Is that correct?

Mr. Collins said that is correct.

Mr. Egleston said okay, there was a misunderstanding there that I think is really important that we clear up, and off-line I would be interested in having maybe a deeper conversation with you because I'm sure you considered it, but I think it might be worth considering further what impact to your project it would have to not remove any of the homes. We can have that off-line if you would like.

Mr. Jenest said just to clarify, there was some question as to what was original and what wasn't, and I think we've done additional digging and determined that some things that we thought were not are and the goal is to preserve everything that is original to the house. So, we can certainly talk about that in more detail.

Mr. Egleston said this home unquestionably has a great deal of historic value. It is not a local historic landmark currently.

Mr. Jenest said the property is designated, yes.

Mr. Egleston said it is designated locally or it is on the national register?

Mr. Jenest said no, it's local. It is a historic landmark, but the other piece of this that is significant is as part of this purchase a conservation easement is to be placed on the house which can never be destroyed. You know, a historic landmark you can get a certificate of appropriateness for demolition and after it gets torn down which is what was happening here. This house will actually be preserved in perpetuity, no matter what happens to the site moving forward.

Mayor Lyles said we need questions; we can't have just a dialogue here. I think that Mr. Egleston has said that he would be glad to work with you guys off-line to go into some of this.

Mr. Egleston said one other thing, have you gone through the design review process with the Historic Landmarks Commission?

Mr. Jenest said yes, we have preliminary approval which means the site plan has been approved to the extent or as far as we have taken it. What we wanted to do was we wanted to get them comfortable with the concept, come to you all, get it rezoned, and then go back to them with final plans. It is sort of a three-step process.

Mr. Egleston said but they have given some level of confidence that they would be supportive of the plan as it is drawn?

Mr. Jenest said yes.

Mr. Egleston said we can take the conversation about which pieces of the house what is staying and what is going offline, but I do want for anybody watching to clear up the idea because I was concerned too when I received a couple of e-mails that stated that their understanding was that some original portion of the home was to be removed. That was not my understanding, but I thought maybe something had changed. I'm glad to hear that is not the case and glad we were able to clear that up. Again, there might be some details we need to work on around the edges of this, but I am, as I stated at the beginning, greatly appreciative of the efforts that Dan Morrill and the development team and everybody else

involved have taken to try to find a solution for what would have otherwise been just a teardown of a historic property and still an increase in density of the single-family homes that would have been added to it, but without the preservation of the Shaw House.

Mr. Jenest said thank you so much for your help thus far.

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

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

Chris Leis, chrisleis@gmail.com

Helmuth Vollger, 2113 Matheson Ave

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ITEM NO. 35: HEARING ON PETITION NO. 2020-035 BY CCP UNIVERSITY LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 49 ACRES LOCATED ON THE SOUTH SIDE OF IBM DRIVE, WEST OF NEAL ROAD, AND NORTH OF UNIVERSITY CITY BOULEVARD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) AND RE-2 (RESEARCH) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND 8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 49 acres at Neal Road and IBM Drive surrounding the University City area. This petition is requesting zoning from R-4 and RE-2 to R-8MF (CD). The proposal has a policy from the Northeast District Plan in 1996 which does call for single-family residential uses up to four DUA. This petition is requesting up to 300 residential units, 250 of those would be single-family attached and then 50 of those would be multifamily units. Forty-five feet would be the maximum height for all structures as well as a mixture of public and private streets, an eight-foot planting strip, a six-foot sidewalk along both Neal Road and IBM Drive as well as those site's internal streets. Architectural standards for the buildings as well as detached lighting, full cut-off with a maximum height of 21-feet are being proposed as part of this project.

The staff does recommend the approval of this petition. We have some outstanding issues to work through related to transportation as well as site and building design. It is inconsistent with the Northeast District Plan, it does recommend single-family residential of up to four DUA, however, again, in this case, GDP policies do play into this petition which is supported for up to eight units per acre for the site which would be consistent with the R-8MF(CD) petition. The rezoning being requested, this petition falls into about 6.1 DUA so again, we are within those eight dwelling units per acre that are identified in the GDP. Again, the staff does recommend approval and we will be happy to take any questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street said I'm here on behalf of the petitioner. Dave did a great overview and in the interest of time go to slide #8. This is almost a 50-acre site here proposing a mix of some apartment and townhome units on the site which we think will bring some new housing options into an area that is really rapidly changing and in demand. This is a look at our facility, and I did want to point out, I know there are no speakers, but there has been robust communication between some of the residents and Councilmember Johnson. We spoke as recently as Friday. What you've got here, here is Innovation Park so a lot of density development taking place. Here is a CMS Campus that has Vance High School and the Governor's Village [inaudible] Academy and here is our site. On the other side, we have some single-family homes on large lots which are still on well-water. So, you've really got a transition from a very traditional rural area to a highly urbanized area. We think this development plan provides a nice buffer and a nice trend

between the [inaudible]. Obviously, when we are developing neighborhoods that have had a very rural environment any change can be a little bit shocking, so I think the team has done a nice job of trying to provide a natural buffer between the site. We will continue to have a conversation with some of these owners over the next months before we come back to you for a decision. Happy to answer any questions you have.

Mayor Lyles said how many units are you building?

Mr. Brown said this rezoning we are showing 300 units on 49-acres. That density is only about six units per acre.

Mayor Lyles said but because of the spacing and the use of the land the buildings are clustered.

Mr. Brown said major townhome units here and two apartment buildings here which leave almost half of the site as open space.

Councilmember Winston said I just have one comment, not a question, but I'm just looking at; Mr. Brown mentioned the vicinity to Vance High School, and just looking at the Charlotte Mecklenburg Schools portion of this, I think this is just another example. I don't know how to interpret the numbers and their impact on schools. Again, I think we've got to get better about putting future land-use plans or future CMS plans in collaboration with one another.

Councilmember Johnson said I have been speaking with Collin because I have heard [inaudible] regarding the changes. There are some concerns and some questions about the impact of this development on well-water and we talked about that and we can continue to work with Collin, but the neighbors wanted some type of [inaudible] that there would no run-off or no [inaudible] on their water system from this development. Also, if you look at the environmental report there are some comments regarding the air quality and development and that the proposed development is likely to acquire leases, some special type of equipment so I wanted to make sure that that would be considered as well in the development. Can you speak on the impact on the well-water from this development?

Mr. Brown said I can, I think we have Dan Melvin no the line from Land Design, an engineer that has been working on some of the water quality measurers.

Dan Melvin, Land Design said I found the well-water question to be an interesting one. We did some research digging into some DEQ (Department of Environmental Quality) standards for construction of new wells for water supply and found the minimum separation for new construction of buildings to be 25-feet away from well-water and the buffers on this site exceed 50-feet from the single-family properties.

Mr. Brown said we are happy to follow-up with some of the neighbors on that I know were pretty involved, but there are certainly no point source pollutants on this site. There could be some run-off, but as you can see on this plan there is a number of [inaudible] which would handle stormwater quantity and quality. We would treat those before they leave the site and we are happy to talk with the neighbors about the locations of their wells. We think there is sufficient distance from any development on our site.

Ms. Johnson said there were also comments in the report regarding the air quality and recommending that during construction that there be a specific type of equipment. Can we discuss that also or can you comment on that?

Mr. Brown said yes, those are advisory comments the departments provide anytime we have a development within proximity of certain uses, including a school site. The presence of this CMS site flagged that for us.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2018-034 BY CHARLES & ELLEN GRAY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.71 ACRES LOCATED ON THE SOUTHERN CORNER OF THE INTERSECTION OF UNIVERSITY CITY BOULEVARD AND JOHN KIRK ROAD FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-1(CD) SPA (NEIGHBORHOOD BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT.

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is about three-quarters of an acre at the corner of University City Boulevard and John Kirk Drive. This petition is requesting to go from B-1 (CD) to B-1 (CD) site plan amendment. That amendment would be primarily to allow all uses permitted in B-1 excluding residential and some auto-centric uses. The amendment would also remove the building size limitation from 5,000 square feet which were on the previously approved plan. Essentially the conditional plan that was in place currently doesn't really allow for a lot of redevelopment options or opportunities for this site so the B-1(CD) site plan amendment would try to open up some additional uses and remove some of those limitations on building size that would facilitate some redevelopment of this site and maintain that B-1 zoning district.

We do recommend approval of this petition; we have a few outstanding issues related to the site and building design we still need to work through. It is inconsistent with the University City Area Plan for residential uses up to 22 DUA, but again the consistency in maintaining that B-1 zoning would maintain those historic retail uses that have been on the site and be able to facilitate some redevelopment of that corner with additional retail uses that could continue to serve the University City area. Again, the staff does recommend approval and we will be happy to answer any questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street said I'm here on behalf of the petitioner. This the site of the old Grave's Bookstore in University City. We are working with the Grave Family. The issue here is this site has been a [inaudible] site for many years. The problem with the current zoning is the current zoning only allows one use and the only use allowed on the site is a bookstore. I think all of us know the challenges that we've seen with bookstores with the new technologies and everything that they are facing so the goal of this rezoning is just to remove that limitation to just bookstore and allow other uses allowed in the B-1 District. Happy to answer any questions you have.

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

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Mayor Lyles asked Mayor Tem Julie Eiselt to preside over the next items as she is a Member of the Board of Novant Health.

ITEM NO. 37: HEARING ON PETITION NO. 2019-163 BY NOVANT HEALTH FOR A CHANGE IN ZONING FOR APPROXIMATELY 23.75 ACRES LOCATED AT THE WEST CORNER OF NORTH TRYON STREET AND WEST MALLARD CREEK CHURCH ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT.

Mayor Pro Tem Eiselt declared the hearing open.

David Petting, Planning said this is just under 24-acres at North Tryon Street and West Mallard Creek Church Road. As mentioned, we have current MUDD-O zoning on the site, this proposal is for a MUDD-O site plan amendment. The adopted future land-use from the Northeast District Plan adopted in 2000 is for office and retail for the site. This proposal is for a site plan amendment for up to 144,000 square feet of medical and general office uses. There are some optional provisions on the proposal that would include an allowance to allow parking in both of those development areas to be between the buildings and the street as well as not requiring doorways to be recessed. Those are MUDD provisions that they are asking to opt-out of. We do have multiple transportation improvements surrounding the site which would be turn-lanes and using storage as well as an eight-foot-wide planting strip and a 12-foot multiuse path along both West Mallard Creek Church Road and North Tryon Street. We do have urban open space at the site as denoted on the plan that also commits to architectural standards as well as pedestrian connections from all buildings to proposed sidewalks.

The staff does recommend approval of this petition, again just some outstanding issues related to site design and environment that need to be worked through. It is consistent with the Northeast Area Plan recommendation of office and retail uses and again we do recommend approval and we will be happy to take any questions following Mr. MacVean's presentation.

Keith MacVean, 100 North Tryon Street said I am assisting Novant with this rezoning petition. With me, tonight is Matt Stein with Novant Health and will be available to answer your questions as well as Randy Goddard, Transportation Engineer with DRG, also available to answer questions.

I think Dave has done a great job explaining the petition to you; a site plan amendment to allow the development of the site with a medical campus with a variety of medical uses, medical offices, clinics, surgery centers, emergency centers, and potentially a health institution as well. There was a traffic study conducted for the site, it does call for improvements along West Mallard Creek Church Road at the intersection of Mallard Creek Road and North Tryon Street as well as the improvements along West Mallard Creek Road at I-85. We will work with the staff to address the remaining site plan issues. We are happy to answer any questions.

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

Councilmember Johnson said I have had a chance to talk to Keith and I'm looking forward to these additional medical services and the improved infrastructure in District 4.

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Mayor Lyles returned to presiding.

ITEM NO. 38: HEARING ON PETITION NO. 2020-023 BY PHILLIP NEAL SPARROW FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.918 ACRES LOCATED ON THE SOUTHERN SIDE OF JOHN GLADDEN ROAD, NORTH OF WILKINSON BOULEVARD AND WEST OF SAM WILSON ROAD FROM R-MH LWPA LLWPA (RESIDENTIAL MANUFACTURED HOUSING, LAKE WYLIE PROTECTED AREA, LOWER LAKE WYLIE PROTECTED AREA) TO I-2(CD) LWPA LLWPA (GENERAL INDUSTRIAL, LAKE WYLIE PROTECTED ARES, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just under 11-acres on John Gladden Road which is north of Wilkinson Boulevard, just off of Sam Wilson Road. The existing zoning is R-MH which is a residential manufactured home. It also has the Lake Wylie Protected Area and Lower Lake Wylie Protected Area as overlays on the site. The proposed zoning is I-2 (CD) and would maintain those protective overlays for Lake Wylie as well. The adopted

future land-use for this petition is from the Dixie Berryhill Strategic Plan which was adopted in 2003. It does recommend single-family residential up to four DUA for the site. This proposal itself consists of two development areas, both development areas A and B. Development Area B is the main area that we'll focus on that limits uses on that site for off-site parking and outdoor storage.

There are no proposed buildings associated with this site, it is only to allow off-site storage and parking for an adjacent use. You can see a red arrow that says driveway connection; those sites are really working together, and this Development Area B would serve as additional outdoor storage and parking for that site that is just there to the south of that driveway connection would be manufactured homes allowed to remain on-site in Development Area A until that is redeveloped. Once those homes are removed, they are not able to be replaced so if we lose one over time, we are not able to replace those. Overtime we potentially see that area be redeveloped. No access is provided to the development via John Gladden Road, everything would come through that driveway connection shown with that red arrow to the south of the property.

The staff does recommend approval of this petition upon resolution of outstanding issues related to the site and building design and transportation. As we mentioned it is inconsistent with the Dixie Berryhill Strategic Plan. We still feel it is compatible with adjacent industrial development in the area as well as some of the surrounding lands uses primarily because we are not proposing any access off of John Gladden Road where that residential development currently is, and we are also not looking at any new buildings that are being proposed as part of this project. Again, it is mainly just for off-site storage and again we recommend approval and will be happy to answer any questions following presentations by both the petitioner and the community.

John Carmichael, 101 North Tryon Street said I am here on behalf of the petitioner Neal Sparrow. With me tonight are Danny Sparrow, Neal Sparrow's son and Brian Smith of Urban Design Partners and they are available to answer any questions. The site contains approximately 10.9 acres and is located on the south side of John Gladden Road west of the intersection of John Gladden Road and Sam Wilson Road. The site is owned by the petitioner and the petitioner also owns parcels of land located immediately to the south of the site between the site and Wilkinson Boulevard. The site of the rezoning is in green, and then to the south, you will see several parcels of land located between the site and Wilkinson Boulevard and I have another slide that really depicts it but those are also owned by the petitioner. The petitioner has operated a [inaudible] business on the adjacent parcels of land since the mid-1980s. The site is currently zoned R-MH which is manufacturing housing as Dave stated and the request is to rezone this site to I-2(CD) and the parcels to the west of the site are currently I-2(CD) and I-2. The parcels to the south have zoned a combination of I-2(CD) and I-1, to the east, the parcels are zoned residential manufacturing housing, and immediately to the east and further to the east they are zoned I-1. Across John Gladden Road there are parcels of land zoned R-3.

Under this rezoning request, if it were to be approved, there are going to be two uses allowed on the site. The off-street parking of motor vehicles including trucks, tractor-trailers, and vans and outside storage. There would be no buildings that could be or would be constructed as part of this rezoning request. This is the rezoning plan, as Dave said, the site is divided into two development areas. The western portion of the site is called Development A, the eastern is called Development Area B. Development Area A on the west contains the existing manufactured home and these homes remain on Development Area A until such time as the residential use expires naturally. Upon the sensation of the residential use Development Area A could be devoted to the uses proposed under the rezoning plan. Until that time a 75-foot Class A buffer would be located on the western boundary of Development Area B next to Development Area A. The reasons the manufactured homes are remaining until the use expires naturally is these are longtime residents of, or tenants of the petitioner and the petitioner does not want to force anyone to vacate so the residential use will expire about the terms when folks decide to vacate on their own accord or unfortunately when and if they pass away. He does not want to eliminate that use as a result of this petition.

Once again Development Area A would be devoted to the existing use until such time as it is redeveloped. There would be a 75-foot buffer between development Area B that would be devoted to industrial uses. There would be a 50-foot Class A buffer along the site's frontage on John Gladden Road, a 100-foot buffer, and tree saves located along the eastern boundary line of the site. The tree saves area would also be located on the eastern boundary of the site. Until such time as Area Development A is converted from a residential use a Class A buffer would be established along the northern boundary of Development Area A.

An important component of this rezoning request is that access to and from the site would be limited. As I previously mentioned the petitioner owns a rezoning site which is in green and adjacent parcels of land to the south that front on Wilkinson Boulevard which are outlined in red on this exhibit. Ingress and egress for the rezoning site would only be from Wilkinson Boulevard through the adjacent parcels of land outlined in red and John Gladden Road could not be used for vehicular access. The only exception to that statement is that the existing residential uses on Development Area A could continue to use John Gladden Road for ingress and egress as they currently do, but this in yellow, the residential access would remain until such time as the residential use goes away. When Development A is no longer use for residential purposes then Development Area A cannot use John Gladden Road for ingress and egress. It would have to use the adjacent parcels of land owned by the petitioner and access would be through the adjacent parcels of land from Wilkinson Boulevard. So once again, the only access to John Gladden Road would be for the residential use not for the I-2 (CD) use, and as soon as the residential use expires there will be no access to John Gladden Road.

Wilkinson Boulevard; the Silver Line is proposed to be located eventually and this area could change as a result and then some of these parcels would be appropriate for a TOD zoning designation. The petitioner feels that this is a reasonable interim use of the site because there would be no buildings constructed on the site under this rezoning plan and no buildings would be allowed. So, at such time as the Silver Line is extended, the stations constructed and there may be an opportunity to redevelop parcels in the area for transit supported uses and then the parcel in question would be easily converted because once again there would be no buildings or improvements on the site and the only uses would be parking and outside storage. Once again, the petitioner has been in the community since the mid-'80s. If anyone has any concerns the petitioner is happy to work with them as he has always done, and we are happy to answer any questions that you may have. Thank you for your time and consideration. We will work with the Planning staff this week to resolve the outstanding issues which will be equally resolved.

Councilmember Winston said obviously we have not necessarily an analogous situation, but it is another industrial rezoning that I don't know if we have a lot of guidance for, but when you say manufactured homes you are referring to trailers so basically what we are talking about is the elimination of a level of affordable housing for the parking of trucks and vehicles open land.

Mr. Carmichael said eventually but these are long-term residents or tenants of the Sparrows and so Mr. Winston the units would only be vacated when someone passes away and a lot of them are elderly or if they choose to move. He is not looking to ask anyone to move as a result of this rezoning. That is why he has divided the rezoning plan into two development areas, that is why he has put the buffer between the two uses, but you are right, once someone moves out then a particular unit would be removed, and it could not be replaced.

Mayor Lyles said I think we would have to ask the staff when we made a determination manufactured housing and it was a decision that was made and I'm not sure when, but I am sure we can get you the information on that decision that was made several years ago. I remember one being at Sugar Creek Road and Tryon, I think. A huge manufactured housing development there. The difference has been I think that the City decided manufactured housing versus, and I'm not quite sure what you call the trailers, but they did make a decision a long time ago and I don't remember when it happened. Way before I came here. That is why Mr. Carmichael is saying that as you see the phasing out.

Councilmember Ajmera said I wanted to follow-up with you; I didn't catch the City policy. Could you please explain that again?

Mayor Lyles said on our zoning the City decided before I moved here that there would no longer be the trailer manufactured housing. Manufactured housing has changed a good bit. Manufactured housing is allowed as I understand it, but not the trailers that are usually up and able to be moved around. I don't know what you call those. We can certainly get information about that for you.

Councilmember Eggleston said that is probably a good off-line discussion.

Mr. Carmichael said because the property if it were rezoned it would be, I guess irrespective of the City policy or in addition to the City policy if the rezoning were approved and the whole site was rezoned to I-2(CD) then the manufactured home would be a legal non-conforming use and so when you remove one you couldn't replace it. But once again, they would only remove one when it has been vacated and if you have any questions about the history of the mobile home park or trailer park or manufactured home park then Mr. Sparrow is happy to answer any questions.

Ms. Ajmera said staff could you just include that in a follow-up report, and I will review that and if I have any additional questions, I'll reach out to you.

Mr. Winston said I would just line in that follow-up report will we consider this a net loss of affordable housing?

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

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ITEM NO. 39: HEARING ON PETITION NO. 2020-055 BY RANGEWATER REAL ESTATE FOR A CHANGE IN ZONING FOR APPROXIMATELY 27.97 ACRES LOCATED ALONG THE EAST SIDE OF IBM DRIVE WEST OF INTERSTATE 85, SOUTH OF WEST W. T. HARRIS BOULEVARD FROM RE-2 (RESEARCH) TO R-17MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just under 28-acres on IBM and W. T. Harris Boulevard. The property is currently zoned RE-2, the proposed zoning is R-17MF(CD). This petition is part of the adopted future land-use for the University Research Park Area Plan from 2010 that calls for residential, office, and retail use for the site. This petition proposes up to 300 multifamily dwelling units. Access is proposed to be provided via IBM Drive along with a dedicated left-turn lane to improve traffic safety. There is a 12-foot multiuse path commitment along with an eight-foot planting strip along IBM Drive as well as the dedication of land to Mecklenburg County Parks and Rec for a future greenway development along Doby Creek and also commits to programmed open space for the site and architectural standards for the buildings proposed.

The staff does recommend the approval of this petition. As mentioned, we have some outstanding issues related to transportation to continue to work through. It is consistent with the University Research Park Area Plan for residential, office, and retail use. Again, the staff does recommend approval and we will be happy to answer any questions following the presentation by the petitioner.

Keith MacVean, 100 North Tryon Street said I am assisting RangeWater Real Estate with this rezoning petition. With me tonight is Palmer McArthur with RangeWater and Dennis Walls with Land Design and they are available to answer questions. I think Dave has done a good job describing the site. RangeWater Real Estate formerly known as

Policy Shores originally counted in 2006 multifamily communities doing work in the southeast and southwest. Selected as a multifamily builder of the year in 2015, won an award last year from the Charlotte Business Journal for apartment builder of the year. They developed an apartment community on West Tremont in the South End part of the City.

The site is just under 28-acres zoned RE-2, and again, as Dave mentioned 300 units in up to four buildings. An amenity area, there is greenway dedication to the County along Doby Creek that runs adjacent to the site and will provide access to Mallard Creek Greenway eventually once it is developed. The petitioner has been working with University City Partners on the planning of that Doby Creek Greenway. We will be building a 12-foot multiuse path along IBM Drive that will also connect to the Greenway and one access point to IBM Drive. We will work with the staff to address the remaining issues. Just adding some residential uses on this side of I-85 and closer to the Research Park. I'll be glad to answer any questions.

Councilmember Winston said I just want to point out once again from the presentation that Mr. Brown made a couple of petitions ago, we really have to find a way to coordinate with CMS as we make these land-use plans. We are making them in vacuums, and they have real effects and we have to find a way to better collaborate.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2020-057 BY LAKEMONT PROPERTY INVESTORS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 44 ACRES LOCATED WEST OF I-485, ON THE NORTH SIDE OF OLD DOWD ROAD AND EAST OF SAM WILSON ROAD FROM R-4 LLWPA LLWCA AIR (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA, LOWER LAKE WYLIE CRITICAL AREA, AIRPORT NOISE OVERLAY) TO I-2(CD) LLWPA LLWCA AIR (GENERAL INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA, LOWER LAKE WYLIE CRITICAL AREA, AIRPORT NOISE OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 44 acres just off of Old Dowd Road. This is actually a petition that separates into three smaller portions of the property. You can see those outlined in the different slides, either in yellow or black, depending on which slide we are on. On this one, you can see they are outlined here in black, we've got the R-4 areas that are highlighted. Those are all R-4 with Lake Wylie Protective Overlay as well as a Lake Wylie Critical Overlay and also an Airport Noise Overlay, so several overlays are currently on the site and would be maintained through this rezoning as well. This is proposed to go I-2(CD) as you can see on the existing zoning slide, we have existing I-2 and I-1 primarily around this property both adjacent to it and across Old Dowd Road and on the other side of I-485. The adopted future land-use for this property from the Dixie Berryhill Strategic Plan in this case does recommend the office, retail, and light industrial uses for the site. While this is I-2 it is generally inconsistent, but most of the uses that would be considered more obnoxious of less compatible with some of those adjacent existing uses, as well as the I-1 zoning, have been conditioned out. This proposal is for up to 600,000 square feet of industrial uses at the site with some restrictions as we mentioned on the type of uses. Some of those prohibitions are adult establishments, automotive service stations, and repair garages, car washes, dry cleaning, junkyards, storage of petroleum, landfill quarries, etc. as well as truck stops and terminals. Those are all prohibited uses as part of this conditional rezoning. Access to the site would be provided along Old Dowd Road. We do have a 75-foot Class A buffer with a berm provided against all residential parcels as well as a commitment to preferred building materials for the project.

The staff does recommend the approval of this petition. We do have some outstanding issues that we need to continue to work through. It is inconsistent with the Dixie Berryhill Strategic Plan for office, retail, light industrial, however, the conditional uses prohibit the more intense heavy uses in I-2 so it is a little more conducive with those recommended light industrial uses, but just that zoning designation makes it technically inconsistent. We do have industrial development occurring around the site and adequate buffers to existing residential and then also we've got that Norfolk-Southern Railroad Line that runs through the site with a 200-foot right-of-way. We will happy to answer any questions following Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street said I'm here on behalf of the petitioner. I think Dave did a nice job on this and just want to point out earlier tonight there was an extensive hearing on an industrial petition on this side of town. I would distinguish this one from that one. As you saw on the zoning map this is very much an industrial area and the land-use plan does call for industrial uses in this area. We think it is appropriate and it is going to fill in a [inaudible] hole adjacent to the expressway. I'd be happy to answer any questions you have.

Councilmember Watlington said I don't have a question, I just want to reiterate what Mr. Brown just said. The residents particularly, those of the Northwest Community Alliance did send a note in support of this particular petition.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2020-060 BY WESTPLAN INVESTORS FOR A CHANGE IN ZONING FOR APPROXIMATELY 11.65 ACRES LOCATED EAST OF INTERSTATE 85, NORTH OF BERKELEY PLACE DRIVE, AND SOUTH OF MALLARD CREEK CHURCH ROAD FROM CC (COMMUNITY CENTER) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 11.65 acres on Berkeley Place Drive and Wright Hill Road. This petition is requesting to go from CC Commercial Center to UR-2(CD) urban residential. The Northeast District Plan from 1996 recommends office, retail as well as office, retail, industrial warehouse and distribution for this site. The petition itself proposes up to 198 multifamily dwellings and no more than eight buildings limited to 60-feet in height. Primary access would be from Berkeley Place Drive and Wright Hill Road as you can see depicted by the red arrows on the slide. We do have an eight-foot planting strip and eight-foot sidewalk along the frontage on Berkeley Place Drive and Wright Hill Road and then a five-foot-wide internal sidewalk network between those buildings out to Berkeley Place Drive and Wright Hill Road. Also, a commitment to at least 6,000 square feet of programmed open space and architectural standards for the buildings proposed within the project.

The staff does recommend the approval of this petition. We do have some outstanding issues related to technical revisions on transportation that need to be addressed. The residential use proposed in the plan is inconsistent with the Northeast District Plan, however, we feel that the existing residential development within that area as you see just next door along Berkeley Place Drive makes this area a little bit more conducive to residential than some of the existing CC uses that were initially approved for this property. Those have never come to fruition and overtime we do have that R-12 and R-17MF(CD) zoning have developed as multifamily projects and we feel that would continue to be appropriate through this petition so again staff does recommend approval and we will be happy to answer any questions following the presentation by the petitioner.

Keith MacVean, 100 North Tryon Street said I am with Moore & Van Allen representing Westplan Investors. Brad Johnson with Westplan Investors is available to answer any questions. The WP Group Acquisition [inaudible] in 1994, a well fully integrated multifamily developer of residential communities throughout the southeast, Atlanta, Charleston, and Charlotte, as well as Nashville and Houston. Dave mentioned where the site was, just over 11 acres currently zoned commercial center for retail and office uses and adjacent to climate-controlled storage. The proposal would allow the site to be developed with up to 198 multifamily units in four buildings arranged to orient toward Berkeley Place Drive. Again, a minimum of 6,000 square feet of common open space with amenities. Sidewalk improvements along Berkeley Place Drive and Wright Hill Road. It is a good location for a residential infill community. It was originally consistent with the Northeast District Plan, but those recommendations changed as subsequent rezonings ask for office and retail, so this is going back to the original recommendation of the Northeast District Plan. Happy to answer any questions.

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

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ITEM NO. 42: HEARING ON PETITION NO. 2020-062 i3i VENTURES, LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.3 ACRES LOCATED EAST OF OLD STATESVILLE ROAD, SOUTH OF GIBBON ROAD, NORTHWEST OF GARVIN DRIVE FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL), R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) AND B-2(CD) (GENERAL BUSINESS CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just over seven-acres, it is on both Old Statesville Road and Gibbon Road. The proposal is to rezone from both I-2(CD), the area in brown along Old Statesville Road and Gibbon Road as well as R-3, which is the yellow back on Gibbon Road to R-8MF(CD) and B-2(CD) and the R-8 would be where the R-3 is and the B-2 would be primarily where the I-2 is. So, as we look at the adopted land-use from the Northeast District Plan you can see that part of the property is recommended for heavy industrial uses that were as a result of a rezoning petition that took that property to the I-2(CD) that we currently have and then the eight dwelling units per acre along Gibbon Road in green as part of that adopted future land-use plan as well.

This proposal is to allow uses in B-2 and R-8 specifically permitted to be up to 280 residential units within the B-2 area we would have the bulk of the residential units that would be permitted. The area requested to go to R-8 would have units that would be consistent with eight dwelling units per acre and again there are some prohibitions on B-2 uses in that B-2 area. We do have some conversion rights that would be a part of this petition should there be some residential that doesn't get developed, some of that could be converted to some potential commercial uses. There is an eight-foot planting strip and eight-foot sidewalk along Old Statesville Road and Gibbon Road. There would be a TIS required if the proposed development goes above the 2,500-trip threshold. That would be done during the permitting process if they submit plans that general more trips than 2,500 then they would need to do that TIS before they could any permits to construct. We do have screening, the BMP's that are proposed with 36-inch tall shrubs as well as some architectural standards for preferred building materials and articulation.

The staff does recommend approval of this petition; we do have some outstanding issues related to transportation that we still need to work through. It is consistent with the Northeast District Area Plan for residential up to eight DUA. It is inconsistent with that plan recommendation that was amended by the previous rezoning for industrial, but again, the original recommendation was for retail or B-2 zoning on that corner. So again, the staff does recommend approval and we will be happy to take any questions following Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street said I'm here on behalf of the petitioner. I think Dave gave us a good overview of the plan, property location. I just want to point out, we've talked a lot about industrial tonight, and in this as we are talking about up-zoning things to industrial. In this case, I just want to reiterate the bulk of this property at the corner of Statesville Road and Gibbon Road is already zoned for heavy industrial uses. This is the current rezoning plan which would allow 50,000 square feet of industrial and machine equipment, vehicle repair, outdoor storage, so again, these are heavy industrial uses that this property is currently entitled for. I don't think that is the best use of this land. This is an industrial area, here is Old Statesville Road and you will notice there is a good bit of industrial being developed. This is the Metrolina Park that Beacon is currently developing so there are more industrial uses coming. I think as we talked about earlier tonight, a lot of the new industrial uses want larger acreage tracks so, we actually talked with some industrial developers in the area about the site and they said it was challenging for the warehousing for the logistics. This rezoning plan would actually be to downzone this from [inaudible] to a lighter district.

If this sounds familiar, we actually had a hearing back in July where we talked about zoning this conventionally to that District. There was a speaker in opposition, and he talked about traffic concerns so we converted this to a conditional rezoning plan so we could provide some greater detail. Now we have a conditional rezoning plan that you can see. The plan would be too adult residential uses here, we have a maximum of 280 residential uses within good proximity to those good employment areas. There is a lot of industries in the area, so this is some new housing in the area. We've gone to a great extent to buffer the existing uses so here is a look at our plan. You can see this is our main residential development and as Dave mentioned there are two zoning districts and to the rear of the site on the left-hand side of your screen, this would be the R-8 area. That would be a low-density area, no more than eight units per acre which is what the land-use calls for. We've got a restriction on building height back there closer to the existing single-family and you can see we also have a 50-foot Class C buffer.

The area on Gibbon Road that is in the R-8, all of that upon Gibbon Road would be green space and undeveloped area. We think this is a good fit for the area. This is a look at the site plan transposed. We've had a number of community meetings, I think we've had maybe three virtual community meetings with neighbors and the bulk of the concern we've had on almost the entirety of the concerns have been about the condition of Gibbon Road. It is a narrow, two-lane road connecting this I-85 corridor with the Derita neighborhood to the east of this site so there has been some great concern about that. Adam [inaudible] with Kimley Horne is on the line and is happy to answer any questions.

We continue to work with C-DOT about some improvements in the area. We would have a 2,500-trip threshold before a traffic study would be required, however, we are in discussion with C-DOT about some improvements in the area which will include some improvements to Gibbon Road. Happy to answer any questions you may have.

Councilmember Graham said may I ask a procedural question before the opposition speaks? A resident wanted to speak but he didn't make the deadline to sign up speak and wanted to know whether or not a registered speaker can yield some of his time to him. Is that permissible?

Mayor Lyles said that is not permissible under our rules, but it is perfectly great to send an e-mail or a letter or even leave a voice mail as foreign as that might be to some of us these days. You can send it directly to the Clerk's Office and it can be distributed to the entire Council, but we are not allowed to yield time.

Louise Robinson, 4200 Garvin Drive said I appreciate the opportunity to speak to you regarding this rezoning petition. I am a long-time resident of Crater Park which is a housing development behind the proposed complex. A project of this magnitude is going to have a tremendous impact on the surrounding community. I appreciate all the in the site that the gentleman has provided but the resources in this area will be strained and this proposed plan is truly not aligned with the current housing and local development and as I believe it was Mr. Brown mentioned, the traffic is a huge factor. The design flaw with

drivers trying to access I-77 and other roads in the area will be problematic for people living in the area. I understood that there has not been a traffic impact study done from what I heard in the meeting from the gentleman that was speaking prior to me, and I just wondered what plan. I heard you say that there would be some improvements to Gibbon Road, and I wondered what those were because there are some major public safety concerns. There is an elementary school in the area, and we are concerned for public safety. This densely populated neighborhood is really out of line with the current single-family development. We would ask that if they could collaborate on some of those improvements they were talking about. We are deeply concerned after speaking with a number of neighbors who have opposed the building of this densely populated housing.

In rebuttal, Mr. Brown said he would respond about the compatibility for this with the Crater Park Neighborhood. Again, the existing zoning on the bulk of the site is for heavy industrial zoning. We think a residential use would be much more compatible than that and, in the area, adjacent to Crater Park we are rezoning that to R-8 which is a medium density zoning no more than two-stories height and 50-foot buffers all around. I tried to be very intentional about the way we addressed that, the density is pressed up towards Statesville Road which everyone recognizes is much more heavily developed. I do have on the line Adam [inaudible] with Kimley Horne; he is working with C-DOT. Adam, you may have just a minute, but someone may have a follow-up question for you.

Mayor Lyles said I have a question; is this all rental property or is there any single-family for sale property included in the rezoning?

Mr. Brown said this would multifamily, kind of a typical apartment community. The second phase though is a lower density phase. It is not townhomes, but it would be restricted to two stories in height.

Mayor Lyles said are the buildings; I think I've found a number of times that people have begun to take apartments and they called them condominium apartments, so you sell like a four-unit building or an eight-unit building to different people and investors. Is that what we are talking about?

Mr. Brown said no, this would be very much a traditional apartment community. The reason for that lower density is that half of the site which is closer to Crater Park just lowered the density to a lower level. This would be your traditional multifamily community.

Councilmember Graham said I think you read my mind, you asked some of the questions, so I think I'm good until I talk to both the developer and the neighborhoods prior to the final decision.

Mayor Lyles said that area, I think I understand the traffic concerns, but I think more importantly some of the concerns about how that development works and what it means for the overall future of that area.

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

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ITEM NO. 43: HEARING ON PETITION NO. 2020-072 BY FREEMORE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.48 ACRES LOCATED NORTH OF FREEDOM DRIVE, SOUTH OF THRIFT ROAD, AND EAST OF BERRYHILL ROAD FROM I-1 (INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just under a half-acre on Freedom Drive. The existing zoning for this petition is currently I-2, the proposed zoning is to go to MUDD-O. The

request is part of the Bryant Park Land-use and Streetscape Plan from 2007, it does recommend a mix of office, retail and industrial uses for the site. This proposal is to allow most uses permitted in the MUDD District, we do have some prohibited uses that are listed out. It does propose also 10 residential units and limits non-residential units up to 4,000 square feet. The main point of the proposal is to maintain the existing building and reuse that building while allowing for an addition of a second floor above where some of those residential units would be constructed. Optional provisions would include parking and maneuvering between the building and the Freedom Drive setback, that is essential to maintain the existing parking area in front of the building so we can continue to adaptively reuse that and also allow a modified sidewalk and planting strip as well as quantity of street trees along Freedom Drive as practical due to some of those existing streetscape conditions along Freedom Drive. It does provide a maximum building height of up to 40-feet as well as all-new lighting would be fully cut-off lighting fixtures and architectural designs as required by the MUDD Zoning District.

The staff does recommend the approval of this petition. We do have some minor outstanding issues to resolve. It is inconsistent with the Bryant Park Land-use and Streetscape Plan for a mix of office, retail and industrial. Mainly that inconsistency is the addition of those residential units above the building that would adaptively be re-used. The retail component any potential office components under the MUDD District would be consistent, but again that second story residential would make it technically inconsistent with the Land-use Plan, but staff does recommend approval and we will be happy to answer any questions following the petitioner's presentation.

Collin Jenest, 200 South Tryon Street said we know we are getting late in the evening, so we thank you guys for allowing us to speak on this exciting project. I think the staff did a great job of outlining the petition. Michael Molton is also on the line and can certainly answer any questions that you all have specifically for him. Generally, this petition is specific to allow for residential uses. It is an existing roughly 10,000 square feet, brick building that was used as a tired kind of auto shop. The intent is to provide five residential units initially with commercial space up to 4,000 square feet upfront. I guess we are including addition height for a potential future story, however, that is not planned right so again the current plan is for five residential units only. Those optional provisions that were mentioned are really to allow for the adaptive reuse of the existing building and to try to help us maximize our parking. We feel confident that we can meet the parking requirements of the MUDD District, however, we certainly are going to continue to explore whether it is shared parking or other avenues to try to increase that percentage. I also want to mention that we had two community meetings, the first we had a great turnout and some very great feedback. Also, some fair criticism in the sense of the information that was provided to the neighbors prior to the meeting and at that meeting. We subsequently worked as a team to update some building elevations, provide that to those neighbors, and then held a subsequent meeting at the beginning of September. Again, I think we had another great turnout, and everybody was very receptive to the additional information that we provide.

Councilmember Watlington said I was able to sit in on these community meetings and I know that a lot of the residents had questions and so we appreciate you having a second meeting and bringing it back for more clarity for what exactly we would see there.

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

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ITEM NO. 44: HEARING ON PETITION NO. 2020-074 BY REDWOOD USA, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.08 ACRES LOCATED OFF HARRIS HOUSTON ROAD IN THE UNIVERSITY CITY AREA FROM R-3 (SINGLE-FAMILY) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

Dave Pettine, Planning said this is just over 21-acres primarily on Harris Houston Road. The existing zoning is R-3, the proposed zoning is R-8MF(CD). The adopted future land-use from the 1996 Northeast District Plan does recommend single-family residential up to four DUA for the site. This proposal is for up to 83 single-family attached dwelling units as well as one leasing office and maintenance building. It does cap the maximum height at 40-feet as well as a private internal street network and driveway connections to Harris Houston Road, two-car garages with each residential dwelling unit as well as two spaces within the driveway along with guest parking at the leasing office. There is a provision to widen a portion of Harris Houston Road and provide an eight-foot planting strip and 12-foot multiuse path in lieu of a five-foot bike lane. The internal road network would have sidewalks that connect to entryways and to the 12-foot multiuse path along the frontage of Harris Houston Road. Architectural standards are provided within the proposal as well as the dedication of a 50-foot post-construction buffer to Mecklenburg County Parks and Rec for construction of a future greenway. That is the area you can see outlined in blue.

The staff does recommend approval of this petition and we do have some outstanding issues related to transportation, environment, and site and building design. The multifamily housing type is inconsistent with the recommendation for single-family residential, but it is consistent with the plan of density recommendation so again, we are looking at just a difference in housing type. The density is consistent with that adopted area plan from 1996. We will be happy to answer any questions following the petitioner's presentation.

Keith MacVean, 100 North Tryon Street said I am assisting Redwood USA, LLC, I am with Moore & Van Allen, Bob Dyer is on the line with us as well. As Dave mentioned this is rezoning for 21-acres from R-3 to R-8MF(CD) to allow 83 single-story multifamily units. Mr. Dyer is actually going to run through the presentation for you and then we will be happy to answer questions.

Bob Dyer, 7510 East Pleasant Valley Road, Independence, OH said I am with Redwood USA, thanks for the opportunity to discuss our new potential Redwood Neighborhood on Harris Houston Road. Redwood is building right now in approximately seven states; we are located in both South and North Carolina. We've got a community under construction just up the road from us that some of you may have been involved with. It was an R-3 rezoning about two-years ago. Right now, we own and manage 13,000 dwellings across these seven states and the thing I guess we are most proud of is that we've never sold a product that we built and managed. Who lives in our Redwood Communities? The largest group of folks living in our communities are empty nesters followed by young professionals. We have very few families with children. Typically, in a 100 dwelling community, we have about 10 to 13 school-age children. As was mentioned, these are single-story units, each dwelling has a two-car attached garage. If we think of the site as a V or a triangle, Harris Houston Road is along the top. There are approximately 2,000 feet of frontage, that is where we are putting the multiuse path; to the southwest or to the left there is a large transmission line and Duke Power easement and then on the southeast or to the right there is a creek with the buffer that we will be providing to the County.

Councilmember Johnson said I just wanted to say I worked closely with the developer and the representative and I wanted to thank C-DOT. I reached out to Lekisha and her team regarding some of the resident's concerns regarding sidewalks in that area, so I wanted to thank them that they were available. I know she is at the meeting, but I didn't know if there was any input regarding sidewalks in that area that she wanted to add. I don't have any questions right now for the builder.

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

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

Ed Mulheren, ironmancharlotte@aol.com

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ITEM NO. 45: HEARING ON PETITION NO. 2020-075 BY MATTAMY HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 19.6 ACRES LOCATED ALONG THE SOUTH SIDE OF RIDGE ROAD, NORTH OF INTERSTATE 485, AND WEST OF MALLARD CREEK ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF(CD) SINGLE-FAMILY RESIDENTIAL, CONDITIONAL)

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 19.6-acres on Ridge Road. The existing zoning is R-3, the proposed zoning is R-8MF(CD). You can see just next door we've got an R-8MF(CD) parcel that was rezoned and would be connected to this one via the road network. The adopted future land-use for this project is from Prosperity-Hucks Area Plan in 2015, it does call for residential uses up to four DUA. This project would be for up to 139 townhome units. The density of this project would be 7.1 dwelling units per acre so slightly over the recommended density in that Prosperity-Hucks Area Plan. We do have a 10-foot sidewalk and eight-foot planting strip along the frontage of Ridge Road as well as streetscape requirements according to the Prosperity-Hucks Area Plan. We do have a left-turn lane into the site that would be provided on Ridge Road as well as three stub connections for future development and one connection to the adjacent development and that is there on Lilac Grove Drive. We do have internal sidewalk commitments and pedestrian connections throughout the site. All right-of-way would be dedicated to the City through fee simple conveyance. We do have a Class C buffer where we abut single-family zoning. Building material comments are part of the conditional notes as well as the garage units being provided for all townhome units for a minimum of one car and then all sidewalks would be provided to connect any drives with proposed streets.

The staff does recommend the approval of this petition. Again, we do have some outstanding issues related to transportation and the environment to work through. It is consistent with the recommendation for residential uses, but just slightly over that density recommendation of up to four DUA. We do have that R-8(CD) next door which would allow this to kind of infill and provide some of that continued transition as we get closer to I-485 and Mallard Creek Road. The staff does feel like it is an appropriate project in this location, and we do recommend approval. We will be happy to take any questions following Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street said I'm here on behalf of Mattamy Homes, I also have the ESP Engineering team and a representative from Mattamy Homes. I think David did a fantastic job so we will be happy to answer any questions you have.

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

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ITEM NO. 46: HEARING ON PETITION NO. 2020-078 BY CITY OF CHARLOTTE AVIATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 19.5 ACRES LOCATED TO THE NORTH AND SOUTH OF OLD DOWD ROAD, JUST WEST OF INTERSTATE 485 FROM I-1 LLWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA) R-3 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-2 LLWPA (GENERAL INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA)

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 19.5 acres located right there on the I-485 area and Old Dowd Road. The existing zoning is I-1 and R-3, the proposed zoning is I-2 conventional. This is the only conventional rezoning we had this evening, so this is just a straight I-2 use. The Dixie Berryhill Strategic Plan calls for a mix of office, retail, and light industrial. This is I-2 zoning so it would allow more intense industrial uses than the light industrial recommendation, so it is technically inconsistent with that plan, but this is an area that we feel industrial is appropriately located in. The adopted future land-use all around it is industrial, right across from the Airport.

The staff does recommend approval, there is no conditional plan so no outstanding issues to speak of and I believe we do have someone from the Airport to answer any questions should there be any.

Councilmember Driggs said just a quick comment; this is yet another inconsistent Dixie Berryhill Strategic Plan. It feels like the majority tonight have not been consistent, so I just hope we are going to move fast to put some sort of a planned environment in place that doesn't put us in this position of winging it on every single petition. Otherwise, I have no comments.

Mayor Lyles said the Airport has a plan and the Dixie Berryhill Plan was what 2003 so maybe sometimes we allude to a plan that has been already superseded by another plan. I don't know if that is exactly the case, but the Airport has come forward with a development plan for a while.

Councilmember Winston said I concur with Mr. Driggs and that is one of the points I made tonight on the earlier one. We still don't have a way to kind of analyze how those plans work together. Where are the overlays, we are still left kind of winging it? I think what Mr. Driggs said is completely relevant and what you said is completely relevant, but we need more guidance from the staff on how to recon those two things.

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

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ITEM NO. 47: HEARING ON PETITION NO. 2020-080 BY THE COURTYARD AT PART ROAD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.376 ACRES LOCATED ALONG THE WEST SIDE OF PARK ROAD, EAST OF MCDONALD AVENUE AND SOUTH OF IDEAL WAY FROM B-1 (NEIGHBORHOOD BUSINESS) TO NS (NEIGHBORHOOD SERVICES).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 2.376 acres, the existing shopping center on Park Road. The existing zoning is B-1, the proposed zoning is NS, it is part of the Dilworth Land-use and Streetscape Plan. It does recommend the residential, office, and retail for this site. This is really just a rezoning to maintain the existing shopping center but allow some additional square footage for eating, drinking, entertainment establishments as well as an outdoor dining patio. Prohibit drive-thru and service lane windows, no real expansions to the building itself, it is just for some of that outdoor seating area and also to comply with some of the parking arrangements that would a result of any potential addition of some EDEE (eating/drinking/ entertainment establishment) uses on the site. I'll let Mr. Carmichael answer any questions specifically about the plans for the building, but it is really just to maintain the existing shopping center and add some additional EDEE uses primarily for that outdoor seating space.

The staff does recommend approval, we do have some outstanding issues just for some transportation and technical revisions. It is consistent with the Dilworth Land-use and Streetscape Plan. We will be glad to take any questions should you have any.

John Carmichael, 101 North Tryon Street said Matt Purser is here as well. I will be brief as David did a very thorough job. There are currently 34,000 square feet of gross floor area in this shopping center. That would continue to be the case if this rezoning petition is approved likewise the uses allowed in NS are the same uses allowed in B-1 so the allowed uses would not change as a result of this rezoning petition. The sole purpose of this rezoning petition is to really allow the petitioner to propose parking standards that are different than those required under the B-1 zoning district. The NS allows a little more flexibility. The parking standards being proposed by the petitioner are more stringent than those that would be allowed in the NS zoning district. As Dave said, the petitioner would really like the ability to add another restaurant use to this location. This rezoning petition does cap the amount of restaurant space that could be located on the site and that would be 8,550 square feet and it limits the size of the outdoor dining patio. The parking ratio would be one per 375 square feet for retail service and office uses and the parking standards for EDEE use or restaurant uses would be one per 225 square feet. I'll be happy to answer any questions that you may have.

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

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ITEM NO. 48: HEARING ON PETITION NO. 2020-084 BY D. R. HORTON FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.09 ACRES LOCATED ALONG THE WEST SIDE OF REAMES ROAD, NORTH OF SUNSET ROAD AND SOUTH OF LAWNMEADOW DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just over 9 acres on Reames Road, it is requesting R-3 to R-8MF(CD). As you can see, we have R-3 behind and all around and we also have industrial zoning along Reames Road and North Park Boulevard. This petition is part of the Northwest District Plan which was 1990. That calls for single-family residential of up to four DUA. The proposal is for up to 72 for sale townhome units which would come in at a density of eight DUA. Access would come off of Reames Road, there would be an eight-foot planting strip and six-foot sidewalk along the road frontage there, a five-foot bike lane and an 11-foot center lane along the Reames Road frontage, but also be installed as part of this project. We would have sidewalks along all streets as well as a street stub on the northeastern part of the development for any kind of future connection to adjacent development should that occur. Also, have a small park with landscaping and hardscaping proposed within the project, buffers abutting the residentially zoned land, and then also buffers abutting that industrial zoned land down to the south. We would not have any proposed connection to Parliament Court so we wouldn't be getting into that neighborhood for any kind of connectivity. One car garage for each unit as well as architectural standards is being provided as part of the plan.

The staff does recommend approval. We do have some outstanding issues related to transportation. It is inconsistent with that Northwest District Plan from 1990, but it is consistent with the General Development Policies which support the densities up to eight DUA. We will happy to answer any questions should you have any.

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

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ITEM NO. 49: HEARING ON PETITION NO. 2020-087 BY PLAINWOOD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.81 ACRES LOCATED ON THE EAST SIDE OF BROOKSHIRE BOULEVARD, NORTH OF DAKOTA STREET, WEST OF

**TENNESSEE AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-12MF (CD)
(MULTIFAMILY RESIDENTIAL, CONDITIONAL)**

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 7.81 acres off of Brookshire Boulevard on Plainwood Drive, just off Dakota Street and Black Avenue. The existing zoning is R-5 and the proposed zoning is R-12MF(CD). The adopted future land-use comes from two separate plans with this project, which is from Thomasboro/Hoskins Area Plan which is from 2002. That plan calls for residential up to five DUA and then the Northwest District Plan which is from 1990 calls for single-family residential of up to six DUA. This proposal is for 93 attached townhome dwelling units as well as any accessory uses allowed in R-12MF. It does commit to including a right-turn lane on Brookshire Boulevard into the proposed site. Internal public street and private street networks, a 12-foot multiuse path along the Brookshire Boulevard frontage, an eight-foot planting street, six-foot sidewalks along Plainwood Drive, and Black Avenue which would actually be improved. It is currently just a paper right-of-way at this point, they would actually construct Black Avenue to continue between Plainwood and Dakota Street. We have landscaped buffers next to single-family zoning around the site as well as limiting individual units to five or fewer. Each unit would have a garage and each unit would also have a covered front stoop.

The staff does recommend the approval of this petition. We do have some outstanding issues to work through related to transportation and the environment. Part of the property, the western portion is inconsistent with Thomasboro/Hoskins Area Plan that is up to five DUA. The eastern portion is inconsistent with the Northwest District Plan recommended up to 60 DUA, however, both of these plans are part of the General Development Policies which does support residential uses of to 70 DUA so we are consistent with General Development Policies and the density recommended for those. We will happy to answer any questions following Mr. Carmichael's presentation.

John Carmichael, 101 North Tryon Street said I am working with the petitioner. With me tonight are Nicole [inaudible] of Ryne Homes and Bob Davis the Site Engineer. Dave did a very thorough job, but the purpose of the rezoning request is to accommodate a townhome community that can contain up to 93 townhome units. As David said there will be buffers along the southern and eastern boundaries of the site and then a buffer along the site's western boundary as well adjacent to Brookshire Boulevard. The petitioner would complete the street network by improving Black Avenue which bifurcates the eastern portion of the site and Plainwood Drive. A 12-foot multi-use path on Brookshire Boulevard and eight-foot planting strip and six-foot sidewalks along the street frontages. Access to the site would be from Plainwood Drive and Black Avenue. We are happy to answer any questions that you may have.

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

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ADJOURNMENT

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

The meeting was adjourned at 10:16 p.m.


Stephanie C. Kelly, City Clerk, MMC, NCCMC

September 21, 2020
Zoning Meeting
Minutes Book 150, Page 843

Length of Meeting: 5 Hours and 13 Minutes
Minutes Completed: October 7, 2020