

The City Council of the City of Charlotte, North Carolina convened for a Business Meeting and Zoning Hearings on Wednesday, May 30, 2018 at 5:22 p.m. in the Meeting Chambers of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps and Braxton Winston II.

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INVOCATION AND PLEDGE

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

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CONSENT AGENDA

Mayor Lyles said the staff has settled Item Nos. 59, 64 and 72 therefore those items have been removed from our agenda.

Motion was made by Councilmember Mitchell, seconded by Councilmember Harlow, to approve the Consent Agenda as presented with the exception of Item Nos. 59, 64 and 72, which were pulled by staff because they were settled.

Councilmember Egleston said regarding Item No. 48, I won't belabor this, and I'm glad that the end results of this item is that \$450,000 will be going to the State Historic Landmarks Commission, but in reading through this, and my colleagues can do that, I won't read it to you, but we had an agreement with the State Historic Preservation Office to preserve some sites out near the Airport because of a multitude of different circumstances. That didn't end up happening and now this money is going to the Historic Preservation Office to kind of make up for the things that didn't happen. While I'm glad that money is going there, I hope that we don't see paying fines as an alternative to following through with agreements that we make, particularly when it comes to historic preservation. I'm seen that happen in circumstances in the private sector and certainly don't think that needs to happen in the public sector, so I know they will do good things with this money, but I would like to see us upholding our end of the bargain and not paying a fine on the back end.

Councilmember Ajmera said Item No. 54 is a request to approve scholarships for CPCC students enrolled in our Associates Degree Program. Support of this program will help students achieve their Associates, and with this scholarship they will be able to help pay for tuition, school supplies, including computer and opportunity for a paid internship at the Airport. This is a great program, and I applaud our Aviation staff to create opportunities for our residents, and I also encourage our other City Departments to create similar workforce development opportunities for our youth.

Councilmember Winston said regarding Item No. 28, I will comment on this and not pull it for a separate vote; this is about purchasing Police equipment for Police Bomb Squad and SWAT equipment. There is one line in here that I want to call attention to; it is about purchasing tools to be used in active shooter situations. I had questions about this when a contract came about purchasing bullet proof vests and Kevlar helmets to put on Firemen. I get very frustrated with this, not because I don't think our emergency service workers should have the tools that they need to do their job, but too often when we are dealing with these issues of violence, particularly gun violence, it falls on us as a municipality to spend the money to not deal with the problem at its source, but to deal with its symptoms. Spending this kind of money every time a shooting happens; or more Kevlar or more bullets or more guns, that continues to desensitize those at higher levels at state and federal government and particularly companies that spend billions and billions of dollars to insure that those changes don't occur. Every time one of these

shootings occur we find a week or two later a different appropriation spent thousands and thousands of dollars, and if that is happening here in Charlotte that is happening in every municipality around the country. We have to, at some point in time, get the gumption on ourselves to again use the purse strings to say, while we want our Police Officers and our Firemen to have the equipment we want to deal with the issue that is causing this in the first place. We are never going to really deal with that if every time something happens we spend thousands and thousands of dollars on the people that are responsible for putting these tools or warfare out in the streets.

Councilmember Phipps said I noticed in reading our Consent Agenda items, there were numerous items in there of what I believe to be threshold amounts that should be revisited by this Council in terms of the authority that we would give our City Manager and authorize him to make decisions on. Right now, it is at \$100,000 and some of these items that we've had in this, I think one of them was like \$95,000. We had an audit that was presented to us back last year when the Government and Accountability Committee was in effect, basically describing to us how we could make these kinds of meetings more efficient by doing what some other localities even in North Carolina has done in terms granting additional authority to the City Manager to make decisions and not have to have these items come before us. I would like to submit that we should have that conversation to either bring it to Committee for an expedited review and vote to increase the City Manager's authority beyond the \$100,000 limit, because I think that limit has been in effect what Charlotte is going on 250 years now. It has been in effect a long time, so I think it is time now that we would increase that. I know Wake County and Raleigh, they are at \$500,000 now, and we are still at \$100,000. We are the largest City in North Carolina. We need to revisit that so we can make these meetings be more efficient and even Item No. 28; if the Manager had the authority, I don't know if we would even be talking about this item. I would like to press that out with my colleagues to give some serious thought to placing this on some agenda that we can get this talked about. I know we were supposed to talk about it during the Retreat, but for some reason it hasn't been on any agenda.

Mayor Lyles said I think we did talk about it during the Retreat but didn't take action. Mr. Manager, can we put that on the June 4, 2018 meeting as an agenda item and Council can have an overview, have the auditor come in, tell the reason why, what the recommendation was from the prior Committee as well as what we talked about at the Retreat and then Council can decide if they are ready to act on it or move it to a Committee?

Councilmember Mayfield said I want to make sure I'm understanding my colleague correctly, because as you mentioned if we were to increase the amount, the conversation that we just had specifically on Item No. 28, because of the relatively small dollar amount would not have even been up for discussion on Council. Sometimes it is not about the dollar amount, but it is about the impact and the intent of that particular conversation. We are having multiple conversations in our community about how we interact with community, and there is concern around this dais, maybe not by everyone, but by some members regarding the amount of military grade equipment that our Officers have access to and that we keep approving. Some of those amounts may be in this \$80,000 or \$90,000 range, but the impact of all of these items are something that some of us would like to be able to discuss and not just have automatically approved through language where the Manager's Office, as long as it under a dollar amount. We have to be able to differentiate not only the dollar but the potential impact if we are going to try to have this conversation.

Mayor Lyles said we will have that debate and discussion on June 4, 2018.

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

The following items were approved:

Item No. 28: Police Bomb Squad and SWAT Equipment

(A) Approve the purchase of Police Bomb Squad and SWAT equipment, as authorized by the sole source exemption of G. S. 143-129(e)(6), (B) Approve a contract with ADS for the purchase of Police Bomb Squad and SWAT Equipment for the term of one year, and (C) Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Item No. 29: Charlotte Mecklenburg Regional Housing Consortium Renewal

Adopt a resolution authorizing the City Manager to renew the Charlotte-Mecklenburg Housing Consortium Agreement to continue receiving a required annual formula allocation of HOME funds.

The resolution is recorded in full in Resolution Book 48, at Page 746-767.

Item No. 30: Traffic Signal System and Related Services

(A) Authorize the City Manager to purchase ongoing maintenance and support, as well as additional software licenses, services, and hardware from the City's contract with Econolite Systems, Inc. for as long as the City uses the system, and (B) Authorize the City manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved.

Item No. 31: Traffic Signal Installation Municipal Agreement

(A) Adopt a resolution authorizing the City manager to execute a Municipal Agreement with the North Carolina Department of Transportation (NC-DOT) in the amount of \$214,000, and (B) Adopt Budget Ordinance No. 9332-X appropriating \$214,000 for the installation of two traffic signals on NC-DOT's system of roads.

The resolution is recorded in full in Resolution Book 48, at Page(s) 768-769.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 396.

Item No. 32: University Area Thoroughfares Study

(A) Approve a contract for up to \$100,000 with University Partners for the Charlotte adjacent thoroughfares multimodal solutions study, (B) Accept North Carolina Department of Transportation (NC-DOT) funds in the amount of \$50,000, and (C) Adopt Budget Ordinance No. 9333-X appropriating \$50,000 from NC-DOT.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 397.

Item No. 33: Asphalt Distributor Truck Body

(A) Approve the purchase of an asphalt distributor truck body from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), (B) Approve a unit price contract with Carolina Caterpillar for the purchase of an asphalt distributor truck body for a term of one year under National Joint Powers Alliance contract 052417-VTL, and (C) Authorize the City Manager to extend the contract for an additional one-year term as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

Item No. 34: West Mallard Creek Church Road Multi-Use Path Grant Funding

(A) Approve a resolution to execute a municipal agreement with the North Carolina department of Transportation accepting Transportation Alternatives Program and Transportation Alternatives Program Direct Attributable funds for pedestrian improvements in the total amount of \$1,273,000, and (B) Adopt Budget Ordinance No. 9334-X appropriating \$1,273,000 to the General Community Investment Plan.

The resolution is recorded in full in Resolution Book 48, at Page(s) 770-771.

The ordinance is recorded in full in Ordinance Book 61, at Page (s) 398.

Item No. 35: North Graham Street Sidewalk Project

(A) Award a contract in the amount of \$960,256 to the lowest responsive bidder Onsite Development, LLC for the North Graham Street Sidewalk Project, and (B) Adopt a resolution authorizing the replacement of decorative features within North Carolina Department of Transportation right-of-way along North Graham Street at I-277.

Summary of Bids

Onsite Development, LLC	\$960,256.00
United Construction Company Inc.	\$1,173,650.50
Sealand Contractors Corp.	\$1,512,631.45

The resolution is recorded in full in Resolution Book 48, at Page(s) 772-774.

Item No. 36: Building Automation Controls Maintenance and Services

(A) Approve unit price contracts with the following companies for building automation controls maintenance and services for a term of five years; Controls Services Group, Inc., United Automation Corporation, and (B) Authorize the City Manager to approve possible price adjustments and amend the contract consistent with the purpose for which the contract was approved.

Item No. 37: Electrical Lighting and Related Supplies

(A) Award unit price contracts with the following companies for the purchase of electrical lighting and related supplies for a five-year term: Border States Industries, Inc. dba Shealy Electrical Wholesalers, State Line Lighting, Inc., and (B) Authorize the City Manager to approve possible price adjustments and amend the contract consistent with the purpose for which the contract was approved.

Item No. 38: Sale of City-Owned Property on Idlewild Road North

(A) Adopt a resolution approving the sale of 1.68 acres of City-owned property on Idlewild Road North (parcel identification number 133-251-20) to Marie B. Davidson, for \$350,000, and subject the offer to the upset bid process, and (B) Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property.

The resolution is recorded in full in Resolution Book 48, at Page 775-776.

Item No. 39: Storm Drainage Improvement Projects Series A

Award a contract in the amount of \$1,398,164.58 to the lowest responsive bidder, Sealand Contractors Corp. for the Storm Drainage Improvement Projects Series A.

Summary of Bids

Sealand Contractors Corp.	\$1,398,164.58
Onsite Development, LLC	\$1,521,894.00
Sonny Development	\$1,559,080.33
United of Carolina, Inc.	\$1,646,781.40
Blythe Development Company	\$1,753,804.58

Item No. 40: Storm Drainage Improvement Projects Series B

Award a contract in the amount of \$1,537,822.00 to the lowest responsive bidder Onsite Development, LLC for the Storm Drainage Improvement Projects Series B.

Summary of Bids

Onsite Development, LLC	\$1,537,822.00
United of Carolinas Inc.	\$1,566,856.52
Blythe Development Company	\$1,598,152.55
Sealand Contractors Corp.	\$1,742,714.91

Item No. 41: Miscellaneous Stormwater Services

(A) Approve a contract with ESP Associates, Inc. for Miscellaneous Stormwater Services for three years, and (B) Authorize the City Manager to approve possible price

adjustments and amend the contract consistent with the purpose for which the contract was approved.

Item No. 42: Mallard Creek Wastewater Treatment Process Improvements Pre-Construction Services

Approve a contract in the amount of \$653,930 with Crowder Constructors Inc., dba Crowder Construction Company, for pre-construction services.

Item No. 43: Dixie River Road Water Main Engineering Services

Authorize the City Manager to negotiate and execute a contract with Crescent River District, LLC for the donation of surveying, engineering, and easements to the City for the Dixie River Road Water Main Project.

Item No. 44: Stowe Creek Replacement Force Main and Huntingtowne Farms Water Main

Award a contract in the amount of \$2,334,780 to the lowest responsive bidder, R. H. Price, Inc. for the Stowe Creek Replacement Force Main and Huntingtowne Farms Water Main Project.

Summary of Bids

R. H. Price, Inc.	\$2,334,780.00
State	\$2,780,526.00
Propst	\$4,013,678.76

Item No. 45: Miscellaneous Geotechnical, Environmental Testing, and Blast Monitoring Services

(A) Approve contracts with the following companies for miscellaneous geotechnical, environmental testing, and blast monitoring services in the amounts listed below: Civil & Environmental Consultants, \$100,000; Hart & Hickman, PC, \$100,000; Gavel & Dorn Engineering, PLLC, \$100,000; ESP Associates, Inc. \$500,000; S & M, Inc. \$500,000 and Terracon Consultants, Inc. \$730,000, and (B) Authorize the City Manager to approve up to two renewals with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Item No. 46: Charlotte Water Bio-solids Management Services

(A) Approve a unit price contract with Synagro –WWT, Inc. for bio-solids management services for an initial term of five-years, and (B) Authorize the City Manager to renew the contract for up to one additional five-year term with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Item No. 47: Regional Express Bus and Bus Shuttle Service Agreements

(A) Adopt a resolution ratifying the Interlocal Agreements with the City of Kings Mountain, City of Gastonia, City of Rock Hill, SC, and Union County for Regional Express Bus Services, for an initial term of one year, with the following partner costs for the cities and counties: City of Kings Mountain at a partner cost of \$44,500; City of Gastonia at a partner cost of \$159,423; City of Rock Hill at a partner cost of \$152,369 and Union County at a partner cost of \$126,557, (B) Approve a contract with Wells Fargo and Carowinds Paramount Park for the regional express bus shuttle service, for an initial term of one year, with the following partner costs for the businesses: Wells Fargo at a partner cost of \$8,409 and Carowinds Paramount Park at a partner cost of \$44,411, and (C) Authorize the City Manager to renew the agreements for up to five additional, one-year term and amend the agreements consistent with the purpose for which the agreements were approved.

The resolution is recorded in full in Resolution Book 48, at Page(s) 793-795.

Item No. 48: Federal Aviation Administration Memorandum of Agreement Amendment for Historical Structure Preservation Activities

(A) Approve an amendment to a Memorandum of Agreement between the Federal Aviation Administration, the North Carolina State Historic Preservation Office, and the City of Charlotte for historic structures preservation activities, and (B) Approve Payment

of \$450,000 to the North Carolina State Historic Preservation Office to support historic preservation activities.

Item No. 49: Airport Concourse A Renovation – Construction Manager At Risk and Construction Materials Testing Services

(A) Approve a contract in the amount of \$42,585,401.91 with Turner-Rodgers, a Joint Venture, for Construction Manager At Risk services for the Concourse A Renovation project, and (B) Approve a contract in the amount of \$224,510 with Froehling & Robertson, Inc. for construction materials testing and special inspections.

Item No. 50: Airport Environmental Impact Statement Contract Amendment

Authorize the City Manager to negotiate and execute contract amendment #1 with VHB Engineering NC, PC for continued scoping services needed for preparation of an Environmental Impact Statement.

Item No. 51: Airport Neutral Host Distributed Antenna System Expansion

Approve an amendment to the maintenance and support agreement with DPJJ, LLC d/b/a Wireless Services to add design and installation of all expanded locations of the Distributed Antenna System at the Airport during the term of the existing agreement.

Item No. 52: Airport Main Data Center Utilities Upgrade Construction Contract

Award a contract in the amount of \$856,900 to the lowest responsive bidder Edison Foard Construction Services, Inc. for the Airport Main Data Center Utilities Upgrade project.

Summary of Bids

Edison Foard Construction	\$856,900.00
The Bowers Group	\$927,300.00

Item No. 53: Airport Fuel Farm Lease

Approve a lease with Charlotte Fuel Facilities, LLC for a term of 25-years for the maintenance and operation of the aviation fuel farm located at Charlotte Douglas International Airport.

Item No. 54: Charlotte Douglas International Airport Opportunity Scholarship

(A) Approve a one year contract with Central Piedmont Community College for the Aviation Department to gift the proceeds of Charlotte Douglas International Airport's Runway 5K Run for the creation of Charlotte Douglas International Airport Opportunity Scholarship, and (B) Authorize the Aviation Director to renew the contract for one year terms consistent with the City's business needs for which the contract was approved.

Item No. 55: Cooperative Contract for Industrial Supplies

(A) Approve the purchase of Industrial Supplies from a cooperative purchasing contract as authorized by G.S. 143-120(e)(3), (B) approve a unit price contract with Applied Industrial Technologies for the purchase of Industrial Supplies for a term of three years under U. S. Communities Contract #16154 dated February 1, 2017, and (C) Authorize the City Manager to extend the contract for additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

Item No. 56: Refund of Property Taxes

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$4,423.52.

The resolution is recorded in full in Resolution Book 48, at Page(s) 777-778.

Item No. 57: Meeting Minutes

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of April 16, 2018 Zoning Meeting and April 23, 2018 Business Meeting.

PROPERTY TRANSACTIONS

Item No. 58: Property Transactions- Beckwith-Meadow Drainage Improvement, Parcel #2

Resolution of condemnation of 12,289 square feet (.282 acre) in Fee Simple at 1708 and 1800 Shamrock Drive from Guy Properties, LLC for an amount to be determined for Beckwith-Meadow Drainage Improvements, Parcel #2.

The resolution is recorded in full in Resolution Book 48, at Page(s) 779.

Item No. 60: Property Transactions – Beckwith-Meadow Drainage Improvements, Parcel #4

Resolution of condemnation of 12,011 square feet (.276 acre) in Fee Simple at 1810 Shamrock Drive from Guy Properties, LLC for an amount to be determined, for Beckwith-Meadow Drainage Improvements, Parcel #4.

The resolution is recorded in full in Resolution Book 48, at Page(s) 780.

Item No. 61: Property Transactions – Cutchin Drive Drainage Improvement, Parcel #4

Acquisition of 371 square feet (.009 acre) in Storm Drainage Easement, plus 2,203 square feet (.051 acre) in Temporary Construction easement at 3233 Landerwood Drive from Kurtis F. Kottkamp and Karen C. Kottkamp for \$22,300 for Cutchin Drive Drainage Improvements, Parcel #4.

Item No. 62: Property Transactions – Cutchin Drive Drainage Improvements, Parcel #5

Acquisition of 1,225, square feet (.028 acre) in storm Drainage Easement, plus 428 square feet (.01 acre) in Temporary Construction Easement, plus 484 square feet (.011 acre) in Existing Drainage Accepted as Storm Drainage Easement at 3243 Landerwood Drive from Gregory J. Hills and Tamara L. Hills for \$12,000 for Cutchin Drive Drainage Improvements, Parcel #5.

Item No. 63: Property Transactions – Doby Creek Sanitary Sewer Improvements, Parcel #1

Resolution of Condemnation of 818.72 square feet (.019 acre) in Sanitary Sewer Easement at 8500 Andrew Carnegie Boulevard from Teachers Insurance and Annuity Association of America for an amount to be determined for Doby Creek Sanitary Sewer Improvements, Parcel #1.

The resolution is recorded in full in Resolution Book 48, at Page(s) 781.

Item No. 65: Property Transactions – Doby Creek Sanitary Sewer Improvements, Parcel 36

Resolution of Condemnation of 23,858.5 square feet (.548 acre) in Sanitary Sewer Easement, plus 6,266.91 square feet (.144 acre) in Temporary Construction Easement, plus 17,636.05 square feet (.405 acre) in Existing Sanitary Sewer Easement at 8740 Research Drive from The GC Net Lease (Charlotte Research) Investors, LP for an amount to be determined for Doby Creek Sanitary Sewer Improvements, Parcel #6.

The resolution is recorded in full in Resolution Book 48, at Page 782.

Item No. 66: Property Transactions – Doby Creek Sanitary Sewer Improvements, Parcel #7

Resolution of Condemnation of 7,626.21 square feet (.175 I Sanitary Sewer Easement, plus 4,591.96 square feet (.105 acre) in Temporary Construction Easement on W. T. Harris Boulevard from Ashford Charlotte Limited Partnership for an amount to be determined for Doby Creek Sanitary Sewer Improvements, Parcel #7.

The resolution is recorded in full in Resolution Book 48, at Page(s) 783.

Item No. 67: Property Transactions – Doby Creek Sanitary Sewer Improvements, Parcel #8

Resolution of Condemnation of 146,539.9 square feet (3.364 acres) in Sanitary Sewer Easement, plus 19, 429.49 square feet (.446 acre) in Access Easement, plus 23,346.91 square feet (.536 acre) in Temporary Construction Easement on IBM Drive from International Business Machines Corporation for an amount to be determined for Doby Creek Sanitary Sewer Improvements, Parcel #8.

The resolution is recorded in full in Resolution Book 48, at Page 784.

Item No. 68: Property Transactions – Doby Creek Sanitary Sewer improvements, Parcel #11

Resolution of Condemnation of 38,798.03 square feet (.891 acre) in Sanitary Sewer Easement, plus 48,183.44 square feet (1.106 acre) in Access Easement, plus 5,346.91 square feet (.123 acre) in Temporary Construction Easement on Neal Road from International Business Machines Corporation for an amount to be determined for Doby Creek Sanitary Sewer improvements, Parcel #11.

The resolution is recorded in full in Resolution Book 48, at Page(s) 785.

Item No. 69: Property Transactions – Doby Creek Sanitary Sewer improvements, Parcel #12, 13 and 14

Resolution of Condemnation of 78,798.21 square feet (1.809 acre) in Sanitary Sewer Easement on University City Boulevard from International Business Machines Corporation for an amount to be determined for Doby Creek Sanitary Sewer Improvements, Parcel #12, 13 and 14.

The resolution is recorded in full in Resolution Book 48, at Page(s) 786.

Item No. 70: Property Transactions – Lincoln Heights Drainage Improvements, Parcel #40

Resolution of Condemnation of 346.41 square feet (.008 acre) in Storm Drainage Easement, plus 323.21 square feet (.007 acre) in Temporary Construction Easement on Gilbert Street from John S. Evans, Jr. and Cathy Adams Evans for \$100 for Lincoln Heights Drainage Improvements, Parcel #40.

The resolution is recorded in full in Resolution Book 48, at Page(s) 787.

Item No. 71: Property Transactions – Lincoln Heights Drainage Improvements, Parcel #43

Resolution of Condemnation of 170.58 square feet (.004 acre) in Storm Drainage Easement, plus 137.85 square feet (.003 acre) in Temporary Construction Easement at 1920 Newland Road from Phyllis A. Young-Woodard and Marcella Baker for \$225 for Lincoln Heights Drainage Improvements, Parcel #43.

The resolution is recorded in full in Resolution Book 48, at Page 788.

Item No. 73: Property Transactions – Lincoln Heights Drainage Improvements, Parcel #60

Resolution of Condemnation of 726.33 square feet (.017 acre) in Storm Drainage Easement, plus 484.16 square feet (.011 acre) in Temporary Construction Easement on Catherine Simmons Avenue from Evangeline W. Hung for \$275 for Lincoln Heights Drainage Improvements, Parcel #60.

The resolution is recorded in full in Resolution Book 48, at Page(s) 789.

Item No. 74: Property Transactions – Lincoln Heights Drainage Improvements, Parcel #64

Resolution of Condemnation of 231.22 square feet (.005 acre) in Storm Drainage Easement, plus 125 square feet (.003 acre) in Temporary Construction Easement at

1908 LaSalle Street from Darren G. Johnson for \$250 for Lincoln Heights Damage Improvements, Parcel #64.

The resolution is recorded in full in Resolution Book 48, at Page(s) 790.

Item No. 75: Property Transactions – Lincoln Heights Drainage Improvements, Parcel #69

Resolution of Condemnation of 138.25 square feet (.003 acre) in Storm Drainage Easement, plus 142.64 square feet (.003 acre) in Temporary Construction Easement at 2225 Augusta street from Mattie P. Ivey for \$125 for Lincoln Heights Drainage Improvements, Parcel #69.

The resolution is recorded in full in Resolution Book 48, at Page(s) 791.

Item No. 76: Property Transactions – Rocky River Road Improvement, Parcel #12

Acquisition of 2,976 square feet (.068 acre) in Sidewalk and Utility Easement, plus 3,269 square feet (.075 acre) in Temporary Construction Easement, plus 948 square feet (.022 acre) in Utility easement, plus 1,270 square feet (.029 acre) in Sidewalk Utility Retaining Wall Easement at 511 West Rocky River Road from Janice Marie Ingram for \$11,700 for Rocky River Road improvement, Parcel #12.

Item No. 77: Property Transactions – Ricky River Road Improvement, Parcel #16

Acquisition of 3 square feet (ac) in Sidewalk and Utility Easement, plus 113 square feet (.003 acre) in Temporary Construction easement, plus 3,330 square feet (.076 acre) in Utility Easement at 7501 Batavia Lane from 2015-2 IH2 Borrower LP for \$14.300 for Rocky River Road Improvement, Parcel #16.

Item No. 78: Property Transactions – Shamrock Drive Street Upgrades (Eastway to the Plaza), Parcel #2

Resolution of Condemnation of 10,611 square feet in Fee Simple at 1700 and 1704 Shamrock Drive from Guy Properties, LLC for an amount to be determined for Shamrock Drive Street Upgrades (Eastway to The Plaza), Parcel #2.

The resolution is recorded in full in Resolution Book 48, at Page(s) 792.

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ITEM NO. 2: CITY MANAGER’S REPORT

There was no City Manager’s Report

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ITEM NO. 3: SCALEYBARK DEVELOPMENT AGREEMENTS AMENDMENT

Motion was made by Councilmember Driggs and seconded by Councilmember Eiselt, to (A) Approve an amendment to the General Development Agreements with Scaleybark Partners, LLC (DEVELOPER), and (B) Authorize the City Manager to negotiate and execute the amendment.

Councilmember Phipps said the last bullet point in our packet that relates to this particular item, did we discuss that in a prior meeting about paying the difference between the appraised amount and any shortfall or was that added recently or was that always a part of our negotiation with regards to the adjustments in the contract?

Bob Hagemann, City Attorney said it has been part of the negotiation that has led to this proposal that is before you today. If it appraises at less than \$2.4 million, the developer will either make up the difference or provide additional land to get to a land value of \$2.4 million.

Councilmember Ajmera said help me understand, the reason we are amending this is to give additional time, but we did give additional time the last time it was approved, but this is to amend a few conditions. From the presentation, I also understood that the agreement that we are amending is providing us more cost around holding the developer accountable. Is that correct?

Mr. Hagemann said I would say this; the original agreement dates back to 2007 and of course that was right before we had the recession, which made the project unviable for quite a number of years, and the City Council has approved a number of extensions. The main change that I would identify in what is before you today compared to the existing agreement is the existing agreement gave the developer the right to pay the City \$2 million with interest, which now totals \$2.4 million and be relieved of any obligation regarding affordable housing. That means that we would if the developer exercises that right now, and it is a right the developer has, we the City would lose the opportunity to provide affordable housing at this transit oriented development. The main thing we have negotiated with the developer, and he has agreed to it, is in lieu of paying us \$2.4 million is to get \$2.4 million or more worth of land that preserves our ability to still pursue affordable housing at this location. We think this is a good news story that we have negotiated provides more of an opportunity to secure affordable housing and at a financial price that is equal to or better than the current agreement.

Ms. Ajmera said I think we have negotiated to insure that we can have affordable housing near transit lines, so is it fair to say the original agreement was done in 2007 and we didn't have necessarily a condition that it had to be done with affordable housing.

Mr. Hagemann said the original agreement required the developer to make at least three applications for nine percent tax credits, and there was no guarantee going back to 2007 that those tax credits would be awarded; the developer has submitted three applications. None of them were awarded so where we are under the current contract is to repeat myself is that the developer has the option to pay us \$2.4 million and have all of the land with no obligation to provide affordable housing. What we have negotiated is the ability to take land that would preserve the opportunity to get affordable housing at this location.

Councilmember Mayfield said I just want to take a moment to thank Ms. Wideman and her team and our staff and in particular the developer, because this conversation has been happening for many years, long before I came into office, and the fact that we were able to identify a way to move forward even though I was skeptical of the addition extension we moved forward, and staff was able to come back with an agreement that will not only benefit the area but definitely going to benefit the residents within District 3 and along the Blue Line Extension. I wanted to take a moment to acknowledge and recognize that staff put a lot of work into getting us to this point and wanted to thank you and thank the developer, because the reality is he could have walked away and this could have been a very different conversation we are having right now. We must acknowledge when we come together and are able to really do that public/private partnership, so thank you for the work that you all have done on this.

Councilmember Bokhari said I won't reiterate the frustrations that I have already stated a couple times over learning about this 11-year process, but I see inside the obligations a date of August 31 for the land to be deeded by, so my question would be what is the next update and action this Council can be expected in our involvement of what happens next and what timeline beyond that deeding date to get to the ultimate objective of where we are going?

Pam Wideman, Director of Housing and Neighborhood Services said Mr. Bokhari, what I would say is that we are going to reconvene very soon after this meeting to plan the path forward. One of the things that I will say that you guys should expect is you will receive a Housing Trust Fund ask at some point, hopefully in the October/January timeframe when the developer will be asking for the money to construct the affordable housing units, and again we will get with the development team and really map out

getting the land deeded and understanding their construction schedule on the Park n Ride facility.

Mr. Bokhari said thank you; I would hope that given this will be an action that kind of doesn't have a hard due date like the last one we made of a decision to be made. This is kind of feels like it would be a little bit out of our hands. I would hope that we don't repeat some of the mistakes of the past in our tracking and kind of management of where we go from here.

Ms. Wideman said yes sir.

Councilmember Driggs said I just wanted to say briefly the developer worked with us for a long time to try to realize a vision for affordable housing at that site. The state turned it down because of certain issues they have; we then continued conversations to try to see whether a structure could be arrived at that might be new and step with the kind of new approaches we want to take, and this offer of the land is still an effort on the developer's part to work with us. I think that is something we should appreciate, and I hope we can all approve this.

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

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ITEM NO. 4: MAYOR AND COUNCIL TOPICS

Councilmember Egleston said I would just like to thank everybody that came out to my Town Hall about 10-days ago to talk about historic preservation. It went very well with one exception, which we will hear about later, but I appreciate everybody being there.

Councilmember Driggs said I would like to recognize all of our service men and women and the sacrifices they made, which we celebrated on Memorial Day.

Councilmember Winston said started the day outside of a worksite where we were memorializing, remember the construction worker that died on North Stonewall Street. We have to recognize that worker's rights are human rights and we must protect the people that build and work in this City and that includes all of our workers, including people like our football players, that we like to valorize every Sunday except when they are expressing their freedom of speech. I think the act by an employer, the NFL, in the recent past is abhorrent, and that seemingly came down from the influence of our Federal Government with the interest of advertising dollars is equally abhorrent. We have as a duty here from this dais to speak up for all of our workers regardless of how money they make and I severely disagree with the acts and steps that have been taken recently, and again I just want to remind people that worker's rights are human rights and all workers should be ingratiated with those human rights.

Councilmember Eiselt said I just want to mention and hope you will all join me tomorrow night; I'm having a Town Hall meeting with Chief Kerr Putney and Lacey Williams from our Housing and Neighborhood Services Department. We will be talking about community safety, where have we been and where are we going, so I hope you will all join me at Prichard Memorial Baptist Church, 1117 South Boulevard from 6:00 to 7:30 tomorrow evening.

Councilmember Mitchell said the Black Enterprise Entrepreneur Summit will be held here in our City June 6, 2018 through 9th at the Convention Center. Wednesday night, we will have our very own Mayor Lyles and the Mayor Stephen Benjamin of Columbia, South Carolina kicking us off. Thursday is Black Food Truck Thursday and will take place in front of Harvey Gantt. Friday is our gala honoring our local African-American Entrepreneurs, and Saturday is a free event called Doing Business City of Charlotte. Please encourage those to attend the Black Enterprise Entrepreneur Summit in our great City June 6, 2018 through 9th.

Councilmember Ajmera said I just want to congratulate all seniors who graduated. I wish you all the best as you go to four year or pursue your careers. Congratulations to all the families as well.

Councilmember Mayfield said I also would like to congratulate our graduates, especially an amazing young man Mr. Austin Kiser who I met when he was 11-years old when I first started campaigning. He has done exceptionally well, and we are going to be celebrating his graduation coming up very soon, but I am extremely proud of everything that you have accomplished Austin, and I also want to acknowledge an amazing local organization Center 360 who has been doing really great work over on the west side of Charlotte out of the Arbor Glenn Recreational Center. They are actually hosting their 2018 end of year awards ceremony tomorrow evening and will be at Venue 609, but I am extremely proud of the work that they have done with young people in the community and having a direct impact and introducing them to a world outside of what they would see every day.

Councilmember Phipps said as was mentioned at Tuesday's Transportation and Planning Committee, I would like to invite all seniors, not high school or college seniors, but senior seniors to take this senior mobility survey that is on line with Sustain Charlotte. The website you can go to take this study is www.sustaincharlotte.org/seniormobilitysurvey. We have a lot of mobility options here for the millennial crowd; we've got bikes out the wazoo. We've got scooters, but this will give you an opportunity to weigh in seniors on what you would like to see from a mobility standpoint. It is a very long survey, but I'm told by the program coordinator Mr. Michael Zitcow that he has received compliments from seniors that actually enjoyed filling out this survey. Go online and make your feelings known about it, and we will assimilate this information and take action accordingly.

Councilmember Bokhari said this is kind of a call to action for the community; e-mail me, call me, the number is on our City website, send me a note on social media; I'm struggling with and will be for the next two weeks to figure out how personally I'm going to vote in this budget process. On one side of the coin, you've got an incredible amount of work that this entire body and the City Manager has done on a beautiful budget where Police Officer pay and Fire pay and everything has done incredible things. You've got SouthPark CNIP and infrastructure money that is so disparately needed, and on the other side, there is a tax increase of one cent. It is reasonable, but it a tax increase nonetheless, so I'm trying to balance out in my mind how I should do this and how I should be a Councilmen, and I would love to hear everyone's thoughts in the whole City but specifically in District 6 to tell me, if you were me giving those important factors, but a principle of not raising taxes, what would you do? I could use your help, so thank you.

Councilmember Newton said this is the season of Town Halls, and I don't want to be any exception. I would like to invite everybody out to my Town Hall on Saturday June 9, 2018. I will be joined by our new Assistant City Manager overseeing Economic Development, Tracy Dodson, and I will also be joined by our new Planning Director Taiwo Jaiyeoba. We will be meeting at Calvary Church of the Nazarene, which is at 4000 North Sharon Amity Road. Building upon the success of a Town Hall by one of my colleagues, we are also going to have food, Krispy Crème Donuts and coffee to get us started that morning. I would like to thank staff for all their hard work on this, and I would also like to thank Bobbie Almond for all of her hard work on that. Once again Saturday, June 9, 2018 from 10:00 a.m. to 12:00 noon. I also want to recognize the memory of a very involved stalwart of my community; her name was Susan Lindsey and she passed away last week. She was very active within the community; she was a member of the neighborhood association Charlotte East and also the Chair of the Hickory Grove Parade Committee, the longest contiguous parade in the City of Charlotte. There will be a celebration of her life service Saturday, June 2, 2018 at the Grove Presbyterian Church at 3:00 p.m. located at 5735 East W. T. Harris Boulevard.

Mr. Egleston said we have a lot of people in our community that want to come to these Public Forums and raise issues that they are concerned about or things that they want

us to prioritize as a City, and often times as we will see tonight we will have half the folks that are not here. We currently have a rule that we recognize as a Council that people can speak quarterly, but I think when we have folks sign up and not show up that often times creates a long list that just dissuades people from coming.

Motion was made by Councilmember Egleston and seconded by Councilmember Bokhari, that we start interpreting the Rules of Procedure for the Charlotte City Council to mean if you sign up to speak at a Public Forum that counts as your appearance for the quarter, whether you show up or not.

Mr. Egleston said that would eliminate some of that frivolous signing up and allow more people to voice their concerns.

Mr. Winston said I think again speaks to the point that we need to change the way on some of the things that we do. I brought up the point with the Mayor a couple weeks ago about changing the amount of folks that could sign up to speak, to increase that number and possibly decrease the time. Again, I think this is a discussion that we need to have as a body, but in a different format, and we need to not necessarily piecemeal this thing together, but do it as a whole, so I would not be supporting that motion, but I do appreciate the kind of flavor that it was made in.

Mayor Lyles said I appreciate it as well, but because it is a motion that is not on our Agenda it would require unanimous consent for us to vote on it. I think that what you are saying is always a struggle for us. I know after we did the budget public hearing at two minutes Mr. Winston said, we can do 15 people at two minutes. What I would say is we can talk about that; we have a Budget and Effective Government Committee, and we can put some of those ideas in there along with some other things that have been talked about, so let me work on a charge, and I apologize if we can't get it all done. It has been a seven-day work week for the last two weeks, so we will get that written up and sent to you so you can put it in Committee and have Mr. Phipps go for it.

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PUBLIC FORUM

Gold District Plan

Walter Fields, 1919 South Boulevard said I am one of a number of people on the volunteer board for the Gold District of Charlotte. We are a 501-3C corporation, and we also have established a Property Owner's Association as a 501-C4 outfit that I'm sure you will be hearing from in the future. I would like to thank especially the members of the Board who were here in 2017 for working with us on the adoption of the Zoning District amendments that we worked out with the Planning staff to improve the transit supportive development district. We had a much more comprehensive district in mind but we worked it down to where it was something that the staff was comfortable with.

This is a grassroots effort that has been going on for three or four years or maybe just a little bit longer; it started with a core group of just a few folks and now there are a number of organizations and principals involved. The people that helped us put this plan together are listed on Page 3 of the plan; the institutions, government and private organizations and then the Board of Directors is also listed in the plan, so you know who we are and everybody you see behind me up here is a member of our Board.

This is truly a historic area in Charlotte; this is where the gold mines were. This is where the Mint was built. They call it Mint Street, because that is where the Mint was located. It is remarkable to me, and I have only lived here 40-years but it is remarkable to me how many people in Charlotte were simply not aware of the rich history that we have in that small part of the community. The community is very active; there is lots of participation, there is lots of art, business people involved that just walk up and down the streets and look at the new development that is occurring and the preservation of

existing buildings that is also occurring. This plan is put together not as a glossy high dollar document with out of town consultants, but by the people on our Board and the people in this neighborhood and this information is also going to Center City Partners for inclusion into their new plan that they are working on for the South End.

I would like to tell you we promised yawl a year ago that we would bring you T-shirts and tonight we have done that. In addition to the plan that we've given you, back on the table back there in buckets marked W for women and M for men, and I'm sorry we had to be that sexist about it, but shirts are built differently for different people. There is a shirt in there for you; pick the size you want, and wear it proudly when you come to our events. Find us on Facebook the Gold District at Charlotte; that is a good place to go and find out what events are going on, what business activities are going on, what the community is up to and especially thanks to Ms. Mayfield who has been supportive from the very beginning about the concept of creating and branding the Gold District and the work that has been done by the people that live and work and own property and do business in the Gold District.

Housing Crisis

Joerica Rhodes, 534 Spratt Street said tonight, I'm going to be speaking a little bit from my heart. I used to love my City once upon a time, but as I see more and more people that do not have a home, it deters me from that love that I once had. I'm one of those people that do not have a home. I have to tell my children again and again, as I'm faced with plenty of nos. Why? That is because a lot of Charlotte has grown but you have more people building apartments and houses that we cannot afford, and my idea of affordable housing is not over a thousand plus dollars a month. I don't feel that I need to make six figure incomes just to be able to have a home for me and my children. I feel that not only myself and my kids, but that should be something that everybody should be able to access is affordable housing. I would like for you to take a minute to think if it was you in that situation, what if for, God forbid, you somehow lost your job and you had to go back to those same resources that we no longer have here then you are going to feel what most of us feel. That is hurt and pain; that is discouragement when you get to the point where you are so low. I have watched my kids cry, because a lot of times staying in the shelter is not as convenient as people think it is. I have to pull my kids, one of my children as asthma, and he is out here in the hot heat with me, but I have to work, not only one job but two jobs just to be able to feed my children, not even thinking about what it cost to live in Charlotte. I'm asking today if you look into your heart and think about what you would want as a citizen.

Kanjiella Orr, 534 Spratt Street said I'm here to talk about homeless struggles that is happening in Charlotte. I have been in Charlotte for two-years, and I've come across homeless issues myself with my children. I currently reside at the homeless shelter, and I feel like the reason why it is hard for people like me to maintain stable housing is because it is too high and there are certain requirements and credit scores and everything like that that you need to have and clean backgrounds to be able live in these houses. People who are just starting don't have things like that. They don't have 600 or 700 credit scores. I myself haven't finished high school, and I'm going to school now to do that and it is hard to maintain being a mom, working and going to school and making sure my kids are good with having the whole homeless issue and not knowing if I'm going to have somewhere to sleep that night on my head. It is hard for me, and it is extra hard for men; I've been doing research, and there is also single men out there that is homeless and have no resources in Charlotte. They are literally sleeping under bridges with their babies, and it just breaks my heart that there is funding out there, but it like the landlord is not accepting certain funding and certain programs because whatever issues or there is just a whole bunch of different requirements you have to have, and I feel like the requirements should be more affordable for everyone and not just for people that have millions and millions of dollars. I would like to spend time with my children. I don't want to work all day and all night and not be able to spend time with my children just to have a roof over my head, not even be able to have a roof and be able to go on vacation, just to have a roof over my head. I just wanted to come here today to express how I feel, and I appreciate everything that you guys do for the City

and allowing me to come speak, and I really can't wait to see the change and see more affordable houses being built, more playgrounds for the children and more after school programs, more affordable daycares and more schools and stuff for the community. We need to stick together as one and do what we need to do as a family, because we all are a family.

Mayor Lyles said Ms. Rhodes and Ms. Orr I want to thank you for coming and speaking from the heart. Sometimes we can get too many numbers in our head, and we can start talking about how many units we need and where they are going to be and all of that, but when we see people like you willing to come out and tell your story it makes a real difference. This Council is committed to working on the issue of affordable housing, housing that we can have for people that work every day just trying to raise their families. We plan to have a \$50 million bond referendum this fall. I want you to get out and make sure people get registered to vote and make a decision, but I hope this community will stand with you and that we will make a difference.

Problems with CMPD

Tamika Jones, 534 Spratt Street said I stand before you today in defense of those in my community who have fallen victims to a corrupt system: Police brutality, harassment, and embarrassment of their employers, the underpaid, uneducated, traumatized and horrified, the unfortunate, the undermined and so forth, my neighbors, my loved ones, my predecessors, my ancestors, my children, and so on. This behavior has not stopped. Who is to say the less fortunate deserves less respect? The uneducated does deserve to be heard and treated equally. If you ask me the less fortunate is very valuable and very useful to this corporate world. Those are the underpaid cooks in a five star restaurants, the nannies that care for the rich are the uneducated and the non-graduates. When the labs and authorities need rats and Guinea pigs to the streets they go targeting users who are considered mentally incompetent. When high end lawyers and cops and undercovers what to cheat on their wives, what better place to go than the streets where prostitutes whom they are so cracked up to no point of return, me myself personally can attest to that. If the black nation don't find a way to collect and create resources for these types of people, I don't see this coming to an end. My argument today is to collect and create more resources for those who have fallen victim to not only white power, but to those who have lifelong trauma due to the system pleasurable acts of personal enjoyment. I have lost many jobs because of higher authority belittling me and embarrassing me. Thanks to public criminal records we are judged and underpaid before we are given a chance to prove ourselves. Not too long ago I was employed by the Marriot downtown, was terminated because I finally got the nerve to stand up to a supervisor half my age and of the white race. I loved my job and the low pay that came with it but no longer bear the bullying and constant embarrassment as a thank you for a job well done. Please tell me, when did the roles reverse? How can you fix your mouth to undermine the help, those who slave to keep this place up to par? The last time I checked supervisors, CEOs and GEMs of the place don't sweat as hard as the foundation and by foundation I mean the laundry workers, servers, housekeepers, janitors, cooks, who are all majority black. This financial fight are for those less fortunate, those of us who weren't so lucky to higher their education and have the opportunity to live the ideal life because of the choices that they made and their parents, and their parents. To all my people out there and anyone else who understands, this is a self-destruction movement because that is where we are headed. Black lawyers and authorities need to come together and create a better financial plan for people such as myself. This thing with corrupted cops hit home, and I've been a victim of it for years. Some of us don't deserve the background that we are forced to claim. I remember the sound of case being dismissed music to my ears, not anymore. I have wrongly been arrested for the last time, and I will not fall victim to the system, not one more time because of where I come from and choices I've made. The biggest scare of all is me being unable to financially back myself. I nearly lost my life to officials right here in my home town, and you all say that you are against a corrupt system.

Mayor Lyles said I heard what you said and I'm going to ask one of the staff people to talk to you because I think what you were saying is that you feel like you have been arrested inappropriately.

Ms. Jones said I've been used sexually, mentally, spiritually and everything by cops for years.

Mayor Lyles said I can't imagine what this is like; I'm not going to try to imagine that, but I would hope that if you've got something that you want us to deal with specifically then would you please talk with one of our staff people so we can take action on it and thank you very much for sharing your story in that way.

Diabetic Wellness

Betty Marlin, 508 Beatties Ford Road said bless you guys for the work that you do. I'm going to change the tempo just a little bit; I've been on Beatties Ford Road for 31-years. It was the number one drug and alcohol and prostitute corner when I lived there, but we've replaced those with flowers. We've replaced those with love. We've replaced those with services for the unserved and underserved. It was my goal to have every single mom own their own home when I came to Beatties Ford, and I know of five that do own their homes now. We are part of counseled elders; we've expunged over 900 people who would otherwise have no way to clear their criminal record. Their lives had been on hold for five, 10 and 15 years but no more. You have in front of you tonight a new step in our endeavors to serve the poor. My heart has such a passion for diabetics who have their toes taken off one at the time, their eyes taken out, and they are put on medicines that nobody else would be put on and yes, most of those are black and Hispanic. We have a 501(3)(C) now for a diabetic heart kitchen, and I just pray that you will pray for us that diabetes can prevent the complications of their sugar and heart patients can prevent the complications of stroke and migraines is a big issue these days. Then my heart goes out to the teens; they have no safe place to go. The doctors tell them to eat right; well what in the world is that? Doctors tell them to sleep good; what in the world is that? So, you will see on your handouts things that are normal for each of these groups, and I thank you for blessing the City; I am praying for the streams to be cleaned up. I think that is a big issue. Sister Lyles when I called the Health Department they said they were doing nothing about streams being polluted, and they don't talk about the abortion babies that are buried along those streams there of Irvin Creek. That is another big issue that nobody has even discussed. My heart is broken; we've done a lot but we have a long way to go. If I can help you in any way I'm here for you at 508 Beatties Ford Road, come see our 28 historic sites on the building, the students did an awesome job.

Mayor Lyles said thank you Ms. Marlin; I appreciate your services to the Beatties Ford Road corridor for the number of years that you've provided some teen help, physicals for high school students, and you've made your presence really known. Thank you so much.

CMPD Issues

Karen Jensen, 311 Baldwin Avenue said when somebody does something wrong one time, even if it is horrific, you could maybe write that off to a mistake, but when they keep doing that unnoticed, it is clearly a plan. It is clearly intentional, and that is what has been going on with the City of Charlotte, and when I say you it is a number of specific people, but when I'm saying you tonight I mean the City of Charlotte. When your associates of the City who are convicted criminals are coming together and you are supporting them in court by paying my tax money to the City Attorney's staff and Mr. Hagemann is sitting here and Mr. Jones are continuing to send attorneys, such as Mr. Sullivan; Daniel Peterson, who I think is working at Parker/Poe now; Judy Emken; and Walter Bowers to come to court over and over again and lie on documents and you are sending CMPD Offices to the Magistrates and to the courts of lies, sworn officers for the purpose of obstruction of justice. This is not a mistake. You sent eight people including an armed police officer to rob my home. This is known by all of you. I've offered the

video tape to you. Mr. Mitchell told me the other day that Mr. Hagemann had said that there is no record of this happening which is pretty funny, because the last time I was here Ms. Lyles apparently discussed this with Mr. Hagemann ahead of time and said that you had a valid warrant to come steal things from my home. You know that to be a lie. There is no valid warrant in the process slandered me because that means that I committed a crime. Empty flower pots on my front porch are not a crime. This constant harassment and retaliation from my recording a bad police Officer that you than allowed to retaliate against me, all of which you continue to deny is a problem and I don't know why all of you sitting up here are doing nothing about it. You are supposed to represent me and all the other people listening, not the City staff. At this point, I have to assume that either this is gross incompetence or complicit behavior, because it is not lack of notice. It is not lack of evidence. It is not lack of my offering evidence; it is you turning a blind eye willfully to the corruption and crimes to cover up what the Police have done. There are great officers, but there are plenty of bad ones. I reported Yarwitz before he was arrested, not for shoplifting, but I bet there is no record of that either. When I reported Jeffery Mark King for lying under oath I was threatened with a lawsuit, and you all have done nothing.

Mayor Lyles said I think if you could continue to communicate with us through the Attorney that would be the appropriate action.

Councilmember's Comment

Anne Steppe, 100 Samuel Guilford Court said I am here tonight to express my concerns over tweets sent out in March of this year and others that have gone out from City Council LaWana Mayfield. In her March tweet, she referred to police officers as being homegrown terrorist wearing blue uniforms. My husband is not a terrorist; our spouses of these fine people sitting here are not terrorist. Ms. Mayfield, you wrote in one of your tweets that you are a strong supporter of law enforcement, and I did fine two of three positive tweets to back that up but overtime your words, your platform turns beyond negative, to one that I do not feel is appropriate for a City Council person. I am not saying you do not have a right to your opinion; however, as a representative of this City I do firmly believe that you have an obligation and a responsibility to raise the bar on how you choose to approach matters and express those opinions. You also tweeted: "pay attention to what this nation is becoming; we can fix this." and I agree with you. We can work to fix things, but nothing can be fixed if those in leadership positions don't lead. If you continue to go low and strike hard, as you did in your tweet back in March, you will push people away from the table. My husband is not a terrorist. You mentioned in one tweet that you have defended good officers in the past but will not turn a blind eye to bad ones, good no-one should. But know that we the citizens of Charlotte, especially those in law enforcement, we will not turn a blind eye either when members of our City Council speak out so egregiously against officers that risk their lives to protect and serve those live and work in the Queen City. You tweet about standing up to abuses of power, well here I stand; here we stand up against your abuse of power and position to bring to light what you communicated out to the world about police officers is not true. My husband is not a terrorist. You can be part of the problem or you can be part of the solution and my hope is that you decide to work towards bettering a very complicated issue instead of adding fuel to an already raging fire. In another tweet you say racism is real, yes it is and you Ms. Mayfield is a guilty as anyone, because you clearly don't like the color blue. You speak of reconciliation but you model hate and division and negativity. Ms. Mayfield you have an incredible opportunity before you with the platform you have been given. You can choose to lead with intention and to make this a crossroads not an impasse. You can choose to be the type of leader this City deserves to be a part of the solution, not adding to the problem. I'll leave you with yet another one of your tweets, what may seem harsh is actually love. "Racial healing is hard work, but we must start with our own bias." I hope you've heard my words here tonight Ms. Mayfield and will consider calling into light your own bias. My husband is not a terrorist.

Mental Health and Re-entry

James Searcy, 1311 Briar Creek Road said I signed up to originally speak about the Federal Halfway House closing here in Charlotte and the need of a Federal Halfway House, and something else came to mind. I've been working with homeless people and people coming from prison for the last four years; I spend 17-years in federal prison. I now go back into federal prisons, state prisons, and I brought to the attention a little while ago about mental health and re-entry. I've been working with a gentlemen for the last four-years, and he goes in and out of prison, in and out of the courts every time for assault, assault on Police Officer, assault on this or that. He lasted this time up until yesterday. Yesterday, he assaulted a woman on Central Avenue. I've been begging and begging for more peer support to work with these kinds of people. I'm a North Carolina Certified Peer Support Specialists, and people coming out of prison with mental health, homelessness, and they are being dropped off on the streets of Charlotte. We need to do more; we have a wonderful criminal justice re-entry with Mecklenburg County, but we need to do more about the re-entry and the care of people with mental health.

Mayor Lyles said we've had a discussion about this with the County Manager on their re-entry program, and hopefully we will pass along your name and comments to the County Manger's Office on this issue.

Councilmember Winston said I met Mr. Searcy this morning; I accepted an award for Meck Ministries, and just to my colleagues he told me he was going to be speaking and passed me some documents, some letters and some articles that were written, and I have these to pass along to you if anybody wants to be privy to this information.

Housing and Homelessness

Aelisha Marsh, 534 Sprat Street said actually, the guy in front of me was a great introduction to my proposal to the City of Charlotte. It is a homelessness problem in the City, and the proposal that I have would help with cutting down disease oral transmitted diseases submitted by people that don't take care of themselves. Most of them come from the homeless community with mental health issues. My proposal is to send them to a better facility. Maybe the cities could come together like Concord, Charlotte, North Carolina and send them to Barber Scorchner College. It was shut down, and I don't know that it is in use; if it is in use I hope I'm not wrong on this, maybe the immigration program has something to do with it like St. Paul College in Lawrenceville, Virginia. It was in the newspaper every day you would rather immigrants to the college where they have no alien status to state in the United States and live there for free. You take care of them; there is no reason for them to be there. Why don't you take your city homelessness. You take our your homeless crime in your city, you take out your diseases that come from homelessness in your city. You take out all the clutter and trash in your city from people living on the train tracks in the streets, in the bus terminals, it takes out all the problems that you've had within the last week. There is a lot of oral bacteria going around with people going around with mouth infections, flu, a lot of things going on, and they all come from the homeless community. Have a lot of people living in the streets. My program is to have all the people who live in tents, people who actually live out on the streets, not the ones in the cars, and I remember an article in the Charlotte Observer maybe a month or two ago, someone came up with the suggestion to have people a safe haven parking lot, it was the stupidest suggestion in the world. Why not use a facility that is shut down; you can use government funding, you could use private funding as well, two fundings, not one and you could get the job done. My initiative is to make it mandatory for the ones living on the street, in a tent, clean up your community. Clean up your neighborhood; you get rid of the disease, get rid of the problem. You get rid of a lot of mental illness just sitting around doing nothing all day but making everyone sick. My proposal is to work with the City of Concord and the City of Charlotte, get together North Carolina government and see if you can pull something together to use old institutions that aren't in use anymore.

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ZONING

EXPLANATION OF ZONING MEETING PROCESS

Mayor Lyles said we are just having Zoning Hearings tonight, and these hearings will have decisions on June 18, 2018.

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INTRODUCTION OF THE ZONING COMMITTEE

John Fryday, Chair of Zoning Committee said introduced the Zoning Committee and said the Committee will Meet Tuesday, June 5, 2018 at 5:30 p.m. at the Government Center to make recommendations on the petitions heard in the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee information can be found at charlotteplanning.org.

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DEFERRALS

Motion was made by Councilmember Phipps, seconded by Councilmember Newton, and carried unanimously to defer the following hearings to June 18, 2018: Item No. 6, Petition No. 2017-112 by Sweetgrass Residential Partners, LLC; Item No. 8, Petition No. 2017-203 by South End West Syndicate, LLC; and, Item No. 9, Petition No. 2018-030 by JV Transport, Inc.

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ZONING HEARINGS

ITEM NO. 7: HEARING ON PETITION NO. 2017-202 BY SINACORI BUILDERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.83 ACRES LOCATED AT THE INTERSECTION OF PROVIDENCE ROAD AND PROVIDENCE CHURCH ROAD, NORTH OF BALLANTYNE COMMONS PARKWAY FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

Kent Main, Planning said this is a 0.83 acre tract at Providence Road just above where it intersects I-485. About 20-years ago Providence Road followed what you see here as Providence Church Lane which separated Providence Presbyterian Church from their cemetery and the parcel under question was part of a larger parcel that was owned and still is owned by Charlotte Latin School. The road was relocated and Providence Church Lane became a much smaller road at that point Providence Road became a four-lane, two lanes in each direction, compared to the prior much smaller road that was there before. This piece of property was severed from the larger parcel. The Providence Road/I-485 Area Plan update called for the area to be single-family residential. That plan came about just about the same time as I-485 came through so we've got a parcel of 0.83 acres proposed for five single family attached or townhouse units, which comes to about six units per acre. The proposal is for three-story buildings; each will have two garage units or two garage spaces as well as two spaces outside the garage so essentially four spaces per unit. There will be a shared access that comes off of Providence Church Lane to provide access, and there is also five on-street parking spaces along there. There will be an eight-foot planting strip and six-foot sidewalk and tree save areas that you see around the site on each side of this triangular site. This particular property is a triangular site; the Area Plan calls for it to be single family; however, there is a situation. We have the Latin School; we've got Providence Church and Providence Spring Elementary School on each side, so it is isolated and separated from any and all surrounding residential areas. Because of the intense traffic

along Providence Road, we do not think it is a property that is suitable or would be developed as single-family homes.

We have several issues with the existing plan, setbacks, and architecture and a little bit of description materials, but it is all technical issues. There is a request for a bus stop, and there is also some issues with getting a tree save put in place. We are recommending approval of this petition despite the fact that that it is inconsistent with the Area Plan which calls for single-family residential, and that is because they are proposing five units in a single-family situation on 0.83 acres which would be three units per acre so two units more than would have been proposed for single family. The site is a small odd triangular configuration right on that major thoroughfare. The surrounding uses as we pointed out were generally large institutional uses on all sides of it, and the plan does provide for architectural standards, larger setbacks and tree save areas in certain locations and a building height that is limited to three stories.

Walter Fields, 1919 South Boulevard said I am representing Sinacori Builders; Russ Sinacori is a custom home builder in our community and has identified this site as what he thinks is a great opportunity for some infill housing. Many of you have seen me up here at this podium over the last few years really talking the benefits of infill housing and how Charlotte can't build out anymore, so we have to go in towards the center. I personally have been involved with at least a dozen rezoning cases in just the last couple of years, specifically focused on infill.

As Mr. Main said in his presentation, this is a remnant of the Charlotte Latin site that was severed when NC-DOT relocated and widened Providence Road a number of years ago, and we started this process with a different plan. We had six units on this site, and they fit if you considered that they were also going to be three-stories. They had smaller footprints; we had two driveways connecting to Providence Church Lane. One was a little closer to the intersection at Providence Road, and one was a little closer to the church driveway that adjoins us to the south. We had garages sort of on the back of the site, which is to say they were up closer to the church, and we also had some concerns about some of the comments about making some other improvements to the site. We took all of these things back, met with the church representative on several occasions, had a very well attended community meeting and revised our plan to what you see in front of you tonight. Five units instead of six, reduces the density and loosens up the site a little; we have a little bit more open space than we had before and even though the staff analysis and the site plan says three-stories. We've already committed in our conversations with the church to reduce to that to the two-story building, limited no more than 40-feet in height. We have eliminated one access point completely and moved it to the center of the site which allows us to take our garages and internalize them, so they don't relate outward at all either to the adjoining church property or to the public on the two public streets. We've also added some improvements along Providence Church Lane, planting strip and sidewalk and some on-street parking spaces, which we will think will benefit the larger community.

There are a few minor technical issues that we are still working through. There is one in particular that I will mention a little later, but by in large I think most of those are going to be easy for us to agree to. We have a pretty short window to turn these around. There have been some concerns raised about this plan and plan consistency and is it consistent or is it not consistent, and I think it is safe to say that with a plan as old as this one it is not surprising that you can find things in there that support either cause, so to speak. This plan goes back a number of years, and ironically, if you were to look at it on a large map it is focused on the I-485/Providence Road interchange area, Ballantyne Commons, Audrey Kell, that very large huge very urban and very active area. If you were looking at how far the Plan goes to the north this is the last lot in the Plan. It is on the far end of the church, so it is a little bit of an orphan, not only because NC-DOT cut it off but because it is the last one in the Plan, and it doesn't relate well to much of anything else.

The City really has no infill policy; we've talked about this before as well, but I would note I took a look today at just the last couple of years, and just in terms of UR-2, not

other districts which are used to deal with infill opportunities, but just in the UR-2 there were 15 in 2016, 21 in 2017 and 14 already so far this year. That district is actually being used more and more; it works well. There are opportunities to do infill development, it is a conditional district so there is always a site plan and that means there is always conversation with property owners. There has been some concern that this is sort of a rural area; look right across the street. It is a huge vacant piece of property and that is a true statement, but back in 1985 the City and the County collectively agreed that Charlotte had an urban future, and so over time it is reasonable to expect that most of the land within the corporate limit is likely to develop at some level of density whether it be three, four, five or some other density, and we may very well in the new comprehensive plan that is being discussed talk about raising the base density, which I think is something that needs to be seriously looked at.

We've had some concerns expressed to us, and I want to thank the people that have spent their time working with us on behalf of the church, our next door neighbor, that this somehow would take away from the historic character of the church or somehow impede its place in the community. The history out there is so rich and so deep. I don't know how anything that we could do on a small site like this would detract from the long history of the church in the community in this part of town. This site actually is lower than the church property; if you have an occasion to go out there and actually walk up to the door of the old sanctuary and then go towards this site, and you will walk down the hill the entire way until you get to the edge of the property, so this site is below the church and with two-story buildings instead of three they present less of a presence on that north end of the site. It has been suggested that a UR-2 zoning here would create a precedent, and I hear that a lot, but I'm also standing here a lot and I know from firsthand experience that each one of these cases is considered on its own merit. I have spoken with many of you on and off over the years, and it demonstrated to me that there is no automatic when you come in the door with a rezoning petition; you have to work with the issues and you have to find a plan that can satisfactorily succeed so all of these are on a case by case basis. As I noted earlier, I think it is noteworthy that the UR-2 District is actually one that is being used more and more for infill site here and there. You don't see it for very large developments; it tends to be smaller developments. I've done some in Dilworth that were an acre at 20 units an acre and worked through the issues with the community and with the staff and with the Council and those were approved.

One of the things that we are still going to have to figure out is there is a pathway on this site that was asked for by the C-DOT staff and it is a long Providence Road, and this arises from policies in the Bicycle Plan that the Council adopted in the not too distant past. That is a document of policies; there is not a map in there that says on this road it will be this bike path and on that road it will be that bike path, and we understood from reading the plan that at some point the staff would do that so we would know what we were looking for. There is nothing specific that says on this road this is the particular feature that we want; it is just the widest one on the list. Certainly not related to this site or any of the demands created by this site, there is already a sidewalk on Providence Road, it was built as part of the overall Providence Road project years ago, and it will remain. This is another one of those sort of do it die things for a petitioner who gets a comment that says we need you to agree to do this, and if you don't we don't think your petition should be approved. That is a pretty strong incentive to try to figure out how to make it work but in this case it takes 17-feet of this small 0.83 acre site to accommodate a facility which may or may not be built, may or may not ever be put into the City's budget for an overall corridor project. I just don't know, but I know one of the concerns that we heard expressed was we were very close to that pathway and that was offered as a criticism of our site plan. We would still like to work through that issue with the City staff and see if there might not be some means by which we could make the land available but not actually construct 150-feet of a 12-foot wide pathway that starts nowhere and goes nowhere.

There are always concerns raised about traffic; this is a five-unit community, five single family attached homes. C-DOT says that will generate 50 trips a day. Typically, you take 10 percent of those trips in the peak hour, so that would one car per unit during the

peak hour. Concerns were expressed about the parking, and I think that actually putting that parking in and those sidewalk improvements will actually increase visibility around the curve, going up towards the elementary school driveway and if it does get to be a concern I think they can sign, so they wouldn't be used during peak hours at the school. I think that is an easy thing to resolve, so we would hope that you would agree with us if this is an infill opportunity. There will be many, many more, and we believe we have done the best we can to try to resolve issues and will continue with the staff to deal with the few remaining technical issues that you see outlined in your staff analysis.

Rolly Chambers, 5053 Sharon Woods Lane said I am a member of Providence Presbyterian Church, and our congregation owns the property directly next to the tract that is petition is seeking to change from the existing R-3 zoning to the UR-2 conditional urban residential zoning. I'm here this even on behalf of our congregation's governing board, the Church Session and its Long Range Planning Committee, because we want to express concerns that we have about this petition and the petitioner's current revised site plan. Our congregation goes back a ways; we've had a place in this community for over 250 years. Since 1977, our property has been designated as a Charlotte Mecklenburg Historic Landmark. Our sanctuary is listed on the US Department of the Interior's National Register of Historic Places. We've seen a lot of change over this two and a half centuries, and adapting to that change in our area is part of our congregation's history. We certainly don't oppose development that is consistent with current zoning requirements, but we do have concerns about changing the existing zoning to urbanize our area as put forward in this petition. Our concerns center around the much higher density of residential development under the UR-2 conditional zoning compared to the existing zoning and compared to the existing residential developments around us. The radical reduction of setbacks under the UR-2 conditional zoning while suitable for sites closer to uptown is not consistent with the characteristics of developments around us. How consistent the proposed urban rezoning is with the current Providence Road/I-485 Area Plan Update is also a concern and the proposed use of street parking in the public right-of-way of Providence Springs Road right at the entrance to Providence Springs Elementary School is a concern.

To the petitioner's, credit we are aware that the petitioner revised the site plan based on input received and some of those changes that have been made to the proposed development go to some of our concerns. The petitioner has reached out to us to find out more about our remaining concerns, and we've recently let the petitioner know that we are in the position to have a meaningful conversation about them. We hope that discussing our concerns will allow all of us to find a way forward that works for everybody, but for tonight considering the proposed rezoning and site plan as they stand now we still have the following concerns the density of the proposed development, five units in 0.83 acres is far higher than the density of three units per acre characteristic of our area and permitted under current zoning. The petitioner's revised site plan provides for only a ten-foot setback without a meaningful buffer between the rezoned site and our property, and that is compared to the 30-foot setback that would be provided under current zoning. The lack of a buffer to transition to our property doesn't fit in with the larger setbacks in screenings that are characteristic of other developed property in our area. The proposed site plan allows buildings to be three-stories high as it stands now but as Mr. Fields said we understand from informal communication with the petitioner that the proposed townhomes would only be two-stories tall, but until that is reflected in the site plan we need to note our concern. Our property is uniquely singled out in the Providence Road/I-485 Area Plan Update. The Area Plan states on Page 18 "new development should reflect the history of the area, building upon such elements as the historic Providence Presbyterian Church". The development site recommendation that is in an appendix to the Area Plan for our quadrant specifically recommends "enhance connections visual and pedestrian to Providence Presbyterian Church". We are concerned that the revised site plan as it stands is not consistent with the current Area Plan in these respects. Our concerns about proposed on street parking is one that Anne Woods is going to speak to but these are our primary concerns, and we appreciate having the opportunity to express them before you all this evening.

Anne Woods, 10132 Berkeley Forest Lane said I am a member of Providence Presbyterian Church and also a resident of a neighborhood very near the church. While the historic aspects of the church and campus are very important to me and to hundreds of others, there is another concern that must be addressed. The narrow road on to which the driveway out of the proposed development exits will prove to be more congested in the morning when traffic is very heavy on Providence Church Lane with cars and buses bringing children to school. The developer has designated five visitor parking spaces to be on the street; it would be nearly next to impossible for emergency vehicles to get through to the school if cars are parked along Providence Church Lane, because there would be no shoulder for cars to pull off for firetrucks, ambulances or police. Traffic coming off Providence Road to get to the school, church or neighborhoods along that road would be jammed, especially in the morning. Safety consideration is of greatest importance. Providence Spring Elementary PTA Executive Committee is adamantly opposed to the rezoning. Charlotte is in the midst of many problems with neighborhoods being gentrified, rampant seemingly uncontrolled development, and landmarks being torn down with people being forced to allow the City to tear down their homes to make way for wealth developers. An article in the Observer last week was about a man who was trying to renovate his home and keep it as affordable housing, but the City is telling him it must be raised. The look and feel of the community is changing, because wealth seems to rule. I understand that Providence Presbyterian is not the same situation as neighborhoods that are being gentrified, but again if the City doesn't listen to the people and what we don't want, the City must accept the responsibility as helping to destroying the soul of this City. We want to preserve the sanctity of the area Providence Presbyterian Church and Cemetery as a haven for the community and a safe place for children to go to school. Having townhomes and on-street parking will be detrimental to this place. We have an online petition with over 600 signatures and 200 comments opposing the rezoning. The school has sent you a letter outlining their reasons for asking for no zoning change. Providence Presbyterian has given you our own reasons for not wanting this small parcel of land that is adjacent to our campus to be crammed with housing that goes against the Area Plan. We ask that the rezoning petition from R-3 to UR-2 be denied.

In rebuttal Mr. Fields said again, I want to offer my appreciation for the efforts that we have been well received by members of the church committee we've been working with for many, many months. The last time we met with them was on the 5th of April; we went out to the church and had a meeting and presented this new plan and sort of went over all the change that we've made. Many of which were to address specific concerns that we'd heard, and up until two or three days ago we had not heard any response. I had tried and reached out to our contact person – if you have any comments, when can we meet again, and so we are gratified to find out that there may be an opportunity to do that. We wish it had come a little bit sooner so we could see what we could get resolved. I will address the one thing about the parking spaces along the road; this is something that we can do with or do without. It is something that we thought would benefit the overall site, because it lets use less area of the site itself for pavement for vehicle parking, lets us have more open space. If you are familiar with that area, if you have come from Providence Road and gone up around that right hand curve to go to the school driveway you will recognize that there are a lot of trees along the edge there. The improvements that we would make there would basically take from where the existing curb line is, add eight-feet, which would be an area where a vehicle could parallel park, two and a half feet for curb and gutter, another eight-feet for a planting strip and another six-feet for a sidewalk. In order to do that, we would have to grade that area and many of the trees which are right on the edge of the road would be removed. It actually enhances the site distance and makes it easier for people to see. Again, 50 trips per day is all we would generate.

Councilmember Driggs said on the staff side if we do a UR-2 at this location there are tracts of land nearby that are still available for development, so is that going to create any presumption that a UR-2 in this area is appropriate?

Mr. Main said I don't know that it will make a specific application to the immediate area; we do have UR-2 that we've done along Carmel Road, along Providence Road, Audrey

Kell Road and along any number of roads nearby that are at this kind of density, which is six units per acre. We may well see additional applications for other locations, but I don't know that this sets a precedent more than the others.

Mr. Driggs said it is kind of case to case, and it is not the presence of one UR-2 development will automatically create a perception that other UR-2 development there is appropriate or permissible.

Mr. Main said I don't know that it would be and of course that is your discretion in each case as well.

Mr. Driggs said I just know that is a concern and I've heard it before. I do want to thank everybody for coming tonight and this is a little tough for us, because by many of the zoning standards we apply it is actually pretty benign but we have a special situation here with the church next door and with the strong opposition of the neighbors which is different from what we often deal with. We are going to have to consider it, and the one thing I will mention is, in conversations I've had with you, I suggested why not buy the property? I wonder if you can answer for Council why you don't just buy that property and annex it to the site that you have.

Mr. Chambers said we are a church, and we believe that using our wealth to feed the hungry, cloth people who don't have clothing, provide housing for people without houses is a higher value than buying a piece of vacant land. That is what it boils down to.

Mr. Driggs said the staff has pointed out that the existing zoning in that particular little triangle is not a very practical requirement; it is not especially feasible, so if you don't like this which is five units, what is your idea other than just turning it down or sticking with the existing zoning, but do you have any suggestions as to how this could be more acceptable to the church without just setting it aside and keeping everything the way it is or sticking with the existing zoning?

Mr. Chambers said that is a good question, and I'm hardly qualified to answer that by my background, but perhaps going from five units to four units might create some more room to allow some more room for larger setbacks or parking and that kind of thing. Looking at architectural features that might be incorporated in the development that would enhance a visual connection to the church property; those kinds of things might be possible. Those are the kind of things that we understand the petitioner's impatience with us, but we are doing this by Committee, and it just takes us time sometimes to be able to sit down and talk through these kinds of things.

Mr. Driggs said right, I get that. I would like to mention just for your guidance; the traffic issue when you look at the entitlement of 30 with the existing zoning and the increase to 50; 20 cars over the span of a whole day is not something to which we can assign a lot of weight, so I appreciate that the situation on Providence Road is bad already, and I get that, but that is not really going to be the thing that decides. If I could ask you another question would you say that the principle issue is the amount of separation between the structures and the property line; can we narrow it down to that?

Mr. Chambers said that certainly is one significant area of concern. Again, the way that the development would enhance the visual and pedestrian connections to the church property, the way that the Area Plan calls for, that is another area. I have to be careful about going too far but those are issues that I think have the potential for being solved with some creativity on the petitioner's part and our part. We just need to try and press forward and see where we get with that.

Mr. Driggs said right, I would just say than I hope your conversations can continue and be constructive. I think the goal of insisting on the existing zoning or just flat rejecting this one is a challenge, so it would be very helpful if there was a solution that could be arrived at based on modification and working with the petitioner here and again I'm just concerned that you not dig in on that and then find that you get something you didn't like when you might have been able to negotiate a better deal.

Councilmember Phipps said I have a question for Mr. Fields; in your earlier comments, you seemed to be, and I could be wrong, not very enthusiastic about committing to the multi-use path and associated bike infrastructure there. Could you elaborate on that?

Mr. Fields said I will be happy to. As I mentioned, the City adopted a Bike Plan not too long ago, and in that Bike Plan are all sorts of goals and policies and expectations. Almost exclusively, I won't say completely, but virtually all of those goals and objectives were public initiatives: training programs and capital facilities and I think that was like \$4 million per year for bike facilities. It is very aggressive and a very well done document and there is a matrix that suggests based on the number of vehicle trips on a road on a given day and the speed of that road, you can go down that matrix, and it suggests one of seven or eight different types of bicycle facility that might be incorporated, but it is not any more specific than that. There is not a map or a list that says on Providence Road it needs to be type #7, which is this 12-foot multipurpose path which is located away from the road itself separated by a planting strip. It is a series of policies, but they only get applied when someone stands at this podium and talks about a development proposal for a piece of property. I think one of the specific comments that I saw from concerns raised by the church and by neighbors was that one of these buildings is like right on top of this path; it is very, very close, and it certain is but that path is again 17-feet of our lot has to go accommodate that path which will go from A to B, and until the state and the City has an overall plan for a corridor project on Providence Road or any other major thoroughfare in town, there is no expectation that that will ever get done. In addition to having a policy that sets out a series of actions that the City would take the staff, and I don't fault them for raising it, says we request that you agree to do this and so we have tried to fit it on our site but it doesn't come across as a request. It comes across as a requirement. If I were to say to you no, we are not willing to do this then that would be an issue that would go to the Zoning Committee as an unresolved issue. The City staff asked for us to agree to this and we say no. Developers as a rule do their best to try to accommodate these facilities. I mention it because it was one of the specific criticisms that we heard from our friends at the church about that relationship, and it is something that I think has a significant impact on a very small irregularly shaped piece of property. It is not a requirement; it is a request.

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

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ITEM NO. 10: HEARING ON PETITION NO. 2018-018 BY UNIQUE SOUTHERN ESTATES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.54 ACRES LOCATED ON THE EAST SIDE OF THE PLAZA, SOUTH OF BELVEDERE AVENUE FROM R-5 (SINGLE FAMILY RESIDENTIAL), R-5 HD-O (SINGLE FAMILY RESIDENTIAL, HISTORIC DISTRICT OVERLAY, AND B-2(CD) HD-O (GENERAL BUSINESS, CONDITIONAL, HISTORIC DISTRICT OVERLAY) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) AND MUDD-O-HD-O (MIXED USE DEVELOPMENT, OPTIONAL, HISTORIC DISTRICT OVERLAY), WITH FIVE-YEAR VESTED RIGHTS

Mayor Lyles declared the hearing open.

Kent Main, Planning said this is a 4.5 acre site on The Plaza in the Plaza/Midwood area, and it is the Van Landingham Estate, as many of us know of it. It is located at the corner of Belvedere and The Plaza, and it is zoned currently as B-2, which is a business district. The District Plan calls for it to be based on its rezoning retail in order to facilitate this bed and breakfast event facility and small hotel sort of use on the property. The proposal before us is for an addition of 22 townhouses along the parameter of the site, and it is intended to include preservation and continuation of the use of the main house for the uses to which we are all accustomed and along Thurman Place and along a new

street that takes in two houses on the southern side would be two areas of town houses that may be as view as one building each or may be broken down into smaller buildings as well. It would allow all uses within the MUDD district, with certain prohibited districts. The Carriage House, the office and orangeries buildings may be demolished or moved elsewhere. It also includes provisions. Because this is a historic landmark, it will have go through Historic Landmarks Commission and Historic District Commission for review, which will look at all of the elevations of the buildings and all of that sort of thing, so those are not included in the rezoning package. It also commits to limitations on noise after certain hours and there are also limitations on when particular tents for events could go up and down. The plan is what you see before you, with the existing driveways and the existing buildings there. There are a couple of outstanding issues related to specific technicalities, dedication of particular right-of-way, stormwater and vegetation and tree save area issues and also things about the existing structure, prohibited uses on it and some things like that. Basically, we are recommending approval of this petition upon resolution of those issues. The plan is inconsistent with the plan because the plan specifically says it is going to be that Bed and Breakfast based on that particular plan. As you may recall, this came through several years ago with addition of other items that were controversial and those are now off the table, so it is basically the house and the townhouses that are on this particular application. The proposal does retain the Historic Landmark, as far as we are knowledgeable at the moment; it does add the townhouses along the perimeter and the design of those would be reviewed by the Historic Commission as it proceeds forward.

Brian Jenest, 200 South Tryon Street said I am here really to answer questions; I don't have a whole lot to add to what has been said. There are a couple of outstanding issues that I think we can resolve. Billy Maddalon is the owner, and he was going to say a few things; David Mahull is the President of the Homeowner's Association, and he was to be here also to speak in favor of the petition. We've met with the neighbors on several occasions and in the interest of time. I think I would be better served to answer your questions.

Mr. Main said Stuart Gray with Landmarks Commission is here if there are any questions.

Councilmember Phipps said it makes mention, and it is a known fact that the main building or the large hotel is a designated Historic Landmark. I was wondering about the existing Carriage House. Is that not also a Historic Landmark?

Mr. Main said we will get Mr. Gray to address that for you; the plan does specifically talk about relocating or removing those outbuildings.

Stuart Gray, Historic Landmarks Commission said the Carriage House is not designated landmark; it is not part of the landmark. The ground under the Carriage House, the site of the VanLandingham Estate, the tax parcel that the main house sits on which I think is approximately four acres. It is designated and the main house is designated but none of the additional outbuildings are designated.

Mr. Phipps said that was my confusion, and I was trying to figure out why that wouldn't be. I also have another question about a provision that allows only one event per year with a maximum of 325 guests or attendees. So, we are limiting this establishment to one event a year. So, under what authority does Planning have to debate or dictate this? I'm trying to figure out why couldn't they have one event per quarter or two events a year. Is it a threshold or a trigger that if they go beyond one event per year that it precipitates another zoning classification or something? Could you elaborate on that?

Mr. Main said that is not a particular item that we would necessarily impose, so I assume that it is probably a negotiation with the neighborhood. They have threshold up to 350 as I understand it for typical events, so the one big event per year I guess would exceed that is what they preferred.

Mr. Jenest said yes, that is what the existing zoning allows for so we just left that. We are not asking for more than that one event. It is used as part of the B and B, so that is not a new note.

Councilmember Egleston said it is amazing how much can change in 30-months, and not too many of my colleagues were here the last time came up, but as a reminder to those who were or to catch up to speed those who weren't, the little bit of opposition that the neighborhood had for this plan was centered around a pool, which I will note most of the neighborhood actually supported, but a few people didn't, and that was around parking concerns that were valid. That pool is no longer part of this plan, so even though the petitioner is not here, I see the Neighborhood Association President, David Hill has joined us. Even though the petitioner is not here, I do want to commend him, because two years ago when this went sideways and he was blindsided by this being turned down he had to wait two years to bring it back in front of the Council. What we feared in the neighborhood, and it is the neighborhood I live in. What we feared in the neighborhood that was going to happen was that he would sell the property, of which he would have had every right to do, the new owner would put in a certificate of appropriateness to demolish the entire site, which they would have had every right to do, and a year later they would have been able to execute that demolition. Kudos to the petitioner, to the owner of this property for not doing that but for wanting to preserve this landmark long-term and being patient enough to wait and bring it back to us to do so.

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

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ITEM NO. 11: HEARING ON PETITION NO. 2017-180 BY JS HELMS FAMILY PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 66.90 ACRES LOCATED ON THE NORTH SIDE OF ALBEMARLE ROAD AND WEST OF I-485 OUTSIDE THE CITY LIMITS FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES) AND MX-1 (MIXED USE).

Mayor Lyles declared the hearing open.

Kent Main, Planning said this particular site is nearly 67 acres, and it is located at the intersection of Albemarle Road and I-485, very close to the eastern boundary of the City and County. Just across I-485 we have also had a series of rezonings over there involving a medical facility of substantial size, so we are right at the off ramp onto I-485 outer loop. It is largely a vacant site but somewhat historic, with a small h this time, character on the property as it is today. The site has a proposal for 75 detached, single-family homes to the rear and that is at the end of the site. Along Albemarle Road, there is 45,000 square feet of retail and general medical offices and a gas station and convenience store and such as that, also 350 single-family homes. There is also one existing home on the site that is intended to be renovated and used as an art gallery and cultural facility, as a part of this overall proposed development. MX-1 which would be single family residential to the rear and in the area to the front would be NS zoning for that mix of uses. The maximum height is said to be three-stores or 50-feet in height; the access is entirely off of Albemarle Road. There would be at some future date a connection to Bristley Road to the road, if and when all of that gets developed, but for the time it would be a street connection and a driveway off of Albemarle Road, and we do not have a full movement intersection approved for that location either, so that would be some leftovers and other kinds of connections to get into the site. It does commit to a series of public streets in this area, and it does have architectural standards; there are buffers to the road and to the single-family neighborhoods and it does have considerable amount of open space connected with the little creek that is adjacent to it.

Felix Obregon, Transportation said today I will be talking to you guys about transportation improvements for this petition. The site is located on Albemarle Road, adjacent to I-485; both of these facilities are NC-DOT maintained facilities and our NC-

DOT strategic highway corridors. NC-DOT Congestion Management reviewed the traffic study in conjunction with NC-DOT. We identified these intersections to be reviewed by the study. These are the agreed upon improvements by the site; they are going to have two right turns at their access points. There is going to be a signalized left over into the main access point, and they are also going to extend an existing left-turn lane on Albemarle Road. In addition, they are going to add a new left-turn lane at Wilgrove-Mint Hill, and they are also going to extend a left-turn from Albemarle Road into Wilgrove-Mint Hill.

Mr. Main said this is part of the Albemarle Road/I-485 Plan, which recommends single family residential for this site, and going back to the site plan you can see the single family neighborhoods that surround it on this side; however, there has been a substantial amount of development on the other side of the interchange. Staff does not recommend approval of this plan in its current form. There are transportation issues, there are still a few remaining ones. The residential density and permitted uses, particularly the gas station and the fast food are not considered appropriate for this location. We have looked at this possibility above and beyond what the plan says which is single-family residential as an opportunity for a mixed-use village. We do not believe that the potential for the mixed-use village is achieved by this particular configuration which includes a gas station that is hard to get to and hard to get out of and includes fast food and provisions for drive-thru facilities that do not tie into a good mixed use kind of facility. Were they to come up with a better solution to that, we would be open to looking at something along that line, but as it stands now we do not recommend approval of this particular proposal.

Keith MacVean, 100 North Tryon Street said I am with Moore & Van Allen assisting the Helms Family with this rezoning petition located Albemarle Road at I-485. The Helms Family is here with me tonight and are available to answer any questions. The Helms Family has been a part of what was known as the Clear Creek Community on Albemarle Road since the mid 1800's. Again 66 acres, five parcels currently zoned R-3; the proposed zoning would be MX in the rear to make the transition to the Woodbury Neighborhood and then neighborhood services at the front along Albemarle Road to allow the development of commercial and multi-family uses to serve the growing area on Albemarle Road and I-485. We've had several great meetings with the Woodbury Neighborhood which is a large single-family neighborhood just to the west of our site. We met with them several times at their Club House; they have been very excited about the ability of bringing additional commercial uses to their location. There is not a lot of commercial opportunities, restaurants, and retail uses in this part of Charlotte at this time and this was an opportunity to bring some of those services to the community. As Mr. Main mentioned, Novant Mint Hill Hospital has just opened on the east side of the site and Crestwind Neighborhood, an age restricted and single-family neighborhood is also well underway here and as you saw last month the Lark Haven Golf Course is subject to being redeveloped for additional single-family homes, which will increase the demand in this area from our perspective for the type of retail services and the diversity in housing that the proposed plan is bringing to this part of Albemarle Road.

Just a little bit about the Lemon Family; Jerry Helms and Brian Helms are descendants of that family started by James Lemon back in the 1800's, over 1,000 acres of property here on Albemarle Road in the Clear Creek Township of Mecklenburg County. Derrick Lemon actually started a gas station there which is now Jake's Good Eats, which is out there on Albemarle Road. Derrick, Ormenian and Sue Lemon actually lived in the house that is on the site and will be preserved. Brian actually lives there and that is the house where his mom grew up; he is currently living there in that home and will be preserved and used as a arts center/civil facility to pay respects to the history of the Lemon Family here on this site. Again, these are the folks that are working on this petition. Brian and Jerry will be part of the development on the site and will be working with Alex Kelly and Don Santos with Alliance Residential on the mixed-use neighborhood that we are proposing. The Albemarle Road/I-485 Area Plan, which was approved in 2003, recommended four units to the acre here; that land use recommendation we feel has become dated. There have been several other changes to that area since the 2003 plan was approved, most notably the Novant Hospital.

There have been a number of residential neighborhoods built; the completion of the Woodbury Neighborhood, the ongoing development of Crestwind and Lark Haven is really bringing a demand for more uses than just additional single-family homes.

The proposed site plan is about 67 acres; at the rear of the site making a transition to the Woodbury Neighborhood is the MX portion of the site for about 75 single-family homes. The existing large lake that is on the site will be preserved and will be used as common open space for this community, as well as the other communities that surround the site. There will be a trail that will be improved around that. We tried very hard to integrate the uses on this site; the retail is oriented toward Albemarle Road; we have a public street network that goes through the multifamily, and the retail portions of the site starts with the access on Albemarle Road, which we are designing as a main street anchored with two retail buildings on either side of the main street parallel on-street parking, residential buildings pulled up to the street, large open spaces that are centered for the multifamily and also centered on the proposed reuse of the existing single family that we preserved here and the landscaped area around that and then the large pond at the rear of the site. This is a slide that shows you exactly how much both street and pedestrian network has been provided to help integrate the uses. There is also as we heard earlier a request for a 12-foot multi-use path along Albemarle Road which the developer has agreed to build and then additional sidewalk network and improvements to the open space that are part of the actual site. This isn't a site with a large box retail; this is a small scale retail, and restaurants. There is a possibility for a restaurant with a drive-thru window but again that is oriented toward Albemarle Road away from the Woodbury Neighborhood as is the gas station up toward I-485. The existing pond that will be preserved, the existing home that will be preserved as you can see on these two sites here; the architectural theme for the site will key off the existing farm house on the site and really will be a farm house style both retail and residential architectural treatment, tin roofs, lap siding and things like that again to pay tribute to the existing house that is there and the Lemon Family history on the site.

About the roadway improvements that are being proposed, we did do a traffic impact study. There are improvements at Wilgrove-Mint Hill Road as well as Dunberry and at the site's frontage along Albemarle Road. There will be a signalized left over movement into the site as the main access into the site and then a right in/right out. These are the details of that; there is additional pedestrian improvements also being done at the Woodbury Neighborhood entrance in terms of crosswalks and right turn lanes and then the multiuse trail that we discussed earlier. These are the improvements at Wilgrove-Mint Hill Road which also includes pedestrian improvements at that intersection.

In summary, implements what we believe is a successful pedestrian-friendly project providing material benefit to the surrounding community while introducing commercial amenities including a new top of the market apartment living as well as future single family. There aren't a lot of new apartments in this part of the City; this will be a new multifamily development in this area adding diversity of housing to this location. Integration of restaurants, retail uses as well as the apartments community facilities in terms of the civic center and the arts center and also paying homage to the history of the land with direct architectural dramatics that are tied to the existing house on the site.

Councilmember Newton said just bringing to my colleagues' attention the fact that this is very much supported by the surrounding community. It would introduce retail into an area that doesn't have a whole lot of it. The Crestwinds Community just across I-485 along with Lark Haven we are talking about something in the ball part of 1,000 plus homes and then of course with Novant this would provide some broader options pertaining to the types of housing available for the employees who will be staffing that facility, so I think that is something in my opinion is significant. I had some questions of staff here because when I read through the notes what occurs to me it is not the Albemarle Road I-485 Area Plan that you have objections with, it is more about the walkability of this site with the development as well as I think the auto oriented use, correct.

Mr. Main said that is right; the Albemarle/I-485 Plan calls for single family and this is clearly not that. We were looking for and sort opened the door for a mixed use development. Our concern is that we are not seeing much of mixed use; we are seeing a lineup of uses that are oriented to Albemarle Road, with parking lots that face all those wonderful amenities to the rear. That makes for some difficulty in bridging that gap and that is the kind of a mixed use development that we would look for. The other is the particular uses of the gas station or a branch bank with multiple lanes as an alternative and a fast food. Those are not walkable uses; those are highway uses and the highway approach is not very good into here in terms of getting on and getting back off the freeway to go to a gas station. It is buried back in there, so we are getting the worse of a number of features from that design.

Mr. Newton said so, what you are saying is that you would rather see parking lots on the Albemarle Road side rather than the buildings themselves and restaurants, etc.?

Mr. Main said I'm saying we need to get a design that integrates those uses better than just lining up along the road, which is a highway frontage kind of situation, not a mixed use arrangement.

Mr. Newton said you had mentioned on the back side of the proposed development here, we are seeing that future phases are going to connect into Woodbury, the community behind it, so I know that is regulated by ordinance that necessity of that kind of connectivity. Enlighten me on this; so we are talking about walkability within the development. Is that something that is regulated by ordinance or is that by preference? Is that preference enforceable by Planning?

Mr. Main said it is some of the design parameters that we go by that have been adopted over time. They are not regulated by ordinance necessarily, but they are adopted urban design and community design standards that we work upon.

Mr. Newton said it has come to my attention, so I believe that there has been a redesign here where there was originally going to be an access point into the front of this proposed development, so that has changed. How is that going to, if at all, impact the potential for this development?

Mr. MacVean said we did originally plan to have a right in/right out driveway here, but as we got further into the planning of the site we were informed by NC-DOT that this was control of access for the I-485 interchange, so that driveway was eliminated. What we did do in response to that we have added a provision that says if the gas station is not built there then the area where the gas station is shown could be replaced with additional retail or office uses, so the gas station may not happen, but as the staff has pointed out the loss of the driveway we will acknowledge does make the possibility of a gas station less likely here. We wanted to preserve that as an option; there is not a lot of that type of service use on this corridor along Albemarle Road; there is a demand for it. Mr. Helms has folks coming into his yard on a monthly basis looking for a place to get gas, because they have run out of gas in this part of town. So, there is a need for it; this may not ultimately be the ultimate site, but that is how we responded to the loss of the driveway.

Mr. Newton said when you are saying auto use here, I'm assuming that is what you are talking about, and I know that seems to be one of the sticking points here but when I look at this type of zoning that we are talking about and what we are talking about it being rezoned to the auto use, that is not exhaustive. We are talking about a number of different types of uses here and given the contingencies from what Mr. MacVean is talking about it is not exclusive that it is going to be something like that, or am I missing something?

Mr. Main said there is options for gas station or as I mentioned a branch bank was one of the other possibilities that is on there and also a fast food restaurant. The lenity of those kinds of uses is not what you usually think of in terms of a mixed use walkable community.

Mr. Newton said I would just repeat my point from before, so in this particular area what we are seeing is more development occur at a rate that is in excess of really anything really kind of around in my entire District and the retail commercial and even to the point I think we heard earlier, even gas isn't readily available for residents, so I would ask that my colleagues take that into consideration here. I get it; this is something that is not consistent with an old Albemarle Road/I-485 Plan. Granted, I don't think that is what is preventing staff from approving this frankly, but I think it is consistent with the development in the area and the needs of the residents in the area, so I will leave it at that and just ask that moving forward in the next month when this comes back before us to keep that in mind.

Councilmember Bokhari said what is the date/age of this Albemarle Road Area Plan and what is your assessment of its current accuracy to reality today?

Mr. Main said I believe 2003.

Mr. Bokhari said and related to the accuracy to today's reality and the changes that have been made around it?

Mr. Main said that Plan was at the time when the interchange was pretty new out there, so there have been things that have gone on since that time. One of the things that has not changed is the fact that it is directly at the interchange, so that sounds like a really good place to be, but because of those access issues that is part of why a lot of those areas immediately adjacent to the interchanges were not proposed for major development because the NC-DOT doesn't allow it for those kinds of access points. It doesn't have the kind of access that you might think of if you are just imagining an interchange.

Mr. Bokhari said I just use this opportunity to point to this is another great example of a bit of our kind of patchwork outdated version of what we look at to make these decisions, but I give a shout out right now to the new revised plan that we heard in the TAP meeting yesterday from Mr. Jaiyeoba. I think this is the exact reason why kind of a bit of reset of a unified vision in the form of updating all of our Area Plans so that we actually have the community input that we can then base what makes sense here from a UR-2 perspective or wherever it might go, and let's not anecdotally kind of say the walkability or the automobiles or the things that we like. That really needs to be informed by black and white policy, so I definitely think we are on the right track it is just we are in this weird middle area where we are going to have to not have that solved within the next month as this decision comes through.

Mr. Main said just to clarify it was 2003.

Councilmember Ajmera said I understand that this rezoning is outside of the City of Charlotte, so I'm trying to understand how the tree ordinance applies here, and also is the petitioner going to ask for this property to be annexed in the future?

Mr. MacVean said yes ma'am, the petitioner will be requesting a voluntary annexation.

Ms. Ajmera said if you could help me understand how would it apply if it was within the City of Charlotte, and now that it is not how would it apply now?

Mr. Main said assuming that they are going to apply for annexation those regulations would be what we would seek for them to honor.

Ms. Ajmera said since this is in front of us as outside of the City limits and I see under the trees it says that since it is outside of the limits we can't enforce the tree ordinance.

Mr. Main said the tree ordinance is a City ordinance, so we can still make requests and they can still honor those requests, but the tree ordinance is a City ordinance that does not fully apply if you are not in the City.

Mayor Lyles said didn't we have a discussion about this one other time? I don't think that was the same answer we got, so we need to make sure that we are okay.

Tammie Keplinger, Planning said the note that you see in the agenda is under the Arborist comments, and when property is not within the City limits the Arborist only looks at trees within the street rights-of-way, so when properties are outside the City limits the Arborist does not have anything to look at because it is outside the City; they don't have any jurisdiction. The tree ordinance is something totally different; there are two different groups. There are the ones that look at street trees in the right-of-way and then trees on the property. If the property is annexed then they would both apply.

Ms. Ajmera said okay so, in this case since the petitioner says they do plan on annexation, so that will apply.

Ms. Keplinger said that would apply if the property is annexed, yes ma'am.

Ms. Ajmera said would they usually tell us before we vote on rezoning?

Ms. Keplinger said not necessarily because the tree ordinance, the Arborist in urban forestry those are mostly done during permitting. The staff members look at those items steering the rezoning process just to make sure they don't see any issues that will be really broad and outstanding.

Mr. MacVean said the site has been designed with the requirements of the tree ordinance in mind and will comply with the tree ordinance.

Ms. Ajmera said I appreciate it; thank you, because I have had a meeting where a developer had said they were going to go through annexation afterwards, so they don't have to necessarily comply with the tree ordinance. That is not for this, so we will table that for another time.

Mayor Lyles said I think it is pretty simple if a property is outside the City limits, does the tree ordinance apply? I would like to have a simple yes or no.

Terri Hagler-Gray, Senior Assistant City Attorney said the tree ordinance is part of the Zoning Ordinance and the Zoning Ordinance does apply.

Mayor Lyles said I know that wasn't a simple yes or no, but it should be the answer is yes. That is what we were told the last time, so I don't want to get confused. So, don't confuse me it is tough enough. I would like the staff to actually give us some examples of a development of this type coming off of I-485 with that kind of interchange at the number of 17,000 trips per day. Where would that be comparable on the interstate and exchanges? I would like to kind of get a sense, because it is easy to kind of just look at this vacant property and not have a comparable or have a number that doesn't seem real so how long is the ramp? How many lanes; does it backup into I-485? What would be the traffic count? Then, give us an example of where this exists someplace else, because they do exist in the community with the impact that we have and the entire idea around going to the 17,000 trips it is not what the plan is. It is the actual impact of looking what will the traffic situation be on that interchange coming off the ramp and how does that development accommodate that. I think it is really important to think about if you see the sign that says Cook Out, we are all going to pull over, and we are going to drive up and how many of us are going to do that and gas stations and all of that, and I think there is a rhyme and a reason to the comments around gas stations, convenience stores and interchanges. That is a practical reason today, especially on I-485, and it is not just the day that it is vacant, but it is the day that the buildout occurs and what happens along the way. Paint us a better picture of why that works or doesn't work.

Mr. Main said the distance from the interchange is one of the keys and those controlled access points that Mr. MacVean was alluding to are part of that. The point is the area is right immediately adjacent to interchanges, the very reason that they are not allowed by

NC-DOT to have a ramp that goes in there, because if they are very, very close that is what jams up interchanges and why NC-DOT does not permit those kinds of ramps going into gas stations and other properties. They need to be a little bit further away from the interchanges for that to be able to work satisfactorily, so that has to do with a lot why the restrictions were being placed on land very close to the interchange. In terms of other interchange locations you could imagine any number of areas closer in where –

Mayor Lyles said I would like to see some pictures of where they are, because it looks to me like Albemarle Road at the interchange and you come down, and you are going to have this area, and I would say while our biking and walk policies are not in an ordinance. I don't know what the price point will be for the residential, but if you want a price point that people are going to look at for amenities in an area those kinds of activities of being able to walk and bike in a really good layout, and we don't have a layout for the residential, but I think it is being requested for approval, right. So, we don't see the plan for the residential, and I don't know what that would look like and whether or not it is similar to what is existing or not.

Mr. MacVean said the single family layout would bring a street through here; there would be a public street connection here.

Mayor Lyles said I'm sorry; we can't see that.

Mr. MacVean said a public street like this and a connection here, so it is not because of the tree save and the pond. It is really not that large an area so public street, public street, public street connection here, single-family lots on both sides.

Mayor Lyles said are they cul-de-sac streets?

Mr. MacVean said it would be both, because of the lake and there would be no connection here; there would be a cul-de-sac here and then because of the I-485 and again no connection here there would be a cul-de-sac here.

Mayor Lyles said so, you are going to have the residential bordering the interchange?

Mr. MacVean said we would have residential backing up, not to the interchange –

Mayor Lyles said will there be a noise measurement or test for that?

Mr. MacVean said we are providing buffer along I-485 but not a noise test per se no. I would mention that there is a lot of residential on both sides on I-485 going in both directions from the interchange.

Councilmember Phipps said this is obviously going to be a phased project right?

Mr. MacVean said yes sir.

Mr. Phipps said would it be fair to assume that the service station is going to be the first thing that is built?

Mr. MacVean said the first phase of development will be the retail and multifamily at the front of the site. The reuse of the existing home, the retail services in terms of which retail services come on line first is based on demand. Again as I mentioned earlier with the loss of this driveway, the interest by the service station is less than it was before so it may be something other than a service station. We did want to leave it in the plan as a possibility, because there is a need, but the first phase starts with the main access where the two retail buildings are up on the street and then the residential here and then fills in in this direction.

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

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ITEM NO. 12: HEARING ON PETITION NO. 2017-100 BY LAXMI HOTELS GROUPS, INC. FOR CHANGE IN ZONING FOR APPROXIMATELY 5.4 ACRES LOCATED ON THE EAST SIDE OF LITTLE ROCK ROAD BETWEEN TUCKASEEGEE ROAD AND MANDERLY DRIVE FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) AND R-3 (SINGLE FAMILY RESIDENTIAL) TO O-1(CD) (OFFICE CONDITIONAL).

Mayor Lyles declared the hearing open.

Tammie Keplinger, Planning said to orient everyone as to where this property is; this is Little Rock Road; this is I-85 south bound towards Gastonia, and this is Tuckaseegee Road. This area is most a commercialized area right at the intersection of Little Rock Road and Tuckaseegee Road. There is a Right Aide Grocery store located here, a shopping center here, Arby's and a couple other commercial areas all the way down to the interchange of I-85. In terms of this property, it backs up to a church, a convenience store and some vacant land, and the first house that is located on the same side of the street is actually a daycare and has been a daycare for a number of years. The property is 5.4 acres and in 2013 three acres of the site was actually rezoned to B-1(CD) to allow a 9,100 square foot office retail use. The request before you tonight is to rezoning from R-3 and B-1(CD) all within the lower Lake Wylie Protected Area and the Airport Noise Overlay to I-1(CD), which is office again within the Lake Wylie Protected Area and the Airport Noise Overlay.

The future land use map which is the Northwest District Plan from 1990 shows this property as partially retail based on that 2013 rezoning and part residential. Back when the property came in in 2013, the petitioner wanted to rezone all of it, but they didn't know what they were going to do with the part of the property that was zoned residential, so staff talked with them and worked with them and they only ended up rezoning part of the site. Now, the entire site is coming back in for a new development proposal and that is for two hotels with 90 rooms each. There is a note on the site plan that all uses in the I-1 would be allowed; staff does have a concern about that. We think the petition should restrict the uses to hotel uses only with 90 rooms each. There is a maximum height of four-stories for each building. The buildings are pulled up close to Little Rock Road away from the residential property to the east. They provide full access to Little Rock Road, a new public street on the northern side of the property which if the property to the north ever develops, they would also be able to access that street, so it does improve the street network and they are providing sidewalk improvements along Little Rock Road that are not part of the City road improvement project. The request is inconsistent with the Area Plan which recommends for the back portion of the property single-family residential, and that is inconsistent but it is consistent with the portion of the property that is currently zoned B-1(CD). The property is located in the Airport Noise Overlay, as I mentioned and it is more suitable for commercial uses than for future residential uses. There are some outstanding issues related to the uses that I mentioned: some minor transportation issues, tree save calculation and pedestrian environment. Staff is recommending approval of the petition upon the resolution of the outstanding issues.

Walter Fields, 1919 South Boulevard said let me introduce Mike Patel with LAXMI Hotels Group; he is my client on this project, and Ms. Keplinger basically covered all the details relative to the site. I will say that there are a couple of issues that we are going to have to continue to work on with staff. You don't have a large picture back up there on your screen, but the site that adjoins us to rear and the site that adjoins us to the north is Mulberry Baptist Church. The church facility is actually to the east of our site, the Church, Sanctuary, Sunday School and their athletic facilities and the land to the north is vacant land, but it is owned by the church so we essentially have that one neighbor. We've had several meetings with the church staff and resolved a couple of

issues that they had. They were concerned about security as well as a new street that would come right up to their property line. I met with the Subdivision Administrator and we found that we could comply with the connectivity requirements of the ordinance without carrying a street all the way to the church property line, so it does not appear on our plan but we have received a late comment from C-DOT asking for us to make sure there is room for that street to be there at some point in the future. The Subdivision Administrator and I agreed we would have to work out the language for that. The other comment that came a little late to us, and we are a little confused, and I will tell you in all the time I've been here I may have missed it, but I have never had this happen before is a comment that we were asked to essentially take up and finish a portion of a City project that is already underway. The City has acquired land from this property owner, they are under construction with a roadway project including planting strips and sidewalks all the way down basically to the elementary school. What we think the note says is they want us to now take over the part of the project that lies along the front of this property, even though it is already funded, designed and under construction by the City. We are going to need a little help figuring that one out. I have never heard that before to take over an existing City project just, because we are doing the rezoning. We want to work through this, and that is why this one is so unusual, because I thought I had but this is the first. There is no known opposition to this; staff does recommend it for approval, and we appreciate that. I think it is a unique site because of the way it will have two facilities sort of focusing in on a court area in between, and we are looking forward to resolving these few technical issues and being able to move forward.

Councilmember Mayfield said Ms. Keplinger, can you give me some clarification on the statement that was just made regarding an expectation. Is that an ask, or is that an expectation for a project that was started by the City be completed by a private development?

Ms. Keplinger said I will have to refer that question over to C-DOT.

Joanna Quinn, Transportation said this is a sidewalk project that is currently under construction. I believe the ask is more along the lines of we are hesitating to go ahead and install that sidewalk and have them come and basically reconstruct it along with their site. We can have further conversation around that; it is not a roadway project. It is a sidewalk project.

Ms. Mayfield said wouldn't logic dictate that we look at possibly delaying the project to see what the outcome of this is, and that way we can coordinate to have the sidewalk added into the area with the petitioner opposed to us moving forward and creating a sidewalk and then as you said the sidewalk potentially being disturbed by this development?

Ms. Quinn said I feel this rezoning came along about the time this sidewalk project went out to bid. We would hesitate to delay, especially a sidewalk project to a school which was the intent of this project, for the outcome of this particular rezoning. If it seems like this rezoning may sit, and they may not come in for permitting then we go ahead with that piece; we don't want to leave a gap out there if they intend to come in and permit pretty quickly, then yes we would want to coordinate, and I think that is really the intent of that note is to acknowledge that we don't want to go build a sidewalk that they are going to basically have to reconstruct for their site. Just do the course of construction and the impact to the site, but yes we can absolutely further coordinate to insure that we don't overlap.

Ms. Mayfield said is there currently a sidewalk there?

Ms. Quinn said there is not a sidewalk on the site; there is a sidewalk project underway.

Ms. Mayfield said recognizing the statement that you just made, what I'm asking is for us to think about when we say public/private partnership. I would be different if we were going in and trying to correct, but if we have identified that this area needs a sidewalk, and there is a development that is coming along at the same time, it seems like we

would be more proactive to work with, not necessarily put a requirement as if that private entity is to complete something that our dollars have identified, but we can work better to accommodate a complete sidewalk opposed to a partial, because there is a possibility that if this moves forward then the sidewalk that they are going to have to put in with the funding that we've identified that could be another portion of that land where there isn't connectivity where our dollars can to go actually have a true community impact.

Debra Campbell, Assistant City Manager said we will work with C-DOT.

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

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ITEM NO. 13: HEARING ON PETITION NO. 2017-204 BY ED ZESPA FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.95 ACRES LOCATED ON THE WEST SIDE OF NATIONS CROSSING ROAD, SOUTH OF OLD PINEVILLE ROAD FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

Mayor Lyles declared the hearing open.

Tammie Keplinger, Planning said the subject property is located off of Nations Crossing Road, just south of Verbena Street. Old Pineville Road is located here; the Blue Line is located here, and this is just immediately south of Yancey Road, where the Olde Mecklenburg Brewery is and some of the other breweries that we've had to come in. They are little bit off this map. The property is located in an area that was not really contemplated for uses or urban building that allowed by the MUDD District, which is what they are requesting. There is property across the street that is vacant; there are other industrial-type buildings along this corridor. They range from any type of paint and body shops to other automotive type uses, but we are seeing some changes as we've seen up along the Yancey Road area. The proposal will allow a building that was previously used for a warehouse and distribution to be used for a range of non-industrial uses such as retail, eating, drinking, and entertainment establishments, office and residential uses. The proposed development improves the site's frontage along Nations Crossing Road with an eight-foot planting strip and an eight-foot sidewalk which will improve both the safety and the pedestrian activity.

I'm going to look at the future land use map very quickly; this is the Woodlawn Transit Station Area Plan which was adopted in 2008. It does recommend this property for office, industrial warehouse and distribution, and the properties to the north of the site are also recommended for that. The vacant lot across the street also is recommended for those uses but also adds retail in as a possible future land use.

The proposal is going to be in two phases, and it allows the redevelopment of the site; the first phase will renovate the existing building along Nations Crossing Road; it will add approximately 3,100 square feet. The total square footage will be about 13,000, and there building elevations, which I will show you in just a moment for that property. The optional request that the petitioner has asked for is for the rear storage building to be allowed to remain until the second phase is started. That is not actually an optional request, so one of our comments is that should actually be removed from the request, and the request should be to MUDD (CD) instead of MUDD-O. In Phase Two, the back building which is about 8,500 to 8,600 square feet will be demolished and a new 20,000 square foot building with three stories and maximum height of 40-feet will be constructed. The first level will be parking, and there are two residential units. They have committed to architectural standards for the buildings and proposed elevations for the proposed buildings. I'll show you what the elevations look like; this is the view from Nations Crossing Road, as it is currently, and this is how it is proposed, a view from

Nations Crossing Road again, the proposed elevation. This one is the rear courtyard view and this shows the new three-story proposed building with one level of parking.

Staff is recommending approval of this petition; there are several outstanding issues related to the allowed square footage parking location and of course the optional request that I mentioned. We have some concerns about some tree planting space and a couple other technical issues, but I feel like we will be able to work those issues out before the Zoning Committee meeting. Staff is recommending approval; it is inconsistent with the Woodlawn Transit Station Area Plan, which recommends moderate to intense office, industrial warehouse distribution, but as I mentioned earlier the area plan did not identify for this site for urban uses, but we are seeing that trend in this area. The other part of the rationale I did go over in my presentation and staff will be happy to answer any questions.

Tom West, 224 Westinghouse Boulevard said I am with West Engineering, and tonight we are here representing Mr. Ed Zespa in his Zoning Petition No. 2017-204. Mr. Zespa, and his family have owned this property since 1992. This location has been his company headquarters for their flourishing architectural woodwork and stair building business until 2017. At that time, all facets of their businesses were relocated to their much larger Westinghouse facility, which was purchased in October 2002. The Nations Crossing Building is currently empty and needs renovation. The building design is a 1940s postwar industrial space, and it is with its spiral roof and historical interest is an important corridor for the lower South End area now referred to as LoSo Neighborhood. After careful consideration the Zespa family has developed a new vision that will revitalize and breathe new life into this property. The Nations Crossing project is a two phase project located in the LoSo Neighborhood; it is located near the Nations Crossing and Verbena Street, and it is within a few blocks of the Queen Park Social Broken Spoke Brewery, Olde Mecklenburg Brewery, and the Bowers Fibers Entertainment complex. In addition, it is a short distance from both the Woodlawn and the Scaleybank Light Rail Transit Station, part of the LYNX Blue Line.

Phase One is to revitalize, preserve and restore the existing postwar industrial structure along Nations Crossing Road; the enhancement of the visual appearance of the structure includes an inviting outdoor, front dining patio area that is open to the pedestrian way. The existing gravel lot to the rear of the building will continue to be used as parking to support the proposed uses. The uses will be those uses listed as uses by right under the proposed rezoning request such as restaurants, both inside and outside dining along with a showroom for display of items produced by Zespa Industries. Phase Two demolishes the existing buildings to the rear and will create new structures, but these structures will also be in the character of the surrounding buildings in the neighborhood.

Councilmember Egleston said I just wanted to say (A) thank you for finding a new way to use an old building and (B) presenting something to us that looks pretty interesting. It is a refreshing change.

Councilmember Mayfield said Ms. Keplinger, can you tell me again why we would not seek TOD on this particular item when it is with a half-mile of transit? What are we doing on the Woodlawn area going towards Pineville that is different than what we've been doing in what is identified as South End?

Ms. Keplinger said this site is not actually within a half-mile, but it is within the area where we have seen some more urban form like along Yancey Road, so we feel like it is appropriate for MUDD.

Ms. Mayfield said so it is right outside the half-mile.

Councilmember Phipps said in our packet it talks about Charlotte Water system infrastructure, and they said right now it has limited sewer capacity, but they have a project that is scheduled. I don't know if it has started already, but they said that it should be complete in early July 2019. Has that project in fact started or not?

Ms. Keplinger said I am not sure if the project has actually started; I know this is the area where we have had some concerns about the capacity of sewer and the capacity assurance program that is offered by Charlotte Water is something that all of these petitioners in this area are guided towards to make sure that they understand that there is a capacity issue and that they will not be allowed to get permits for their buildings until after the project is completed.

Mr. Phipps said so, whether or not they have started already or not, they can't get any permits until after this project is complete?

Ms. Keplinger said that is my understanding.

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

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ITEM NO. 14: HEARING ON PETITION NO. 2017-205 BY POPE & LAND ENTERPRISES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 23.38 ACRES LOCATED ON THE NORTH SIDE OF WEST TYVOLA ROAD, SOUTH OF YORKMONT ROAD FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USED DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT), WITH FIVE-YEAR VESTED RIGHTS.

Mayor Pro Tem Eiselt declared the hearing open.

Tammie Keplinger, Planning said this property is located off West Tyvola Road; this is the old Coliseum and most of you are familiar with the City Park development, but to help orient everyone this is Billy Graham Parkway, Yorkmont Road, West Tyvola Road. The majority of the properties in this area have traditionally been office type uses; we do have the Farmer's Market, which is located here. Back around 2007, we started this adventure with the redevelopment of the Coliseum property, and it is called City Park, and over time we have seen different phases of development. Right now, you can see this portion of the property is currently under development; we have commercial, hotel, residential uses, and retail uses in here. The area that we are going to talk about tonight was actually proposed for office, but the market has changed and the petitioner is requesting that a site plan amendment be approved for this site to allow residential uses. In terms of the District Plan, the Area Plan does recommend residential, office and retail for the site, based on the 2007 rezoning, so it is consistent with the Area Plan. In terms of the request, they are wanting 260 townhomes with a maximum building height of 120 feet. They commit to the internal network of streets that was originally proposed and is shown on the site plan. They have agreed to connect Hive Drive to Memorial Parkway, as a part of the rezoning. They commit to architectural details and they have an optional provision for a sign out at Tyvola Memorial Parkway; it is a small sign, about eight feet in height and about 100 square feet in area. I will turn this over to Joanna Quinn with C-DOT to talk to you about transportation issues.

Joanna Quinn, Transportation said this is a page out of the original rezoning, and the area in the circle is one of the transportation improvements that was committed to in the original rezoning, which is building Speer Boulevard between Tyvola Road and Billy Graham Parkway and creating a fourth leg of the signalized intersection that is currently Billy Graham Parkway and Westmont Drive. The Billy Graham Library is over to your left and the Pressley Road Business Park is up in the upper right hand corner. This was a commitment, as I said in the original rezoning; currently Speer Boulevard is built or permitted about three-quarters of the way to Yorkmont Road. Now as with most large rezonings, it is not unusual for the transportation improvements to be committed to in phases of buildout or entitlement, because this property has not built out to the level of intensity originally envisioned, it is undetermined at this point if they will actually reach the entitlement at which they would be required to construct this intersection, but at the same time this is an important connection for the future if we take a look at the next

slide. This is a bigger picture look at the network, so here is the signal at Billy Graham and Westmont Drive; the star is the site and they have built a large portion of Speer Boulevard, have not yet made the connection to Billy Graham Parkway, so this connection to Billy Graham Parkway is an important part of an east/west connection that gets us to Shopton Road, and some places it is called Shopton Road Extension. This was actually originally conceived in the Airport Master Plan and supported by C-DOT. Last week you all approved a rezoning that commits to the alignment of this first piece down here adjacent to Shopton Road. This is an important east/west connection to support development as it continues to develop out south of the Airport and further west of I-485. As I mentioned before, a lot of times a commitment is in phases, and it is still yet to be determined if they will reach the level of entitlement that will require the construction of the intersection, but we feel that it is important to at least retain the right-of-way, so it can be built in the future if not part of this development. C-DOT's ask is that although it is this portion of the site that is being rezoned that they go ahead and dedicate right-of-way that allows Speer Boulevard to connect to Billy Graham Parkway and realigns a portion of Yorkmont Road in order to create a full forth right of that intersection.

Ms. Keplinger said in terms of the proposed request, staff does have some outstanding issues related to this petition. There are several asks that are a little bit unique for this petition, because this started out like I said in 2007 as a really large development. One of the things we are asking the petitioner to do is file an Administrative Amendment to the original rezoning request to add a note that says regardless of any subsequent rezonings that all of the properties in the original rezoning are considered a part of the development and will be included in the calculations upon which the transportation and infrastructure improvements are based. What we want to prevent from happening is someone coming in and rezoning just portions of this property and then saying oh, we are not part of City Park, we were originally, but now we are separate development. Secondly, we are asking the petitioner to provide a tracking mechanism for the development rights that include a map, and this tracking mechanism would be something that would be submitted to the City as a part of any permitting process for each and every building permit for which they are applying. This will help us know exactly where we stand and know when the transportation improvements that Ms. Quinn talked about are triggered. Finally, we are asking them to provide information on the current status of the overall City Park development with regards to the lane use and trip generation, and we are asking for them to do this prior to the Zoning Committee meeting. We feel like it is important for us to understand before we go further with this rezoning as to exactly where we are at this point. In terms of this petition, we are recommending approval. I've gone through the rationale in my presentation, and I've hit on the outstanding issues, and we will be happy to answer any questions that you have.

Brittany Lins, 214 North Tryon Street said I represent the petitioner Pope & Land. This is kind of aerial of what is out there now; it truly is a mixed-use development. You have hotel, office, different types of residential and some retail, and the part we are talking about is this paved area up here. Back in 2007, this was a master rezoning to realign components to it, and now we are really here just for a site plan amendment to shift some of the components; right here, we are talking about this piece that was originally slated for office and high-density apartments, but now we are now proposing to do townhomes in that area instead. There are apartments elsewhere in the City Park development; there is room for office elsewhere in the development, so because of the market changes, we think that townhomes are a good fit for here now. We are proposing 260 townhomes, at a little over 11 units per acre. Those would be alley loaded townhomes. So, you have a nice streetscape, it would be a walkable environment. We also want to preserve the option to convert them to single-family homes if that is what the market dictates as we move forward. You are getting the same street access network on the parcel itself at the entrance points that there were in the original rezoning so nothing is changing there. It is really just the component of the multifamily versus the townhomes. This is the overall development, where you can see there really are all these different mixed use components so there are existing townhomes here; there is an existing hotel. There is retail along the streets, there is multifamily, single family for back here so this really is a full, mixed-use development.

There is diverse price points of different housing options within City Park; there is also Laurel Street residential that is doing there; workforce or affordable housing at 120 units has been approved. Zooming in on the portion we are talking about, we are also preserving some open space and tree save areas; if you remember it was mostly a paved parking lot but there was kind of a tree line from the old parking lot so we are trying to make sure there is some open space areas and there is already a phase of existing townhomes in City Park and it has been very successful, so the petitioner wants to continue that success on to this parcel, and this is what they look like built out now. You can see that they are alley loaded; you have this nice streetscape. The petitioner is going to keep working with C-DOT and staff on getting the tracking and figuring out what the transportation improvements mean.

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

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ITEM NO. 15: HEARING ON PETITION NO. 2018-007 BY CHARLOTTE ENGINEERING & PROPERTY MANAGEMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 24.34 ACRES LOCATED AT THE INTERSECTION OF BEAM ROAD AND SHOPTON ROAD FROM B-2(CD) AIR (GENERAL BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY) TO B-2(CD) SPA AIR (GENERAL BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT, AIRPORT NOISE OVERLAY).

Mayor Pro Tem Eiselt declared the hearing open.

Tammie Keplinger, Planning said this is a site that is approximately 24 acres, right off of Shopton Road at Beam Road. This is the Police and Fire Training Academy, and this is what is known as the City of Charlotte Vehicle Operation Center. This is used by multiple departments and agencies for all kinds of transportation and training. Buses use it for their facilities; the Police Officers and Firemen also use it for training. The proposed request is to expand this facility into this area; only this part of the site is currently zoned B-2(CD). Across Shopton Road is basically multi-family residential and single-family residential. In terms of the future adopted land use plan, it does recommend institutional for this property based on the use; it is also institutional across the street for the Police and Fire Training Academy. The property to the north is currently zoned residential R-3, but the plan does recommend office warehouse distribution for it. This has also been developed for warehouse and distribution. Again, across the street multi-family residential, industrial to the west. That area plan is the South West District Area Plan, which was adopted in 1991. The request before you tonight is for an expansion of the operations center to the north property. It will include a 1,300 square foot training building and parking, and this training building will have a deck on top so that observations can occur when people are actually using the training facility; it is a multi-use paved training area; security fencing will be around the facility. There is a new gravel storage area and some new parking in this location and also in this location. The sidewalk currently ends on Beam Road, approximately here, and the proposal request will install sidewalk all the way to the edge of the property. There is dedication of future right-of-way for Beam Road, and this is an appropriate use in the Airport Noise Overlay District, and we know that residential uses are something that we want to try to avoid in that area.

We have a couple issues related to tree save and stormwater compliance notes related to the buffer along Beam Road and labeling of some planting strips. The petition is consistent with the Southwest District Plan; the request will allow expansion of the driving course. I've gone through most of the rationale; the proposed use is appropriate, because it is in the Airport Noise Overlay, and the buffer will be provided along the adjoining property lines where the vacant property is zoned R-3 and eventually we anticipate that area will be rezoned to office and industrial as the plan calls for.

Councilmember Mayfield said the area that is identified is mostly surrounded by trees and land. The multi-family development is on the backside, but if we move forward with this we will get an opportunity to expand our training, because what I didn't realize until we went out is that along with Police and Fire, also CMS bus drivers utilize our current facility, so opposed to everyone having to try to figure out the calendar and have conflict or not be able to train, this would give the ability to have multiple trainings happening simultaneously, so I wanted to be sure everyone knew what this project was about.

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

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ITEM NO. 16: HEARING ON PETITION NO. 2018-009 BY ANDREW J. KALINOSKI FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.19 ACRES LOCATED ON THE WEST SIDE OF J. W. CLAY BOULEVARD, NORTH OF W. T. HARRIS BOULEVARD FROM CC (COMMERCIAL CENTER) TO B-1(TS) (NEIGHBORHOOD BUSINESS, TRANSIT SUPPORTIVE OVERLAY).

Mayor Pro Tem Eiselt declared the hearing open.

Tammie Keplinger, Planning said this property is located in an area that most of us know as University Place; this is J. W. Clay Boulevard. This is the J. W. Clay Transit Station along the Blue Line Extension. This site is a small site; it was considered area D in the 1992 rezoning for the University Place development. At that time, this property was allowed to have 26,000 square feet of office and retail use. The proposed request tonight would change the zoning from CC to B-1(TS), which is a conventional zoning classification with Transit Supported Overlay. In terms of the Area Plan, this is in the Blue Line Extension University City Area Plan that was adopted in 2015; it recommends retail, office and residential for this site. This property is located, if you walked along the sidewalks it is just a little bit over a half acre from the Transit Station, on North Tryon Street, so it does not make it a site that we would want to put TOD on, but it is a site that the TS District is suitable for.

In terms of this request, it is consistent with the Area Plan; the Overlay will accommodate the continued reuse and some expansion of the existing site. The TS will change the form of the development, but will allow most of the uses that are currently allowed, and it will allow gradual transition into transit oriented development and to a more of an urban supportive atmosphere.

Andrew Kalinoski, 7750 Orchard Park Circle, Harrisburg said I would just like to say we are excited about the redevelopment in the area. We hope to be a part of that.

Councilmember Phipps said since this is a conventional rezoning can, I even ask what is going to be there?

Terri Hagler-Gray, Senior Assistant City Attorney said no sir.

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

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ITEM NO. 17: HEARING ON PETITION NO. 2018-013 BY WESTCORE PROPERTIES AC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.27 ACRES LOCATED ON THE EAST SIDE OF PENNINGER CIRCLE, SOUTH OF MALLARD CREEK ROAD, FROM INST(CD) (INSTITUTIONAL, CONDITIONAL) TO RE-1(CD) (RESEARCH, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

Tammie Keplinger, Planning said to orient everybody, this is Mallard Creek Road; Penninger Circle is actually located right here coming off of Mallard Creek Road; this is Morris Estate Drive which turns into Solectron Drive. This is actually not connected. The site is shown in yellow; the request is to go from institutional (CD) to RE-1(CD). Penninger Circle is basically a residential area with narrow residential streets. Back around 2008, there were about 16 homes that were developed in a small sub-division off of Cyprus Point. In 2010, there was a rezoning that rezoned this property along with this property, and that rezoning was for INST(CD) to allow a 236-unit nursing home, and that nursing home never developed.

In terms of the future land use map, it does recognize the 2010 rezoning for this site and calls for institutional uses on this property. The adjacent properties are called for multifamily and research, business light park and light industrial as move down into the Research Park area. The proposal is for a surface parking lot for accessory parking for an existing building that is on Solectron Drive. There is 100-foot setback along Penninger Circle; there are two access points that are shown to Penninger Circle. There are transportation improvements along Penninger Circle, the pedestrian vehicular connections to existing parking area to the east, and they are providing a 75-foot buffer to the north and west property lines.

I want to go back to the map for this area and shows you actually what is happening. This development, which is in the Research Park, is now vacant and in marketing this property it used to be that the parking requirements were less than what they feel like is needed now to market this property for office purposes, so they want to rezone this property so they can have additional parking. Staff is concerned about this, because one of the things that we don't want to happen is an invasion onto Penninger Circle with all of the parking coming out through these access points. We have worked with the petitioner, and we believe that the petitioner is going to be submitting a revised site plan that has a condition that says that these access points will not be provided onto Penninger Circle, until the time that three of the five properties shown on this side of Penninger Circle, they are all residential now, are either redeveloped with multifamily or non-residential uses, so that will provide some protection for this area until the time that this is actually redeveloped. We anticipate that the petitioner will be submitting that as a part of their revised site plan.

There are some transportation issues related to sidewalk right-of-way improvements, construction timing and vehicular access points, that I just mentioned and also related to tree save calculations. The proposed parking lot is inconsistent with the institutional land use that is recommended per the previous rezoning, but it is located between the single-family residential and a parking lot and the former building, which we do want to see reused. The proposed parking and existing parking lots will be connected and will provide additional parking for the building, so it can be used for entirely office purposes and there will be protections for the adjacent single-family residential properties. I will happy to answer any questions.

John Carmichael, 101 North Tryon Street said I am here on behalf of the petitioner Westcore Properties. Ms. Keplinger did a wonderful job going through the site plan, and I will just try to hit some high points. This site is about 6.3 acres on the east side of Penninger Circle, just south of Mallard Creek Road. A related entity, the petitioner owns this approximately 454,000 square foot building and the surface parking lot here. It was previously occupied by a tenant that used 154,000 square feet of the building for office space and 300,000 square feet for manufacturing and research, and the adjacent parcels here are rezoned RE-2, which allows office uses and research uses. They have to re-tenant the building, and they need the flexibility to convert the manufacturing and research space to office uses. Unfortunately, they don't have enough parking to accommodate what is required by the code, which is one per 300,000 square feet or 3.3 per thousand. I believe right now they are about 2.5 per thousand, so they want to rezone this adjacent parcel for a surface parking lot to accommodate additional parking spaces, and that would give them about 3.8 per thousand, which meets the code but

frankly far short of market. I was told that parking in this area is about six to seven per thousand, so they would meet code ,but they would still be under what they consider to be the market.

In responding to the site plan comments, the original plan did not have vehicular connections to Penninger Circle; the plan had 100-foot setback and 75-foot buffer. C-DOT then said they wanted connections to Penninger Circle, so there are two currently shown on the plan. Planning didn't feel comfortable with that, and we understood why. We really didn't seek those connections, and so we had a meeting with C-DOT and Planning, and the solution was a note that we will add that says you cannot make vehicular connections to Penninger Circle until such time that three of the five parcels on the west side of Penninger Circle are redeveloped for multifamily or non-residential uses and the petitioner is comfortable with that note. I will state that we have met with University City Partners on two occasions and they are supportive. Tubby Homes with UCP sent the Zoning Committee and Council an e-mail today to that effect. We will add a sidewalk from the northern boundary of the site to Mallard Creek Road, as requested by C-DOT. That will also be on the revised plan. We are happy to answer any questions, and once again we will not have any connections to Penninger Circle until such time that three of these parcels are redeveloped for non-residential uses and lastly in the Research District, in order to exceed 300,000 square feet of office space, they will have to submit a traffic study to C-DOT in any event, so that will be reviewed by C-DOT.

Councilmember Harlow said on the Penninger Circle side where there single-family homes what is the flavor of the neighbors that live there?

Mr. Carmichael said I do want to point one thing and be totally candied with this body; I want to thank Councilmember Phipps. I think I have met with him twice about this project, and I will tell you that I found out much to my chagrin last Monday night, I just assumed this was in Mr. Phipps' District. It is actually in Councilmember Harlow's District, so I had a lot of egg on my face, but I have communicated with Mr. Harlow since then. Mr. Harlow, we have had very little contact with individuals, who live on Penninger Circle; we had five people that came to the community meeting. I think three of which were the sellers of this site, and I believe another individual lived further to the west. I did speak with a gentlemen on Friday by phone. Black Rhino is a lending liability company, and they own two of these parcels and he asked for a little information on the rezoning. It has been very limited communications from the community; we did have the neighborhood meeting, and also I would like to point this out, the original rezoning plan did not show connections to Penninger Circle. I sent a notice of neighborhood meeting to the folks and said we are having this meeting. I described the use, and I did say in the notice that there would be no connections to Penninger Circle, because there were none at the time. No more than two days after that we get the request from C-DOT that they want the connections, so I advised the people at the community meeting of that fact and then we sent a letter to everyone who we invited to the community meeting advising them of that change, and I never received a call. Now I'm frankly pleased to report that there will be no connections to Penninger Circle until such time as those parcels are redeveloped on the west side.

Mr. Harlow said actually that is a great note in here; I don't know who initiated that but if staff did it that is really a great job to add that in. Mr. Phipps in all those conversations that I wasn't invited to is there anything else I need to know about this?

Councilmember Phipps said this is probably just inches away from District 4, so I know we've talked about this, vetted it, had a couple of meetings with University Partners. I think it is moving along at a reasonable pace and CP they are in favor of.

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

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ITEM NO. 18: HEARING ON PETITION NO. 2018-016 BY MICHAEL LOEB FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.35 ACRES LOCATED AT THE INTERSECTION OF EAST SUGAR CREEK ROAD AND ANDERSON STREET, SOUTH OF THE PLAZA FORM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-5 (SINGLE FAMILY RESIDENTIAL).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said this is on Sugar Creek Road; The Plaza is right here, and Eastway Drive is along there. The other landmark along here is the United House of Prayer, also Garinger High School, which is down Sugar Creek Road just a few blocks from this particular site. It is zoned R-4, single family, and they are asking for R-5 single family. There is an existing zoning line right down the center of Anderson Street; this side is R-4 and that side is R-5. The houses, if you look very carefully, you can see that they are little bit narrower on the lots, but other than that it is very close and very similar.

We've got a vacant lot here; I dug back into the archives of the aerial photographs, and it has been sitting vacant at least back to 1990, and that has to do with the fact that it is a very large lot, larger than R-4 takes. It measures 110 feet, and you need 60-feet of frontage to do R-4 house; 50-feet would do it for R-5. This area is all single family. There are very similar kinds of categories. The General Development Policies would support a higher density, so this would allow for two lots on that property. Again, the property across the street is a church; it is all zoned industrial, but it is a church and some retail uses as well. It is consistent with the Central District Plan, which recognizes residential uses, and we recommend it for approval.

Michael Loeb, 615 North Center Street, Hickory said as the staff noted doing this rezoning allows me to put two properties on the parcel that previously only allowed one, and I think that rationale is pretty clear.

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

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ITEM NO. 19: HEARING ON PETITION NO. 2018-017 BY UNDERDOGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.09 ACRES LOCATED ON THE WEST SIDE OF SOUTH BOULEVARD, NORTH OF EAST ARROWOOD ROAD FROM B-1S(CD) (BUSINESS SHOPPING CENTER, CONDITIONAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT – MIXED USE).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said this is a proposal for a straight up TOD-M; transit oriented mixed use zoning district. There is South Boulevard and Arrowood Road right here. This is the old Walmart site that has been vacant for a number of years, the larger area. The particular property that we are talking about is a former McDonald's Restaurant, which closed here and move to a new location on South Boulevard, so the building is sitting there vacant today. The proposed use in there is a little bit larger and doesn't work under the existing zoning. The Transit Station is within a quarter mile of that, so it is a future location for good mixed use transit oriented development. This area has not taken off yet, but it is recommended for TOD residential use. It is likely that this building will be reused in its existing form, as are many of the other locations further in town that have been rezoned for TOD mixed use, and this will set in place the standards for TOD for the future, as the building redevelops, but in the meantime they will be able to use this building in its present form, so it is consistent with the Transit station Area Plan and we recommend approval of this particular rezoning.

Councilmember Ajmera said current zoning is says wide variety of uses, so is that because it is conventional zoning?

Mr. Main said it is conventional zoning for TOD mixed use, and that does allow a wide range of retail uses, office uses, restaurants, and all of those sorts of things to be used both in its present form and for future redevelopment.

Ms. Ajmera said I know that even in the past with conditional rezonings, we had seen number of trips being generated; is this one more unique than those other ones?

Mr. Main said this is not a conditional; this would be a conventional, so because of the wide range of uses that are possible for this site -

Ms. Ajmera said which was not specified in this petition.

Mr. Main said that is right.

Ms. Ajmera said in other ones we had seen trips being generated; is that because they had specified it in the plan?

Mr. Main said yes, but because of a conditional plan we have a specific use. Here we do not have a specific use that is designated for this site.

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

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ITEM NO. 20: HEARING ON PETITION NO. 2018-020 BY LCRE ARROWOOD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.16 ACRES LOCATED ON THE WEST SIDE OF OLD PINEVILLE ROAD AND SOUTH OF KINGS RIDGE ROAD FROM B-1S(CD) (BUSINESS SHOPPING CENTER, CONDITIONAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT – MIXED USE).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said this one is not very far from the last one; this one is on the other side of the old Walmart Store, and again it is a strip center that has been there for who knows how long. It far predates the transit station or the light rail or any of that. It is again a relatively small part of this larger Walmart old center, and again the problem here is parking because of the nature of the way these parcels are carved up. So, for the time being the purpose of this rezoning is probably going to be for a continuing use of this building; however, it is for TOD mixed use, and it is for a conventional, not conditional use so that in the future when redevelopment occurs, those standards will be in place, but in the meantime it allows for continuing use of this building. It is in accordance with the Transit Station Plan which calls for TOD use for this whole area over time, and again it is very similar to what we've done in other stations along Scaleybark Road and the Newbern area. We are recommending approval of this proposal.

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

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ITEM NO. 21: HEARING ON PETITION NO. 2018-019 BY RICARDO TORRES FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.42 ACRES LOCATED ON THE EAST SIDE OF NORTH SHARON AMITY ROAD, NORTH OF CLEARMONT AVENUE, SOUTH OF CENTRAL AVENUE FROM O-1(CD) (OFFICE, CONDITIONAL) TO O-1(CD) SPA (OFFICE, CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Eiselt declared the hearing open.

Tammie Keplinger, Planning said this property is located along North Sharon Amity Road; this is Central Avenue to the north. Clearmont Avenue is just to the south. When you are driving along this section of North Sharon Amity Road, there are some apartments and some single family residential properties then, as you move up towards Central Avenue it gets more commercialized. There is a big commercial retail building here, offices and then retail as you move north. The site we are talking about tonight was rezoned in 1992 to allow the existing single family residential home, which is a little over 1,200 square feet, to be used for an office. The Eastland Area Plan that was adopted in 2003 recognizes this property as office based on that previous rezoning, and it recommends office as acceptable transition between the multifamily and the retail uses. The request that we have tonight is to rezone the property, from O-1(CD) to O-1(CD) SPA. They want to replace the existing building, which is 1,200 square feet, with a new building that is about 4,200 square feet so they are going to remove the single-family residential. They also want to allow all uses in the office district; previously, they were only allowed general office uses and not medical office uses.

In looking at the site plan, the building is pulled up to the street with parking to the rear. They have increased the buffer on this side from 7.6-feet to 10-feet, and they've added a six-foot wall around the parameter and then they also have the buffer that is shown. In terms of this plan it is consistent with the Eastland Area Plan, which recommends office as previously noted, and staff will be glad to answer any questions.

Lucia Griffith, 224 West 10th Street said I am representing the petitioner Mr. Torres; they want to keep the same use. They are trying to keep the building they are proposing with the scale size character of the neighborhood, and they see this as an improvement, not just to the property but also to the neighborhood. They are providing a fence on the side of the neighbors for our buffer 7.6-feet and the same thing for the buffer in the back. I will be glad to answer any questions, and I'm asking for your support.

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

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ITEM NO. 22: HEARING ON PETITION NO. 2018-021 BY MICHAEL MELTON FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.37 ACRES LOCATED AT THE INTERSECTION OF THE PLAZA AND SHAMROCK DRIVE FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-1 (NEIGHBORHOOD BUSINESS).

Mayor Pro Tem Eiselt declared the hearing open.

Tammie Keplinger, Planning said this property is located along The Plaza. Matheson Avenue is here; 35th Street is here, and it is at the corner of Shamrock Drive. This section of The Plaza has a lot of small individual, independent-commercial development along it. There is some mid-size box retail, CVS, and Food Lion and the site that we are talking about tonight was rezoned back in 2008 to allow 3,000 square feet of automotive retail uses on the site, and the site was never redeveloped and from talking with the petitioner we believe that was partially due to what happened around 2007 and 2008 with the economy. Prior to the 2008 rezoning, the property was zoned B-2(CD).

In terms of the future land use, the Central District Plan, which was adopted, in 1993 was amended by the rezoning in 2008 to show this property as retail. You can see all along The Plaza corridor most of the properties are retail with residential behind. In terms of this request, it is a conventional petition; it is consistent with the Central District Plan and it allows all retail uses that would serve the neighborhood that is located along The Plaza and the retail uses could provide goods and services for the adjoining residential neighborhoods also, so staff is recommending approval.

Mark Warren, P. O. Box 77152 said basically, this used to be an old gas station and now they are going to convert it to a retail space. The island where the pumps were is going to be removed. The normal gable had a gas station, so they could go both ways; they will put a soffit up there to hide all of that, so they are improving the neighborhood.

Terri Hagler-Gray, Senior Assistant City Attorney said we don't need you to give the details, because it is a conventional plan.

Councilmember Phipps said on a conventional rezoning, even if the information is volunteered by the petitioner, it is still inappropriate?

Ms. Keplinger said yes sir.

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

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ITEM NO. 23: HEARING ON PETITION NO. 2018-023 BY JASON IDILBI FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.56 ACRES LOCATED ON THE SOUTH SIDE OF SPENCER STREET, EAST OF EAST 36TH STREET, WEST OF HERRIN AVENUE FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

Tammie Keplinger, Planning said staff is also in opposition to this petition. In terms of this request, this is 36th Street and Spencer Street and Herrin Avenue; this is our property that has a single-family home located on it. We've had some rezonings along 36th Street, most recently for some townhomes, and you are going to see another phase of that development come in in couple months. This area right in here is basically the single-family residential core of this area. This is in the NoDa Neighborhood. The Steel Gardens Development, which was approved in 2007, includes single-family townhomes and was approved for some live/work units, and I'm not sure if the live/work units are actually being utilized. This is the existing home that is on the site, and these are some of the surrounding single family residential homes that are located just off to the right of this property.

In terms of the future land use plan, this is in the BLE Transit Station Area Plan, which was adopted in 2013 and the plan recommends residential at five dwelling units per acre. The request before you tonight is to rezone the property to UR-2(CD) to allow three single family detached dwellings. There are two flag lots and one standard lot, so I want to show you what a flag lot is. This is the property to be rezoned; this is the first lot, which will be a standard lot. This would be the second lot; it is called a flag lot obviously, because it looks like a flag. The home would be constructed here. Then the third lot, the house would be constructed there. Instead of having individual driveways to these two lots the petitioner is proposing one driveway that would serve both of those which is acceptable. The subdivision ordinance and the zoning ordinance does require the street frontage, and that is what this little flag is intended to mean. The houses that are proposed, the density is just a little bit over what is recommended by the area plan at 5.3 units per acre, three stories with a maximum height of 40-feet. They will have access for the one 15-foot driveway for the two flat lots; the other lot will have its access. The petition has specified building materials; they are providing tree save and semi-opaque landscape screening area, which we really need to have that defined. We are not sure what semi-opaque means in these terms, and also they specified screening and fence materials. The proposed tree save areas are located here at the end of the property, and this is where the landscaping and screening is going.

I know this map is really hard for Council to see, but what my intent was with this map was to show you the residential development pattern in this area, and you might be able

to see this in your notebooks better. You can see most of these lots are developed with direct frontage along the streets and in this court area where we have single-family residential. What this proposal is for will allow these flag lots which is inconsistent with that development pattern that we have. There is one place in this area that we have allowed flag lots, a rezoning that was approved a number of years ago, and it is in relation to the North Charlotte Park, which is located right here. If you look at these three houses, you can see how these houses front on the park in order to accomplish that a rezoning was approved in 2007 to UR-1(CD) to allow flag lots, but this was a very unique situation where the houses front along that park, it creates a great environment for eyes on the park and for people to see what is going on, and they actually have frontage to the street; it is just divided by the park and they also have a sidewalk system that provides access to those houses.

In terms of this request, the single family land use is consistent with the BLE Transit Station Area Plan; however, the proposed density is a little bit higher at 5.3. In addition, the site doesn't comply with the community design guidelines specifically the ones that say that the building should orient towards the street resulting in an arrangement of buildings in an orderly block pattern. Staff has looked at this petition, and we feel like there might be some other options, and the property owner may be able to get two houses on the property if the site was rezoned to a different classification, or we could work with him on that, but the flag lot pattern is something that we would not recommend for the area.

Benjamin Smith, 3338 Spencer Street said I am here with some of our neighbors that live on Spencer Street; my wife is here as well. First, I want to in the record my condolences to my wife as she informed me that since we got a baby sitter tonight it counts as date night, and this is the worse date she has ever been on. We are here to voice our opposition to the rezoning petition, not only as residents of Spencer Street, but as prideful homeowners in the NoDa Neighborhood, members of the NoDa Neighborhood and Business Association and citizens of Charlotte that want to use this forum to voice our local voice for the vision of the City.

I will go over five points that kind of outline our opposition. First one is density, it is easy since this is close to the Blue Line Extension to see this as an opportunity to increase density, which has generated a lot of growth in that area among many others. This specific rezoning would have very minimal impact on that density, just some stats measured by units per acre NoDa already has one of the highest density area along the BLE at 3.3, and it is well above the county average of 1.3 obviously. That measurement does not include all of the new units and new rezoning and new developments that is occurring in the area by the end of this year. We counted a total of 672 new living units in NoDa, and this is based off of completed projects already this year, current rezoning petitions, presentations of the Neighborhood and Business Association along with new construction. Out of the 672, 80 of those new units are within 300-feet of this property, so there a lot happening nearby already. While all of this density increase has been achieved with keeping single family dwelling parcels at R-5, which this one, we don't see a need to change that designation to achieve density in the area.

Number two, the neighborhood is against it. The NoDa Neighborhood and Business Association members voted it down 28 to 7 on the motion to approve. These are active members of our community who share the vision for our neighborhood, and they want to preserve the feel and culture of the neighborhood. I also note that the NoDa Board and NBA have supported rezoning petitions that increased density are in the area in the past, so it is not as if they are against every single-rezoning petition that comes with these rezoning codes.

Number three, can set a precedent that can compromise the makeup of the neighborhood of course, which is a common theme with some of these rezonings. It could be a gateway petition for any resident or property developer to subdivide parcels, add multiple houses on to them that don't face the street, which again the members and the Charlotte staff opposed that set-up where they don't front the street.

Number four, staff touched on this as well, it is surrounded by other single-family parcels as well, so there have been examples where the rezoning has been done to UR-1 or UR-2 or whatever the code may be but that has been where it is on a corner lot or it is fronting a park or it is backing up to a railroad or the other transit or public property and not surrounded by other single-family homes on all sides. This is kind of breaking with what has been approved in the past for this type of zoning.

Number five, just some inaccuracies in the site plan that give us pause. I'll run through kind of a quick laundry list. This is in our letter that we wrote to the Councilmembers as well. Several trees on the plan either do not exist or are not in accurate location; it includes the tree save area. There are 12 trees on the site plan, and it says there are four in the tree save area, only one currently exists. The other remaining eight on the plan once you consider the requirements of the fire setbacks and etc. There will probably be only a few trees left on the property, in our opinion. There is a utility pole and utility lines that run right through the backyard of the property; that is not on the site plan and there is nothing addressing how that will be resolved as it goes right through where one of the proposed housing units would be. There is a flared and section drain; basically; this is just concrete exposing out of the ground to help running water through the backyard and that has not been addressed. The driveway would almost have to be a bridge over that pipe in order not to interfere with it and then the streetscape and landscaping staff touched on this. The site plan is vague regarding what the height of the landscape screening would be and fencing would be. There is no landscape screening or fencing on the north side of the property, which is also single-family homes, so there is just one side of screening. It doesn't insure anything that those fences or trees would be there permanently, assuming this property could be resold and property owners after that could do whatever they like with those trees and fencing. As far as those inaccuracies in the site plan are inadequacies however you tend to look at them, we understand that those to be subsequently addressed, but the inaccuracies gives us pause as to the accuracy of the plan and how it is going to be executed moving forward.

The rezoning petition does not create sufficient density to justify changing the historic neighborhood rezoning of R-5 for lots of single family dwellings, especially since two of the units created would not front the street. Approving the rezoning petition would not only contradict the wishes of the neighbors and taxpayers on Spencer Street but also the overwhelming community vote by the NoDa Neighborhood and Business Association members. Finally, approval could also be seen as a green light for other property owners and developers to file similar petitions, as I mentioned and also more important to the NoDa Neighborhood that the opinion of the NoDa NBA neighbors is not paramount to achieving the objectives of neighborhood development and their voice is not going to matter in the eyes of Council.

Jodi Sosna, 831 East 37th Street said I just wanted to address the fact that the water is a major concern, and we've all spent thousands of dollars on our house. Most of us here live in the adjoining or adjacent properties, and we have spent literally thousands of dollars in water remediation from that sewer line that is coming that way. That being said, we kind of have it under control but if they build this we may all have to begin that process all over again. The other thing that should be noted is the two houses that are directly to right of it had to be put on what I call pylons or ketones, and those are basically, think of a telephone pole being drilled into the ground so only four of five feet stand up above it, and the problem with that is you have to take a two-ton piece of machinery to shove those down into the ground. My house is over 100-years old so doing that is just going to be more cracks in my foundation, more cracks in my [inaudible]. Just the damage that that would cause those surrounding buildings is a concern of mine and how does that get addressed. Do we take pictures before and after of the buildings because of these ketones that will have to be used to put in these three buildings. Again, one house facing the street sounds like a good plan to me. We already have mass traffic on Spencer Street, and it is going to create more probably street light maybe.

Jason Idilbi, 509 Springs Street, Davidson said Ms. Keplinger hit some of the high points of how I wanted to described the property, so you are already teed up for that, but as you can see I'm here as a private citizen. I don't have an army of attorneys. I'm just representing myself. I happen to be in a unique and fortunate position to own a relatively large piece of property in a very nice area that is very close to the light rail that just happened to work out by good luck, and I'm grateful for that. This a half mile to the light rail line. As you can see on my presentation, I am a former longtime member of NoDa. I do not live there now, but I lived there for over five years, and I was on the NBA Board for about two and a half years. I moved to Davidson exactly two-years ago, Memorial Day weekend, and I bought this property shortly thereafter, so this is the property. You don't need to see any more of that orientation. That is the current house, single family, brick ranch built in the 60's. The property is about 92 feet wide by 227-feet deep. You can't really see from this angle, but it slopes towards the back, so it gets deeper away from the road, and right behind it is a City owned parcel and I will explain why that is relevant in a moment. It is about .6 of an acre all total, .56 I believe.

This is just to orient you, as you are heading down 36th Street towards The Plaza, that is the intersection with Spencer Street that my house is on. The house you see on the left by the big tree is that Saussy Burbank development that was mentioned earlier. Here you are on Spencer Street approaching a property. Ms. Sosna lives in that purple house on the left, and Mr. & Mrs. Smith live in what now shows as a white house, but it is actually of a teal house now, and my house is immediately behind what appears to be the white house there. I should note just on that point that the property where the tan house and the white house are used to be zoned R-5, and it was almost exactly the same lot size as mine like 94 or 95 feet by 227-feet deep. It was rezoned a few years back to R-6 conditional to allow the construction of those two homes. This is the picture of those two homes a little more close up; if you keep going up Spencer Street, that is my house. This is the park and that is the property that Ms. Keplinger mentioned earlier. That is that rezoning petition, very similar in concept to what I'm proposing to do almost like a marriage of it, and I am mindful of the fact that it does front the part whereas mine does not. It is nestled between other houses. I am proposing to soften that by some landscape screening and privacy fencing, which I will discuss in a moment.

One thing to note here, this is the revised site plan, and you will see a winding driveway that is precisely for the purpose of preserving some trees, there and the cloud in the bottom right is a revision of the site plan that refers to landscape screening that would run all along that western boundary, but it looks like the right hand side, so the Smith's house is immediately to the right of that. Another thing that we submitted in the revised site plan, this part talks in part about the streetscape and landscaping, the point above that talks about the architectural standards. This was modeled off of the initial site plan, so you see the original driveway is still there, but what you are seeing is the residences about 2,500 square feet, and you see in the dash lines around them like the entire building envelope what you could potentially build on it, a maximum capacity. Obviously, I'm not trying to do that; 2,500 to 3,000 square feet is roughly consistent with some of the newer homes in that area that have been built, so I don't want to do anything too crazy there. One would be facing Spencer Street, and the other two would be 90 degrees offset to that facing the driveway and that would be the Smith's property. Again there would be landscape screening all along that. In total the acreage for these properties would each be the front one approximately .12, the middle one approximately .15 and the other one approximately .21. If you compare that to some of the newer homes as they have been subdivided and built up in NoDa a lot of them are around one tenth of an acre, so that is pretty consistent with the size around that area.

It has been suggested maybe I could do something to create two houses that would front Spencer Street, and again that is exactly what happened with the left side of that is the Smith's property, very similar size and orientation. Again, it was rezoned in 2007, and now two homes are on it so this is exactly what happened there. I will submit to you why that cannot happen with my property, which is this reason. That is the western edge on the right hand side; that is a 20-foot access easement, and again there is a City owned property behind it that is completely landlocked. My property has that 20-foot

access easement that can't be developed. There is also to the left of that is a sanitary sewer line and a 10-foot buffer, so really I am only able to develop what would be east of that sewer line and the buffer which would be to the left on your screen. Now you can see why I'm proposing to do it that way. You can only build to the left of that area. I wish I had another option, but moving that easement and the sanitary sewer line would not be feasible for me.

Just to give you some conceptual overviews of what it might be looking like, this is the concept for the first house; the house that will be facing Spencer Street. It appears to be two-stories there, but again because the property is deeper, it actually supports a tandem garage on the lower level, so there would be off-street parking, at least two spaces and the tandem garage and driveway space. These are the other two houses that would be offset 90 degrees and gain a tandem garage and some storage space on the lower level to support off-street parking and living space and common space above that and then bedrooms above that more or less. The third site plan is just a variation of the second one.

Briefly, I want to highlight some of the benefits here; again, it is currently a very small house that is single family, brick ranch, and what you can accomplish with this rezoning it has enabled the construction of new single-family homes out of high quality materials. I think the word single family has come up a lot in the course of the previous presentations, and I do want to emphasize these are single-family homes, we are not doing townhouses or condos or anything like that. I'm very mindful of the neighborhood's preferences on this point, and I sought out at the very beginning to do single-family homes. Unlike the similar concept on the park that has a 14-foot setback, this actually does lock in a 30-foot setback, so that would be consistent with how the homes look all along that street. There would be a tree save area; there would be a dedicated right-of-way for the City planting strip and sidewalk. There would be the landscaped screening and fencing, which does not exist currently, again a minimum of two possibly three or maybe four off-street parking spaces. The acreage there would be one tenth of an acre in each case. Again, I could say somebody by right could tear down that house and build at 20-foot setback, build a massive home without any sensitivity to off street parking or high quality materials or anything like that, so I do want to be sensitive to those concerns and sought out from the very beginning to capture those aspects.

I don't want to dwell a lot of time here; you guys are probably mindful of this but it is just a comparison of how the tax assessments and tax values for City and County would work out over time. I have spoken with the neighbors on several occasions now, and I understand privacy is a concern. The current petition caps construction height at 40-feet; I'm exploring ways with my architect to see if we can get that down to 35-feet and lock that in again to accommodate the privacy concern and make sure that these houses aren't too high overlooking a neighbor's property. Landscape screening, there are a species of trees that I have at my current property which are called green giants, I think that is a trade name not the species name but they are very nice, all season trees. They survive in all climate areas and they grow about five feet per year. You can probably purchase them at eight to 10-feet of maturity, so within two years or so you would be looking at 20-foot high trees that would be providing some more privacy screening and of course promoting the tree canopy. I'm going to continue to explore those and hopefully if those are feasible options for me I will submit those in a resubmitted site plan.

This is to the point that I made earlier, which is that if this rezoning isn't approved a future owner of this property could do a number of things by right, which wouldn't preserve what I think are some of these better aspects of redevelop in this property.

Councilmember Harlow said this is interesting, as I have never seen these flag lots, kind of interesting design, and I think that you got kind of creative there not that that is a bad thing. Your presentation helps with that so glad you were able to get on here. Tammie, is the understanding that staff is not recommending in the current form and

clearly there are some constraints here with the parcel. Would staff be comfortable with these flag kind of lots if there were just two structures instead of three?

Ms. Keplinger said we would have to look at it; my gut reaction is probably not because it does not fit with the context of the neighborhood. In terms of these houses in the core of this area are all single-family homes fronting on the street whereas in this situation you would have the front of the house facing the back of a house. As proposed, it would be the fronts of two houses facing the back of two houses.

Mr. Harlow said I don't know how you get around that one, but nonetheless the second question is about the transportation outstanding issue around the planting strip. You worded it pretty interesting in your presentation as it relates to the setback and the right-of-way is allotted for the City planting strip and sidewalk but it sounds like staff is – the way you put it the City can come in and do this. I'm confused that the conditional note is the staff is wanting the petitioner to commit to that. Are you committing to that or is that you just kind of saying there is space here somebody can do it?

Mr. Idilbi said I saw that in the notes, and I appreciate the comment. I haven't really considered that thoroughly, and I will be happy to come back to you on that. What I would point out if you are looking at this picture on the street the existing sidewalk is all harmonious throughout; this is just what it looks like, so if I were at my property here to put in a planting strip and then a sidewalk behind that you would actually disrupt the natural flow of the sidewalk as it exists. I'm not opposed to it; I'm certainly happy to look into it and come back to you on that, but again it would be odd thing where you are walking straight and then suddenly the sidewalk curves around the planting strip at my property and then it goes back as you reach the next property.

Mr. Harlow said I know in our discussions we did our whole sidewalks, and we talked about that and the gaps and we said just for the Council if you remember we asked about that and we said we would be okay with those types of things.

Mr. Idilbi said I can certainly consider that, and to your earlier question about some of the privacy issues there is not a lot that I can do because of the constraints of the property, and if you look at a lot of intersections in NoDa in particular, there are a lot of houses that look to the sides of other houses. I know this is at an intersection so it is a little complicated but as far as the width goes it is about the same width, and I'm proposing to install trees and fencing that would solve that privacy concern. That is the best I can do with the challenges of the property.

Councilmember Winston said Ms. Keplinger; this is actually going to reference another rezoning that will be presented in the future I believe. I don't know if we have the aerial view of this property; I want to see the City owned property that he referenced. We can't really see it, but it is basically a bunch of trees back here and that is going to be part of a future rezoning that folks are going to try to put for sale housing but include more density to include some affordable, workforce level for sale housing but included more density to include some affordable workforce level for sale housing but as I see it right now that is not going to be street facing property, but it is going to include some of that property that the daycare center is on currently, as well as part of the churches land that is right here. As we continue to ask developers to think outside the box in general how we develop our City, I know this is not necessarily diverse price point project, but we are telling people in general to think outside the box for developers. Are we going to say or should I assume that moving forward because it is in the same area that you are going to oppose rezonings that kind of think outside the box like that because they are not providing street facing housing?

Ms. Keplinger said Mr. Winston, I think we look at each rezoning case on its own merits, and we will have to determine when the site plan comes in what it looks, how access is provided, how it fits into the context with the neighborhood so on a broad scope I would say that is something that might have challenges for us. There is your property that you are talking about.

Mr. Winston said just for my colleagues, we own a big part of that property that is just trees; is that correct?

Ms. Keplinger said my understanding is that we do, and I believe that we have talked to some folks about the possibility of looking at that area for redevelopment, but nothing has come in on it yet.

Mr. Winston said I believe that it will be coming up; I met with the developer that is working on that project and just for clarification, and I might be reading this wrong; staff is basically opposed to this because the houses are not street facing.

Ms. Keplinger said there are two reasons; first the density. It is over what is recommended for the area and also because of the contextual pattern.

Councilmember Bokhari said can I ask the date night gentlemen a question? On one side of what staff said, I tend to agree in just hearing it at a high level with Mr. Winston; we are asking people to be creative and innovative so the street facing orientation is obviously one piece of this. I challenge the Zoning Committee to have a robust discussion on innovation, versus inconsistency with plans in the form of that because I think that is an interesting point. My question to you sir other than I hope you and your wife here snuck in popcorn and wine and pretended this was a terribly long movie, horror movie. I think the petitioner pointed out where you live there; you are over here on Spencer pretty close. Is that correct?

Mr. Smith said I'm right next door.

Mr. Bokhari said oh, right next to it; so, I guess the other mean element of this is I see a plot of land that is larger than obviously some of the other areas and that splitting the lot seems to be a key concern for you guys there, but it strikes me in looking at those sizes that some point in history I'm assuming there would have been splitting there as well to create those size lots, so how did that kind of balance out in your mind set of splitting being really one of the main challenges that puts your concerns first and foremost to come here on date night?

Mr. Smith said our opposition here is to the rezoning. We are not necessarily opposed to all splitting of property, but we feel that the rezoning of this property to redevelop it is unnecessary.

Councilmember Phipps said I just want to ask staff in your whole thought pattern process of this; it seems to me that this is getting to what we want to get to in our UDO process, in terms of the intentionality of a sense of place when you are talking about the contextual patterns of the neighborhoods. You have a vision of how you want the community to look, and would you say that some of those elements were applied when you looked this when you said okay, we see this neighborhood and we are more or less trying to preserve a sense of place there, did some of those elements figure into your opposition to this in its current form?

Ms. Keplinger said the elements from the place types in the UDO; no, I think in looking at this we were looking consistently with the community design guidelines that are in the BLE Transit Station Area Plan that talks about creating a block pattern with buildings fronting on the street. I think our recommendation is consistent with those design guidelines.

Councilmember Eggleston said I want to be very honest about what I see as concerns that are more valid than others, so we can hopefully have more dialogue between now and the decision between the petitioner and the folks in opposition to maybe make some headway on some of those. One of the things that came up was density, but if this property was four-hundredths of an acre bigger it would meet the density, right?

Ms. Keplinger said probably.

Mr. Idilbi said it is actually less than that; it would be .03 of an acre.

Mr. Egleston said our sheet had you at .56, but .01 of an acre certainly doesn't make a difference, so to me I don't see if we are .03 or .04 of an acre off on the prescribed density, I don't see that as a particular relevant issue. Mr. Driggs made a point earlier on one of his petitions, which seems like a day or two ago at this point, but when we go from talking about in his case I think two to five dwellings or in this case one or two dwellings to three, I don't see traffic as really being a major concern. I know traffic can be heavy over there, but I think that is splitting hairs. I do think however and I've talked to the Smiths and I've talked to Mr. Idilbi both, and I do think that screening is a valid concern here, and I don't want that to be overlooked. I appreciate some of the things that have been proposed, in terms of initially planting more mature screening vegetation. I hope that is something you all can get together and talk about. I don't know if that makes you guys feel any better or if that is something you just saw for the first time tonight or you had talked about before. I really don't know much about, and I hope staff can shed some light on is a lot of the issues we talked about with water concerns. That is not something I have a great grasp on. I don't know if that is something you all dug in too much but you addressed some of the water issues that were brought up.

Ms. Keplinger said we can do that in the follow-up report. I don't have that information in front of us tonight.

Mr. Egleston said I think that would be helpful. The only thing and this might well be a stupid idea, but I will make it anyway. I don't know that this would mean anything to you Mr. Smith, and I don't know if this would be doable Mr. Idilbi, but looking at the site plan in terms of again the privacy aspect of parcel two and parcel three facing into Smith's backyard, would there be any way- and this comes to mind because near where I live in Plaza/Midwood I have a house that is kind of oddly oriented in this way with the tree save area in the back, would it be possible to orient parcel three to the rear of the property, such that only one of the three parcels would then face into the backyard of the Smiths and Smiths? I don't know if that makes any difference to you but it is an idea because I've seen a house like that in Plaza/Midwood that is kind of facing into the woods almost which maybe it feels like a mountain house. I don't know. I don't know if that addresses staff's concerns with the fact that two of the lots still not face the street, but maybe it makes some difference on housing facing into someone's backyard. Mr. Smith feel free to let me know if any of those things would address much of your concerns or if you feel like that really wouldn't make much difference. I don't want you guys to spin your wheels arguing over things that maybe I think are important if you are not going to care at the end of the day if those changes or modifications are made.

Mr. Smith said that City owned property used to be a lake back in the 40's and 50's; that is why there is a lot of water underground. There is a creek that flows to Sugar Creek from there, so that is where the source of the water is from. We have met with Mr. Idilbi several times and been willing to give him input on our initial reactions to his plans, and we are certainly willing to work with him in the future on how the property is developed. We just don't feel that rezoning is – we are not going to be able to come to an agreement on a development that requires this rezoning if that can crystalize sort of where we stand.

Mr. Egleston said so nothing similar to this plan is going to be something that you and your wife end up saying, okay now we feel good about it. It is not a matter of tweaking some things; it is just flat out not something you can come around. I appreciate your honesty on that, and the only thing I would say is the example that I give, and I give this to neighborhoods all over the place, but I think you all would be particular aware of the example that I use that houses on Matheson right now. There is three or four of them that are absolute monstrosities and are so out of context, and I would argue that they are a detriment to the fabric of the neighborhood, because they shade the little mill house next to it from the sun. I'm certain it gets like zero hours of sun a day now, and they have got to 4,000 or maybe 4,500 square feet. I don't know exactly what would be allowable on this parcel, but I think we all agree that at the end of a year or two from

now, that brick ranch house won't be there, whether this passes or fails. I don't know the answer is. I don't know what your preference would be or what anyone's preference would be, but I would consider the options as, is there something that could be changed about this plan that would make you like it more, two houses or better screening or whatever? Or you say no, we really want it to be one house but keeping in mind that it could end up being like one of those houses on Matheson Avenue that based on the headshake you are giving me, I don't think you really think is appropriate in NoDa either. I don't think it is; is that a better outcome, because that is probably the other outcome?

Mr. Winston said I just wanted to follow-up with Mr. Egleston; you asked about the water, and I didn't know do we have to request a certain water study? I remember Mr. Newton was dealing with some stormwater issues on a rezoning a couple months back, and we had to ask for a specific type of study to understand that water flow issue.

Ms. Keplinger said we will just follow-up with Storm Water Services and find out what has occurred in that area and see if they have any history that they can provide that we can therefore provide to Council.

Mr. Winston said I live probably a half mile from this site on Anderson Street; I've lived there since 2005, and I can tell you that area has seen massive changes. Just those three houses just to the left down Spencer Street have incredibly changed the flavor of the neighborhood. All of these houses going down Herrin Avenue pretty much started like these one story ranch houses, and they look completely different and I will say we cannot continue, and I'm not saying we need to continue the way things get done, but this neighborhood is constantly changing, and it is kind of pushing the boundaries of what housing in Charlotte looks like. I don't know totally where I stand on this, but this doesn't seem totally out of the nature to me of how development has been going, particularly in this immediate area over the past 15-years.

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

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ITEM NO. 24: HEARING ON PETITION NO. 2018-025 BY CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT FOR A CHANGE IN ZONING FOR APPROXIMATELY 108.00 ACRES LOCATED NORTH OF WILKINSON BOULEVARD, EAST OF I-485 AND SOUTH OF I-85 FROM B-2 (GENERAL BUSINESS), I-2 (GENERAL INDUSTRIAL), R-3 (SINGLE FAMILY RESIDENTIAL) AND R-MH (RESIDENTIAL MANUFACTURED HOUSING) ALL LLWPA (LOWER LAKE WYLIE PROTECTED AREA) AND AIR (AIRPORT NOISE OVERLAY) TO I-2 LLWPA AIR (GENERAL INDUSTRIAL, LOWER LAKE WYLIE PROTECTED ARES, AIRPORT NOISE OVERLAY) AND I-2(CD) LLWPA AIR (GENERAL INDUSTRIAL CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY).

Mayor Pro Tem Eiselt declared the hearing open.

Tammie Keplinger, Planning said this property is located just south of I-85 on the west side of town and I-485 outer belt and Highway 74/Wilkinson Boulevard. The Airport is to the south and Tuckaseegee Road runs right through the property. If you are driving down Tuckaseegee Road, when you hit this property you will see that it is pretty much a rural area. Todd Road had multiple single-family homes and so did Tuckaseegee Road; all of those homes have been purchased and some of them have been demolished. Right now there are four single-family homes and three storage buildings or garages remaining. One of the homes is occupied and the folks are moving out on June 15, 2018, and all of those structures will be demolished after that point. This property is a [inaudible] that incorporate about 108 acres. The request is to rezone to I-2(CD), and the property is in the Lower Lake Wylie Protected Area and in the Airport Noise Overlay.

The Southwest District Plan from 1991 recommends industrial and office uses for all of the properties that are in question tonight. You can see between I-85 Barry Drive, Wilkinson Boulevard, and I-485, this whole area is really commended for some type of industrial development. In terms of this request, it is for a mixed-use development with 2.4 million square feet of buildable area; the uses include warehousing, warehouse distribution, office and other industrial uses allowed by right or under prescribed conditions in the district. There are uses that are prohibited, and they are shown on the site plan and in the staff analysis. In terms of transportation, there are multiple transportation improvements that are provided with this request including improvements along I-485 ramps at Highway 74 and new alignment on Tuckaseegee Road with pedestrian and bicycle accommodations and commitments to a new Industrial Drive with pedestrian and bicycle accommodations.

The site plan shows a large building area, auto parking envelopes, additional parking, potential tree save areas and water quality areas. It shows a realignment of Tuckaseegee Road. Unless you have questions about the transportations, I'm going to skip over that, and if you have questions C-DOT can come up and respond to those. In terms of the outstanding issues we do have a few related to the dedication of right-of-way and the clarification of the building square footage. The site plan shows it as two different things in two different places, so that is just a minor issue, but the petition is consistent with the South District Plan. The property is located close to the Airport and the interstates, it is warehouse distribution, industrial use, which is appropriate in the Airport Noise Overlay, and it is compatible with the industrial uses that are proposed for this area and, in addition it provides additional road connections and street improvements that will provide improved access to the site and creating additional street network in the area. Staff is recommending approval upon the resolution of the outstanding issues.

Stuart Hair, 5601 Wilkinson Boulevard said staff thanks for that great overview of the rezoning petition. I've got a couple quick slides just to provide some context regarding this rezoning petition, and I welcome any further dialogue that is appropriate. I am Director of Economic Community Affairs, for the Aviation Department; it has been my pleasure to manage this project internally for the Airport, in addition with other staff that have been involved with it including our Leadership Team that is here tonight.

You may be familiar with the Airport Area Strategic Development Plan that we are implementing as Project [inaudible]. This looks at how we utilize for commercial development the approximately 2,000 acres that we control that are not necessarily for aeronautical activity. This was a plan that was completed about a year ago, and we've been working busily to implement this program.

Three primary objectives for the plan is that we further the Aviation Department's need to be financially self-sustaining, that we use land that we control, and that we insure that that land reuse is compatible with aeronautical activity. We began acquiring property within this site in the 80's, as part of our noise compatible program. We have acquired the land because it was residential, which is not compatible with aeronautical activity. Further it was heavily impacted by the I-485 construction and the existing neighborhood was bisected by that, so we have acquired the land over the years for that and now we are looking to sell the land for redevelopment to a compatible land use.

The site plan Ms. Keplinger went over, transportation is a quick overview here of some improvements that will be made as part of this program.

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

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ITEM NO. 25: HEARING ON PETITION NO. 2018-028 BY POLLACK SHORES FOR A CHANGE IN ZONING FOR APPROXIMATELY 28.05 ACRES LOCATED ON THE NORTH SIDE OF SHOPTON ROAD, WEST OF I-485 (OUTSIDE THE CITY LIMITS) FROM R-3 LLWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA), MX-1 LLWPA (MIXED USE, LOWER LAKE WYLIE PROTECTED AREA), AND CC LLWPA (COMMERCIAL CENTER, LOWER LAKE WYLIE PROTECTED AREA) TO R-17MF(CD) LLWPA (MULTIFAMILY RESIDENTIAL CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said for orientation, the Airport is right up here; this is I-485 coming around. Shopton Road crosses Steele Creek Road and comes out here, and the property is right on Shopton Road across from the Premium Outlet Mall, and it is a request for 330 apartments, four-story buildings and the surroundings include the Outlet Mall over here. The Berewick Development is down in here. There are apartments right in here; there is approval for 17 units per acre right there. There is a public school right here, so it is in the midst of an awful lot of goings on. The Dixie/Berryhill Strategic Plan calls for a different series of land uses, non-residential uses primarily. That has been changed dramatically by the approval of the Outlet Mall, which has made some big changes in the surrounding areas. The proposal that is before us calls for a public road coming into the site and then circulating around making a connection to the various buildings. There is also a second way in and out which would be a gated exit there. Again there are streams and such; there is actually a major future public park just north of here as well. Again, there is multifamily already approved, 17 units per acre adjacent to there. The plan is inconsistent with the Dixie/Berryhill Plan, but we are supporting this redevelopment upon resolution of the outstanding issues that includes a little bit on site access and transportation improvements and their timing and a little bit on tree save calculations so minor points that can be dealt with. It is located across Shopton Road from the Outlet Mall; it is adjacent or connected to other multi-family properties that are in immediate proximity. There is a church. There is a park; there is a school immediately adjacent, so the development here has not followed the Dixie/Berryhill Plan, but it is consistent with the general principles and general orientation of properties around, so we are recommending approval.

Keith MacVean, 100 North Tryon Street said I am assisting Pollack Shoes with this rezoning petition. With me tonight is Palmer McArthur and Michael Oliver with Pollack Shores, as well as Eddie Moore with McAdams Engineering Group. Mr. Main did a great job explaining the site; it is a parcel located between the Premium Outlet Mall and the Berewick Regional Park just east of Berewick Elementary School and east of Berewick Neighborhood. It is about 27 acres, 330 units just roughly about 12 units to the acre, a fairly low density site. A lot of open space, there are some creeks and other features here that need to be preserved due to the fact that it is in the Lower Lake Wylie Protected Area or critical area. We do have public streets coming to the site off of Shopton Road, an emergency access here for fire access as a second gated access. We have reconfigured the access here slightly to create a better flow and to accommodate public streets as well the stream that was coming in that needs to be preserved. Again, a large amount of open space will help serve or utilize the existing Berewick Town Center Commercial area, as well as support the Premium Outlet Mall.

Loren Schofield, 7425 Hamilton Bridge Road said I am a Berewick resident; I live almost next door to this thing, and it is a good thing compared to many of what we could have feared for our community. I'm speaking in favor of the rezoning petition; I've been in the neighborhood since 2015 located very, very close to the properties. We in Berewick, my village has about 350 single-family homes, all constructed within the last three years, but we are part of the larger Berewick Homeowners Association. We've got about 2,200 residential properties that basically run from our village on to the south. The Pollack Shores representatives reached out previously to both my neighborhood and to the Steele Creek Association for our input on their proposal, and I really appreciate the architectural changes they incorporated as a result. They made it much more harmonious with the general theme and the look of Berewick, using sort of a

Scottish theme with some stone and some brick. That was off to a good start and also based on meetings with the Steele Creek Residents Association Land Use Committee. It is the community's opinion that Pollock Shores rezoning and sight design is a very reasonable use of these assembled properties or actually putting together I think two or three different properties, because that site topography is really rough. It is a very severe topography, not easily adapted, and we think this is a very good use in that regard. It does have good proximity to the I-485 and highway 160 interchange. It is obviously right across the street from the Premium Outlet, and it is good proximity to the Airport. As previously mentioned, they are seeing R-17 approval, but we are pleased that the actual density, because of the green areas they've got will be more like 12 which is much more desirable.

Councilmember Mayfield said Keith, are you all looking to have this annexed into the City, and who is doing the sewer and trash pick-up and all of that?

Mr. MacVean said it will be served by Charlotte Water for sewer and water; at this time it does not look like this site will be annexed into the City. Garbage service will be by the developers responsibility and fire protection will be by Volunteer Fire Department, but at this time the petitioner is not contemplating annexing into the City.

Ms. Mayfield said how do we let the community know that? Because it is so close to the Berewick, and we already are having challenges in the area with the amount of development to differentiate this potential proposal of over 300 units so close to what is a part of the City of Charlotte. If there is a problem, they are going to be calling and not have representation to be perfectly honest, because you are outside of the City limits.

Mr. MacVean said I will make sure we talk to Pollock Shores and make sure they that they know. They are aware that it will not be in the City and is not currently in the City and they will make sure that their residents are also aware of that as they move in.

Ms. Mayfield said do we have the ability to request that something is stated in the deed to insure that residents moving in are made aware of if they are looking on line at moving into a potential development like this where it can be clearly identifiable that they are outside of Charlotte City Limits and not a part of Charlotte proper?

Terrie Hagler-Gray, Senior Assistant City Attorney said no, I would recommend that you not make that a note in the plan. You may ask the petitioner if he would do that but not an actual note in the plan, because deed restrictions are beyond your land-use authority.

Councilmember Ajmera said as I was reviewing this, I looked at the Strategic Plan, and it recommends park and open space for a portion of this site and some that is recommended as office, retail. Could you tell us, which one is the park and open space recommendation?

Mr. MacVean said this was the original plan for Berewick; the Master Plan and a good portion of this site was actually zoned as part of Berewick, so they were selling for multifamily and single family as a part of that. That area you see here has already been acquired by the County and has been developed as the Berewick Regional Park, so there are already fields there. It is part of the Berewick Elementary. There is a road that goes in here and the County has future plans to continue to develop this regional park, which I think is over 200 acres in size. None of this property was originally contemplated to be part of the park; it is actually zoned MX-1, CC and R-3. The R-3 is here, MX-1 was here and a little bit of a commercial center here. At one point in time, the Berewick Neighborhood Center was actually at this intersection but was eventually moved to its current location on Steele Creek Road at Dixie River Road. We did communicate with County Parks and Rec, regarding access to the park, and we are providing bike and pedestrian access to the park. The park was not interested in having a roadway connection from this site to the park, so there will be bike and Ped connection here to the Berewick Regional Park but not actually roadway connection. All this area here will be open space but will be part of the apartment community but as

Loren mentioned there is some severe topography in this area, the stream and the topography in this area really prevent it from being developed, so it ends up being a lot of open space here as well as here.

Ms. Ajmera said in the Area Plan where it says office, retail, and light industrial use, is that the portion that is being developed?

Mr. Main said that is essentially this site, yes. That land use designation was also applied to the Outlet Mall itself as well, so that change sort of made a rather significant change to the dynamics of this area as it focused on retail rather than business uses in this area.

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

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ITEM NO. 26: HEARING ON PETITION NO. 2018-029 BY METROLINA PROPERTIES, LTD, PTSP FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.78 ACRES BOUNDED BY NORTHLAKE CENTRE PARKWAY AND I-485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND BP (BUSINESS PARK) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said we are moving right up I-485 from where we were before up to the intersection of I-77 and I-485. The location is very close to Northlake Mall; this is Northlake Mall Drive, so this is Northlake Centre Parkway, which goes through some of the retail areas of Northlake to where it crosses I-485. This is a vacant parcel just north of the existing multifamily, just below that. It is 15 acres, and it is being developed at about 19 units per acre. The Northlake Area Plan calls for a mixture of retail, office, and residential uses. It also very specifically says that residential uses would be acceptable as a stand alone use at this location. The site plan calls for 300 multi-family units, and that is 19 units per acre. The buildings are four-stories, up to 12 buildings. It is an extension of Tisbury Road, which is a part of a multifamily just south of there, extended on into what is the site now and meeting with Northlake Centre Parkway, with a full intersection there to get in and out. There is parking along the streets; there are buildings up to the street and sidewalks along the edge and all the facilities that you would usually expect in terms of amenities in the area. The outstanding issues regards specific improvements and timing and how that plays out, environmental related to tree save area, the site and building design related to specifically a couple of parking locations where we are asking for a little bit different and some other technical revisions. We are recommending approval of this plan; it is consistent with the Northlake Area Plan. The density is appropriate and it is in close proximity to the Mall so it is within good walking distance of a number of other uses.

Keith MacVean, 100 North Tryon Street said I want to thank staff for their support. The site is consistent with the Northlake Area Plan. The Sterling Group is a multi-generation multi-family developer, with over 45 years of experience. They are also developing two other multi-family sites in the City currently. We will work with staff to address the remaining outstanding issues. We will not be able to comply with C-DOT's request for a contribution to a future signal; the site doesn't generate enough traffic to justify a traffic signal. There is a large vacant parcel across Northlake Centre Parkway; we feel it is more appropriate when that comes in the location, and the timing of the signal be part of that future development as opposed to part of this development at this time. We are making improvements along Northlake Centre Parkway in terms of eight-foot sidewalks, eight-foot planting strip. It does get a little narrower here, due to environmental features. There is a creek, a culvert, and a bridge at this location, we have to narrow the sidewalk or the planting strip slightly to accommodate that. It does continue the existing street network that has already been developed in the area and

finishes that out as public streets. The buildings are oriented toward those public streets and Northlake Centre Parkway. This portion of the site is not being rezoned; that is being left for future development and a future rezoning at a later date that we will be back in front of the Council.

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

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ITEM NO. 27: HEARING ON PETITION NO. 2018-031 BY CITISCUPT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.49 ACRES LOCATED ON THE SOUTH SIDE OF KENILWORTH AVENUE, EAST OF HARDING PLACE FROM O-2 PED (OFFICE, PEDESTRIAN OVERLAY) TO MUDD-O PED (MIXED USE DEVELOPMENT, PEDESTRIAN OVERLAY).

Mayor Pro Tem Eiselt declared the hearing open.

Tammie Keplinger, Planning said this is property is located at the corner of Kenilworth Avenue and Harding Place. If you drive in this area there are a lot of changes going on; there is a 225 multi-family development beside this site, mixed-use development across the street, a church on the other side of Kenilworth Avenue, and the house that is shown on this aerial has already been removed pending future development.

The land use plan is the Midtown/Morehead/Cherry Area Plan, from 2012, which recommends office, retail for the site and most of the surrounding properties. The request is for an office building with subterranean climate controlled storage. The maximum height of the building is 100-feet; the building entrance will be at the street corner. I'm not going to go through all the details there; all of the information is in your notebook. There are two optional requests for a seven-foot encroachment into the 22-foot setback and no parking spaces for the self-storage facility.

This is the elevation from Harding Place; one important note the climate controlled storage will not have access from the exterior, so it will all be interior. That is the Kenilworth elevation, and the proposed request is a portion of it is consistent with the area plan which is the office component. The self-storage component is inconsistent with the area plan but because of the limitations on it through the site plan, staff is recommending approval. We have a couple outstanding issues related to square footage that needs to be provided in transportation construction timing.

Bridget Grant, 100 North Tryon Street said I'm sure you will be happy to hear I don't have a presentation. Staff has covered everything tonight. We are going to address the two outstanding issues on the plan, and I'm happy to answer any of your questions. We are assisting CitiSculpt on this rezoning.

Councilmember Winston said I just have one concern with this area over here period. I do go this bank over here, and I do know Harding Place and Greenwood Cliff, and it is really difficult and dangerous at times to turn out there and with this much more traffic on there I don't know but that is a dangerous turn left and right coming out already right now, and I would have concerns about the increased traffic there.

Joanna Quinn, Transportation said with the development across the street there is a signal planned at the Harding Place/Kenilworth Avenue location with a different property.

Councilmember Phipps said what is a subterranean storage facility look like?

Ms. Grant said it is climate controlled storage below ground.

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

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ADJOURNMENT

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

The meeting was adjourned at 10:30 p.m.

A handwritten signature in black ink, reading "Stephanie C. Kelly". The signature is written in a cursive, flowing style.

Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 8 minutes
Minutes Completed July 10, 2018