

City of Charlotte

*Charlotte-Mecklenburg Government Center
600 East 4th Street
Charlotte, NC 28202*



Meeting Agenda

Monday, November 18, 2019

Council Chambers

City Council Zoning Meeting

*Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Justin Harlow
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Matt Newton
Council Member Greg Phipps
Council Member Braxton Winston II*

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business
- **B-2** – general business
- **B-1SCD** – business shopping center (old district)
- **BD** – distributive business
- **BP** – business park
- **CC** – commercial center
- **HW** – hazardous waste
- **I-1** – light industrial
- **I-2** – general industrial
- **INST** – institutional
- **MUDD** – mixed use development
- **MX-1** – mixed use
- **MX-2** – mixed use
- **MX-3** – mixed use
- **NS** – neighborhood services
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential –up to 4 dua
- **R-5** – single-family residential –up to 5 dua
- **R-6** – single-family residential –up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential– up to 12 dua
- **R-17MF** – multi-family residential– up to 17 dua
- **R-22MF** – multi-family residential– up to 22 dua
- **R-43MF** – multi-family residential– up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research
- **RE-2** – research
- **RE-3** – research
- **TOD** – transit oriented development
- **TOD-CC** – transit oriented development – community center
- **TOD-NC** – transit oriented development– neighborhood center
- **TOD-UC** – transit oriented development –urban center
- **TOD-TR** – transit oriented development –transit transition
- **U-I** – urban industrial
- **UMUD** – uptown mixed use
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

Zoning Overlay District Acronyms

- **AIR** – Airport Noise overlay
- **CR/LWW** – Catawba River/Lake Wylie watershed
- **CR/LWWCA** – Catawba River/Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River/Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LNWCA** –Lake Norman watershed –overlay, critical area
- **LNWPA** –Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed– overlay, protected area
- **LWPA** – Lake Wylie protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** - manufactured home overlay
- **PED** – pedestrian overlay
- **TS** – transit supportive overlay

Miscellaneous Zoning Acronyms:

- **CD** – conditional
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

Miscellaneous Other Acronyms:

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance



Agenda Date: 12/9/2019

Agenda #: 1. **File #:** 15-11900 **Type:** Dinner Briefing

5:00 P.M. DINNER MEETING, CH-14

1. Meeting Agenda

2. Dinner Meeting Agenda

1. Agenda Review - Dave Pettine

3. Follow-Up Report

DECISIONS**4. Rezoning Petition: 2019-100 by Matt Connolly-Pike Properties, LLC**

Update: Petitioner is requesting a deferral to December 18, 2019.

Location: Approximately 1.01 acres located on the west side of Seigle Avenue and south of McAden Street. (Council District 1 - Egleston)

Current Zoning: I-2 (general industrial)

Proposed Zoning: MUDD-O (mixed use development, conditional)

5. Rezoning Petition: 2018-117 by Hopper Communities, Inc.

Location: Approximately 1.7 acres located on the east side of South Tryon Street, south of East Cama Street and north East Peterson Drive. (Council District 3 - Mayfield)

Current Zoning: R-8 (single family residential) and MUDD(CD) (mixed use development, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition

6. Rezoning Petition: 2019-009 by Joseph Rhodes

Location: Approximately 16.0 acres located on the east side of Beatties Ford Road, north of Trinity Road and south of Lakeview Road. (Council District 2 - Harlow)

Current Zoning: R-3 (single family residential) and B-2 (general business)

Proposed Zoning: R-8MF(CD) (multi-family residential, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

7. Rezoning Petition: 2019-032 by US Developments, Inc.

Location: Approximately 14.72 acres located on the northwest side of Highway 29 North, east of Caprington Avenue. (Outside City Limits)

Current Zoning: R-3 (single family residential), R-17MF (CD) (multi-family, conditional) and MX-2 (mixed use)

Proposed Zoning: R-17MF (CD) (multi-family, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 5:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

8. Rezoning Petition: 2019-049 by Apollo Holding Company

Location: Approximately 9.00 acres located on the north side of Queen City Drive, south of Tuckaseegee Road, west of Toddville Road, north of I-85. (Council District 3 - Mayfield)

Current Zoning: R-17MF (multi-family residential)

Proposed Zoning: MUDD-O (mixed use development, optional)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommended **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

9. Rezoning Petition: 2019-051 by Joyce M. Green

Location: Approximately .66 acres located on the east side of West Sugar Creek Road at Lynn Lee Circle. (Council District 2 - Harlow)

Current Zoning: R-3 (single family residential)

Proposed Zoning: INST (CD) (institutional, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

10. Rezoning Petition: 2019-068 by Blu South, LLC

Location: Approximately 6.17 acres located on the east side of China Grove Church Road, west of South Boulevard, north of I-485. (Council District 3 - Mayfield)

Current Zoning: R-4 (single family residential)

Proposed Zoning: R-8 (single family residential)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

11. Rezoning Petition: 2019-071 by FH 1524 Sunset Road, LLC

Location: Approximately 54.99 acres located on the south side of Sunset Road, east of Oakland Road (Outside City Limits)

Current Zoning: R-3 (single family residential)
Proposed Zoning: MX-2 (mixed use)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

12. Rezoning Petition: 2019-078 by Charter Properties

Location: Approximately 39.75 acres located on the north side of Johnston Oehler Road, east of Prosperity Ridge Road, south of Interstate 485. (Council District 4 - Phipps)

Current Zoning: R-3 (single family residential)
Proposed Zoning: UR-3 (CD) (urban residential, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

13. Rezoning Petition: 2019-084 by Lake Mather, LLC

Location: Approximately 0.18 acres located on Greystone Road, east of South Boulevard, south March Road. (Council District 1 - Egleston)

Current Zoning: R-4 (single family residential)
Proposed Zoning: UR-1 (CD) (urban residential, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

14. Rezoning Petition: 2019-087 by JDSI, LLC

Location: Approximately 13.8 acres located on the west side of Harrisburg Road, south of Starnes-Randall Road. (Council District 5 - Newton)

Current Zoning: R-3 (single family residential)
Proposed Zoning: R-8 (single family residential)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

15. Rezoning Petition: 2019-090 by Culp Road Materials, LLC

Location: Approximately 34.6 acres located on the south side of Old Dowd Road, west of Interstate 485. (Outside City Limits)

Current Zoning: R-3 and R-MH LLWCA (single family residential, residential manufactured housing, Lower Lake Wylie watershed-overlay, critical area)

Proposed Zoning: I-2 (CD) LLWCA with five-year vested rights (general industrial, conditional, Lower Lake Wylie watershed-overlay, critical area)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

16. Rezoning Petition: 2019-091 by Ramon Adams

Location: Approximately 2.6 acres located on the north side of McLean Road, east of Faires Farm Road, west of Michael Crossing Drive, east of Old Concord Road. (Council District 4 - Phipps)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-6 (single family residential)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

17. Rezoning Petition: 2019-094 by Andrew Parker

Location: Approximately 0.41 acres located on the east side of North Davidson Street, north of Charles Avenue and Matheson Avenue. (Council District 1 - Egleston)

Current Zoning: R-5) (single family residential)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

18. Rezoning Petition: 2019-097 by Ardent Acquisitions, LLC

Location: Approximately 17.02 acres located on the west side of South Tryon Street, south of Blairhill Road, south of Clanton Road, east of Interstate 77. (Council District 3 - Mayfield)

Current Zoning: I-1 and I-1(CD) (light industrial and light industrial, conditional)

Proposed Zoning: TOD-TR (transit oriented development-transit transition)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

19. Rezoning Petition: 2019-099 by Townes Mozer

Location: Approximately 2.33 acres located on the southwest corner of South Tryon Street and Griffith Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-NC (transit oriented development-neighborhood center)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

20. Rezoning Petition: 2019-102 by City of Charlotte

Location: Approximately 1,771.18 acres generally located along South Boulevard, North Davidson Street and North Tryon Street, generally within a half mile of the JW Clay Boulevard, McCullough, University City Boulevard, Tom Hunter, Old Concord Road, Sugar Creek, 36th Street, 25th Street, Parkwood, Carson, Bland Street, East/West, New Bern, Scaleybark, Woodlawn, Tyvola, Archdale, Arrowood, Sharon Road West and I-485/South Boulevard LYNX Blue Line transit stations, between I-485 to the south, and UNC - Charlotte campus to the north, excluding areas within I-277 Loop. (Council Districts: 1-Egleston; 3-Mayfield; 4-Phipps; and 6-Bokhari)

Current Zoning: B-1, B-1 HD-O, B-1 TS, B-1(CD), B-1SCD, B-2, B-2 HD-O, B-2 TS HD-O, B-2(CD), CC, NS, BP, B-D, B-D(CD), I-1, I-1 HD-O, I-1 TS, I-1 TS HD-O, I-1(CD), I-2, I-2 TS, I-2(CD), O-1, O-1(CD), O-2, O-2 HD-O, O-15(CD), INST, MUDD, TOD-CC, TOD-CC HD-O, R-17MF, R-22MF, R-22MF HD-O, R-43MF, R-3, R-4, R-5, R-8

Proposed Zoning: TOD Urban Center (TOD-UC), TOD Neighborhood Center (TOD-NC), TOD Community Center (TOD-CC), or TOD Transitional (TOD-TR)

Zoning Committee Recommendation:

Zoning Committee voted 5:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

21. Rezoning Petition: 2019-119 by RKW Builders

Location: Approximately 0.29 across located on North Alexander Street between East 34th Street and East 35th Street. (Council District 1 - Egleston)

Current Zoning: R-8 (CD) (single family residential, conditional)

Proposed Zoning: R-5 (single family residential)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

22. Rezoning Petition: 2019-122 by Beacon Partners

Location: Approximately 39.70 acres located on the west side of Old Statesville Road, north of Gibbon Road. (Council District 2 - Harlow)

Current Zoning: I-1(CD) (light industrial, conditional)

Proposed Zoning: I-1 (light industrial)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

HEARINGS**23. Rezoning Petition: 2019-035 by Novant Health, Inc.**

Location: Approximately 40.43 acres located at the southeast intersection of Johnston Road and Providence Road West. (Council District 7 - Driggs)

Current Zoning: R-3 (single family residential)

Proposed Zoning: INST (CD) (institutional, conditional)

24. Rezoning Petition: 2019-080 by Seahawk Partner Holdings, LLC

Location: Approximately 11.15 acres located on the west side of Commonwealth Avenue and east of Char Meck Lane, north of Monroe Road. (Council District 5 - Newton)

Current Zoning: R-5 (single family residential) and R-8MF (multi-family residential)

Proposed Zoning: UR-2 (CD) (urban residential, conditional)

25. Rezoning Petition: 2019-110 by Jay Patel

Update: *Petitioner is requesting a deferral to December 16, 2019.*

Location: Approximately 1.24 acres located north of Central Avenue, west of Hawthorne Lane, east of Heath Court. (Council District 1 - Egleston)

Current Zoning: MUDD-O (PED) (mixed use development, optional, pedestrian overlay district)

Proposed Zoning: TOD-CC (PED) (transit oriented development - transit community center, pedestrian overlay district)

26. Rezoning Petition: 2019-117 by Montana Drive OZ Fund, LLC

Petitioner is requesting a deferral to December 16, 2019.

Location: Approximately 11.51 acres located on the south of Montana Drive, south of I-85, east of Tennessee Avenue. (Council District 2 - Harlow)

Current Zoning: R-5 (single family residential)

Proposed Zoning: I-1(CD) (light industrial, conditional)

27. Rezoning Petition: 2018-150 by TDC Greenville, LLC

Location: Approximately 5.279 acres located on the west side of Statesville Avenue, south of Oaklawn Avenue, also bounded by Callahan Street and Spring Street. (Council District 2 - Harlow)

Current Zoning: B-1 (neighborhood business)

Proposed Zoning: MUDD-O (mixed use development, optional), with five-year vested rights.

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, land use and technical revisions.

28. Rezoning Petition: 2019-069 by Harrison Tucker - CoHab, LLC

Location: Approximately 0.9 acres on the west side of E. 36th St, north of North McDowell St. and south of North Alexander St. (Council District 1 - Egleston)

Current Zoning: R-5 (single family)

Proposed Zoning: NS (neighborhood services)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design.

29. Rezoning Petition: 2019-072 by Ardent Acquisitions, LLC

Location: Approximately 38.83 acres located on the north side of Cannon Avenue, west of Sugar Creek Road, east of North Graham Street, north of I-85. (Council District 4 - Phipps)

Current Zoning: R-4 (single family residential)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to building height, transportation, and environmental issues.

30. Rezoning Petition: 2019-088 by JDSI, LLC

Location: Approximately 29.75 acres located on the west side of Hood Road, south of Plaza Road Extension. (Outside City Limits)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-8 (single family residential)

Staff Recommendation:

Staff recommends approval of this petition.

31. Rezoning Petition: 2019-098 by Flagship Healthcare

Location: Approximately 8.12 acres located on the north side of Randolph Road, north of Eastover Ridge Drive, east of Cranbrook Lane. (Council District 1 - Egleston)

Current Zoning: R-5 (single family residential)

Proposed Zoning: NS (neighborhood service)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to environment and site and building design, and transportation technical revision.

32. Rezoning Petition: 2019-106 by Darren Vincent

Location: Approximately 0.89 acres located on the east side of Driwood Court, north of Mallard Creek Road and south of Prosperity Church Road. (Council District 4 - Phipps)

Current Zoning: NS (neighborhood service)

Proposed Zoning: NS SPA (neighborhood service, site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of technical revisions related to transportation.

33. Rezoning Petition: 2019-107 by Albemarle Road Partners

Location: Approximately 1.217 acres located on the north side of Albemarle Road, east of Hollirose Drive. (Council District 5 - Newton)

Current Zoning: B-1 (CD) (neighborhood business, conditional)

Proposed Zoning: NS (neighborhood services)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

34. Rezoning Petition: 2019-108 by J.S. & Associates

Location: Approximately 13.21 acres located on the west side of Neal Road, southwest of IBM Drive. (Council District 4 - Phipps)

Current Zoning: R-3 (single family residential)

Proposed Zoning: R-8MF (CD) (multi-family residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

35. Rezoning Petition: 2019-110 by Jay Patel

Update: Duplicate of Tab #25, where Petitioner requests a deferral of this petition to December 16, 2019.

Location: Approximately 1.24 acres located north of Central Avenue, west of Hawthorne Lane, east of Heath Court. (Council District 1 - Egleston)

Current Zoning: MUDD-O (PED) (mixed use development, optional, pedestrian overlay district)

Proposed Zoning: TOD-CC (PED) (transit oriented development - transit community center, pedestrian overlay district)

36. Rezoning Petition: 2019-111 by Hive Fitness, LLC

Location: Approximately 0.69 acres located on the south side of Southside Drive, west of Old Pineville road, and east of Yancey Road. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: MUDD(O) (mixed use development, optional)

Staff Recommendation:

Staff does not recommend approval of this petition in its current form.

37. Rezoning Petition: 2019-112 by Mark Heisig

Location: Approximately 0.33 acres located on the east side of Pinecrest Avenue, north of Commonwealth Avenue. (Council District 1 - Egleston)

Current Zoning: O-2 (office)

Proposed Zoning: R-4 (single family residential)

Staff Recommendation:

Staff recommends approval of this petition.

38. Rezoning Petition: 2019-116 by Billy Graham Evangelistic Association

Location: Approximately 1.47 located on the north side of Billy Graham Parkway, east of Westmont Drive and south of Woodridge Center Drive. (Council District 3 - Mayfield)

Current Zoning: R-17MF (multi-family residential)

Proposed Zoning: I-1(CD) (light industrial, conditional)

Staff Recommendation:

Staff recommends approval of this petition.

39. Rezoning Petition: 2019-120 by Titan Partners, LLC

Location: Approximately 8.5 acres located on the north side of Wilkinson Boulevard and on the east side of West Morehead Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-CC (transit oriented development - transit community center)

Staff Recommendation:

Staff recommends approval of this text amendment.

40. Rezoning Petition: 2019-121 by Jamario Rickenbacker

Location: Approximately 1.15 acres located on the north side of West Boulevard, west of Holabird Lane.
(Council District 3 - Mayfield)

Current Zoning: B-1(CD) (neighborhood business, conditional)

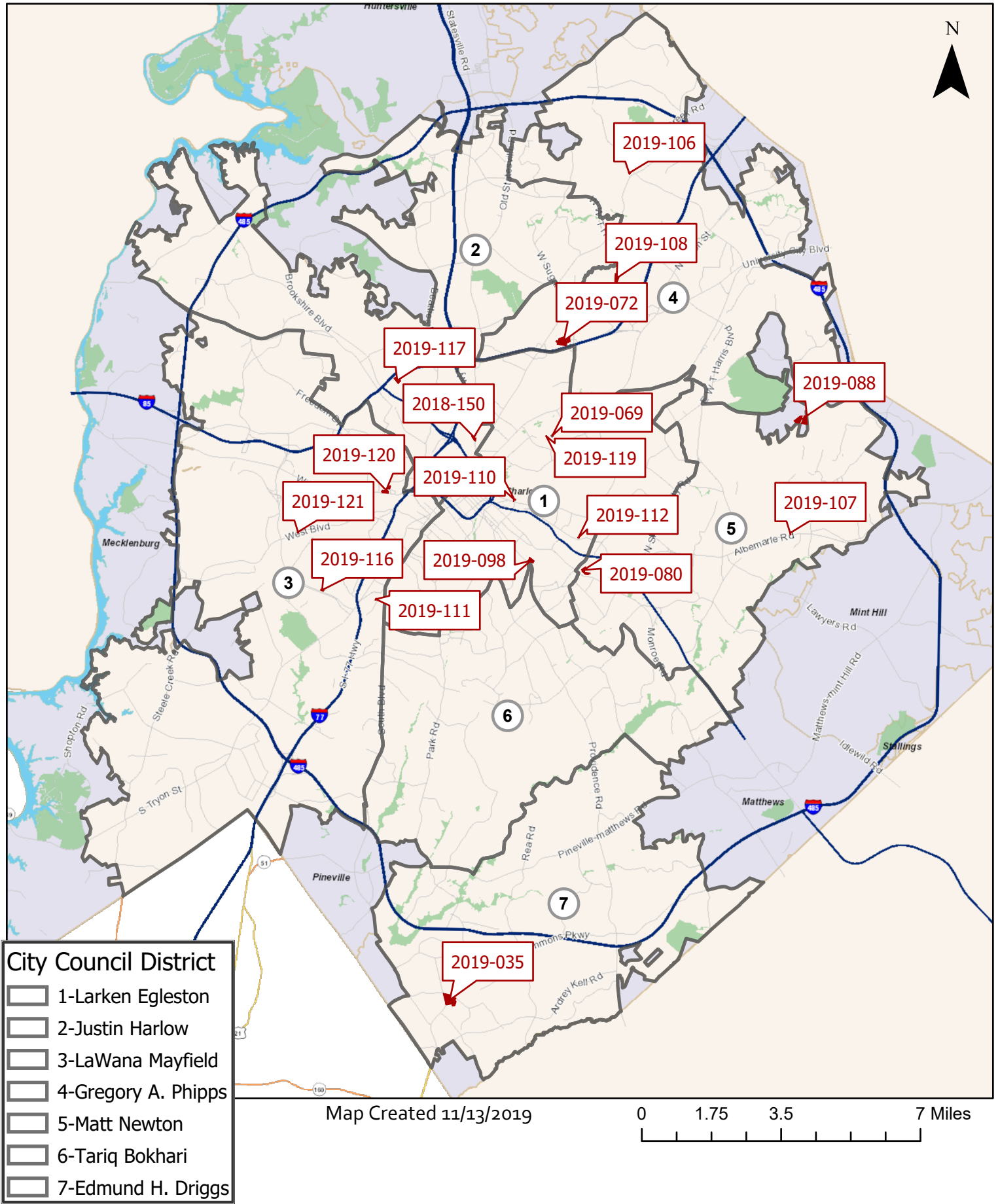
Proposed Zoning: B-1 (neighborhood business)

Staff Recommendation:

Staff recommends approval of this petition.

November 2019 Rezoning

City of Charlotte, Mecklenburg County





City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 11/18/2019

Agenda #: 2. **File #:** 15-11901 **Type:** Dinner Briefing

Dinner Meeting Agenda

1. Agenda Review - Dave Pettine

**The Dinner Meeting Agenda with
Agenda Updates will be provided
on Monday, November 18, 2019.**



City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 11/18/2019

Agenda #: 3. **File #:** 15-11902 **Type:** Dinner Briefing

Follow Up Report



City Council Follow-Up Report From the October 21, 2019 Zoning Meeting

2019-071 FH 1524 Sunset Road, LLC – located on the south side of Sunset Road, east of Oakdale Road. (Outside City Limits)

What is the schedule for improvements to the roundabouts?

Staff Response: The project is in design at the moment and NCDOT will re-evaluate the full project schedule at beginning of next year.

2019-078 Charter Properties – located on the north side of Johnston Oehler Road, east of Prosperity Ridge Road, south of Interstate 485. (Council District 4- Phipps)

Provide additional information/plans about the queueing of vehicles at the Corian school for drop-off and pick-up of students.

Staff Response: The developer has been in conversations with the school. Ultimately, it appears they will need to use police to regulate the traffic during the times school is in session.

2019-090 Culp Road Materials, LLC – located on the south side of Old Dowd Road, west of Interstate 485. (Outside of City Limits)

Does the manufactured home area to the south consist of homes occupied residents vs. vacant homes or lots?

Staff Response: The residential area on Sharyn Drive, south of rezoning petition 2019-090, consists of occupied homes and some vacant lots.

What does the critical area of a watershed mean? How will the fuel be stored on-site for a truck terminal?

Staff Response: The definition for the critical area is as follows: “The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.” The Zoning Ordinance provides the most stringent development standards for the critical area in the Lower Lake Wylie Watershed Overlay.

If the site is developed for truck terminal use, Petitioner commits that fuel will be stored above ground. (Please see revised Development Notes on plan). Petroleum will be stored in

accordance with ordinance requirements, including the requirements established by the National Board of Fire Underwriters and the latest edition of the “Flammable and Combustible Liquids Code, NEPA 30” of the National Fire Prevention Association.

Counsel for Petitioner incorrectly stated during the Public Hearing that no petroleum would be stored on the site. This statement was incorrect and counsel apologizes to the Mayor, City Council and Zoning Commission for this misstatement.