

ZONING BRIEFING

The City Council of the City of Charlotte, North Carolina convened for a Zoning Briefing on Monday, March 18, 2019 at 12:04 p.m. in the Eighth Floor Conference Room of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Larken Egleston and Braxton Winston II.

ABSENT: Councilmembers Dimple Ajmera, Ed Driggs, Julie Eiselt, Justin Harlow, LaWana Mayfield, and James Mitchell.

ABSENT UNTIL NOTED: Councilmembers Tariq Bokhari, Matt Newton, and Greg Phipps.

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David Pettine, Planning provided Councilmembers with a list of petitions that are requesting deferral; Item No. 5: Rezoning Petition 2018-144 by Portman Holdings; Item No. 6: Rezoning Petition 2017-186 by Drakeford Co.; and, Item No. 7: Rezoning Petition 2018-012 by Harrison Tucker & John Perovich.

Councilmember Egleston asked about the Traffic Study for Item No. 8.

Felix Obregon, Transportation said a Technical Traffic Memorandum was done which is same as Traffic Study except a fewer number of intersections are studied.

Councilmember Bokhari arrived at 12:07 p.m.

Councilmember Phipps arrived at 12:09 p.m.

Mr. Egleston spoke about Rezoning Petition 2018-097. He asked about on-street parking and noted the lack of parking on Central Avenue that will result if this petition is approved because it will eliminate all the overflow parking. He asked that the Planning Department look at parking and transportation as a whole on Central Avenue.

Councilmember Phipps asked how Item No. 11: Rezoning Petition 2018-134 by HH Hunt will impact Independence Road which is a farm-to-market road.

Mr. Obregon said they will widen the road.

Councilmember Winston asked about proposed amenities; does the developer propose those or does the City regulate them?

Mr. Pettine said that falls under the open space requirement; sometimes they specify what amenities. This time it is a dog park; we don't get into our preferences, just leave it up to them.

Mr. Winston said what leverage do we have to influence amenities i.e. parks for people versus dog parks while we are trying to build better communities?

Councilmember Newton arrived at 12:32 p.m.

Mr. Phipps asked if staff supports Item No. 14: Rezoning Petition 2018-140 by Profile Management, LLC.

Mr. Pettine said yes, there are two outstanding issues but nothing significant. He said it doesn't impact the overall project.

Mayor Lyles noted that there are a large number of speakers signed up to speak about Item No. 18: Rezoning Petition No. 2018-169 by Charlotte Planning, Design and Development Department, which is the Transit-Oriented Development (TOD) text amendment. Councilmembers present agreed to allow two minutes per speaker.

Mr. Bokhari commented on Item No. 33: Rezoning Petition 2018-167 by Verde Homes, LLC. He said there is an active group of neighbors who have made some very valid points and staff isn't proposing approval. Why is the petitioner requesting deferral? What will deferral do?

Mr. Pettine said the petition is slated for 55 and older; promoting 12 units, but maybe the developer will drop the number of units.

Mr. Bokhari said I just wanted to make sure the developers aren't wasting their time.

Mr. Pettine said we don't know why they deferred.

The meeting was recessed at 12:58 p.m.

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DINNER MEETING

The City Council of the City of Charlotte, North Carolina reconvened for their regularly scheduled Zoning Meeting on Monday, March 18, 2019 at 5:07 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, Greg Phipps, and Braxton Winston, II.

ABSENT: Councilmembers Ed Driggs, James Mitchell, and Matt Newton.

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Due to technical difficulties there was no audio for the Dinner Meeting; the minutes are summary minutes and not verbatim.

David Pettine, Planning reviewed the agenda for the evening. He said that there were 11 petitioners requesting deferrals; the following are scheduled for decisions: Item Nos. 5, Petition No. 2018-144 by Portman Holdings; Item No. 6, Petition No.2017-186 by Drakeford Co.; Item No. 7, Petition No. 2018-012 by Harrison Tucker & John Perovich; Item No. 8, Petition No. 2018-097 by Stamatis Tsilimos; and, the following are scheduled for hearings: Item Nos. 16, Petition No. 2019-002 by Laurel Street Residential, LLC; Item No. 17, Petition No. 2019-003 by Laurel Street Residential, LLC; Item No. 21, Petition No. 2018-152 by Kyle Short; Item No. 23, Petition No. 2018-110 by Mattamy Homes; Item No. 25, Petition No. 2018-126 by Exeter Meadow Oak, LLC; Item No. 26, Petition No. 2018-128 by James Poutier; and on Item No. 33, Petition No. 2018-167 by Verde Homes, LLC all to April 15, 2019.

The meeting was recessed at 5:28 p.m. to move to the Meeting Chamber for the regularly scheduled Zoning Meeting.

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ZONING MEETING

The City Council of the City of Charlotte, North Carolina reconvened for their regularly scheduled Zoning Meeting on Monday, March 18, 2019 at 5:32 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Larken Egleston, Julie Eiselt, Justin Harlow, LaWana Mayfield, Greg Phipps, and Braxton Winston, II.

ABSENT: Councilmembers Ed Driggs and James Mitchell

ABSENT UNTIL NOTED: Councilmember Matt Newton

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INVOCATION AND PLEDGE

Mayor Lyles gave the Invocation followed by the Pledge of Allegiance to the Flag.

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EXPLANATION OF ZONING MEETING

Mayor Lyles explained the Zoning Meeting rules and procedures.

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DEFERRALS

Motion was made by Councilmember Egleston and seconded by Councilmember Mayfield, to defer a decision on Item No. 5, Petition No. 2018-144 by Portman Holdings; a decision on Item No. 6, Petition No. 2017-186 by Drakeford Co.; a decision on Item No. 7, Petition No. 2018-012 by Harrison Tucker & John Perovich; a decision on Item No. 8, Petition No. 2018-097 by Stamatis Tsilimos; a hearing on Item No. 16, Petition No. 2019-002 by Laurel Street Residential, LLC; a hearing on Item No. 17, Petition No. 2019-003 by Laurel Street Residential, LLC; a hearing on Item No. 21, Petition No. 2018-152 by Kyle Short; a hearing on Item No. 23, Petition No. 2018-110 by Mattamy Homes; a hearing on Item No. 25, Petition No. 2018-126 by Exeter Meadow Oak, LLC; a hearing on Item No. 26, Petition No. 2018-128 by James Poutier; and a hearing on Item No. 33, Petition No. 2018-167 by Verde Homes, LLC to April 15, 2019.

Councilmember Bokhari said for any constituents of my that were here or reached out about Petition No. 2018-167, that is the petition on the east side of Sardis Road between Oak Creek Drive and Creek Valley Drive. I know that today we got word that the petitioner asked for a deferral of one month. We are supporting that one-month deferral, but I've relayed, and we've made it clear that that level of density without many changes from what we've seen right now, next month isn't going to have very good odds of being approved just with the extra month. They asked for a month to work with the community and staff; we will give them that but, I just want any community members, and there were many of you, and I haven't responded to all of the e-mail yet, but just know that we are on it, and we've given them an extra month but we have some concerns as well.

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

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HISTORIC LANDMARKS

ITEM NO. 4: REGINALD ARMISTICE HAWKINS HOUSE

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to adopt Ordinance No. 9523-X, approving historic landmark designation for the Reginald Armistice Hawkins House (listed under Tax Parcel Number 07839808 including the interior and the exterior of the house, the land and all landscape features associated with tax parcel as an Historic Landmark.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 99-104.

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DECISIONS

ITEM NO. 9: ORDINANCE NO. 9524-Z, PETITION NO. 2018-123 BY TOPGOLF INTERNATIONAL, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 14.20 ACRES LOCATED ALONG MCFARLANE BOULEVARD, AND SOUTH OF UNIVERSITY CITY BOULEVARD FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Hamm, seconded by Gussman, to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the University City Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan amended by the prior rezoning recommended EDEE and outdoor entertainment uses consisting of golf related activities on the subject property. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the use is consistent with the land use plan and the proposed digital signage will provide a 0.0 foot candle visibility level beyond the site's boundaries, to limit light pollution and the existing 50-foot buffer along the site's property line adjacent to I-85 will be enhanced with landscaping by the petitioner to reduce visibility to a condition generally depicted on the rezoning plan. If the existing 50-foot buffer along the site's property line adjacent to I-85 becomes insufficient so as to allow visibility of screens from the vehicular viewpoint of I-85, the petitioner shall enhance the landscaping within the buffer area to reduce visibility to a condition generally depicted on Sheet 4 of this Rezoning Plan and the proposed signs are located internal to the site.

Motion was made by Councilmember Phipps, seconded by Councilmember Ajmera, and carried unanimously to approve this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the University City Area Plan, based on the information from the final staff analysis and the public hearing and because the plan amended by the prior rezoning recommended EDEE and outdoor entertainment uses consisting of golf related activities on the subject property. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the use is consistent with the land use plan and the proposed digital signage will provide a 0.0 footcandle visibility level beyond the site's boundaries, to limit light pollution and the existing 50-foot buffer along the site's property line adjacent to I-85 will be enhanced with landscaping by the petitioner to reduce visibility to a condition generally depicted on the rezoning plan. If the existing 50-foot buffer along the site's property line adjacent to I-85 becomes insufficient so as to allow visibility of screens from the vehicular viewpoint of I-85, the petitioner shall enhance the landscaping within the buffer area to reduce visibility to a condition generally depicted on Sheet 4 of this Rezoning Plan and the proposed signs are located internal to the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 105-106.

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ITEM NO. 10: ORDINANCE NO. 9525-Z, PETITION NO. 2018-133 BY CITY OF CHARLOTTE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.28 ACES LOCATED AT THE INTERSECTION OF PROVIDENCE ROAD WEST AND BALLANCROFT PARKWAY, WEST OF JOHNSTON ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends single family residential at three dwelling units per acre. However, we find this petition to

be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because while the plan recommends single family land use, the parcel is surrounded by office, retail, and multi-family land uses developed since the plan was written and area plans generally do not specify the locations for new institutional uses such as government buildings and the requested government building is appropriate given its siting on a major thoroughfare, and near the intersection with Johnston Road and the proposal is an additional element in an emerging walkable concentration of non-residential uses in its vicinity and the proposed facility will provide a city service to the area and the proposed site plan commits to setbacks consistent with existing development along Providence Road West and allows for future connections across the site from the remaining portion of the parcel to Ballancroft Parkway. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential at three units per acre to institutional use for the site.

Motion was made by Councilmember Bokhari, seconded by Councilmember Ajmera, and carried unanimously to approve this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the South District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends single family residential at three dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because while the plan recommends single family land use, the parcel is surrounded by office, retail, and multi-family land uses developed since the plan was written and area plans generally do not specify the locations for new institutional uses such as government buildings and the requested government building is appropriate given its siting on a major thoroughfare, and near the intersection with Johnston Road and the proposal is an additional element in an emerging walkable concentration of non-residential uses in its vicinity and the proposed facility will provide a city service to the area and the proposed site plan commits to setbacks consistent with existing development along Providence Road West and allows for future connections across the site from the remaining portion of the parcel to Ballancroft Parkway. the approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential at three units per acre to institutional use for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 107-108.

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ITEM NO. 11: ORDINANCE NO. 9526-Z, PETITION NO. 2018-134 BY HH HUNT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 20.03 ACRES LOCATED AT THE INTERSECTION OF OLD STATESVILLE ROAD AND INDEPENDENCE ROAD, SOUTH OF I-485 FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Samuel) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends transit oriented uses for this site. Therefore we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed multi-family use is consistent with the transit oriented mixed-use development recommended for this site, made with the assumption that the Red Line Commuter Rail would be a funded and active project and even though the alignment and transit mode of the proposed north corridor Red Line is currently being re-analyzed by CATS, the proposed land use is appropriate for this location, across from residential development and located adjacent to Interstate 485 and the multi-family development can provide a transition between the industrial development to the west of the site, and single-family development to the east of the site.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously to approve this petition and adopt the following Statement of Consistency: That this petition is found to be consistent with the Northlake Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends transit oriented uses for this site. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed multi-family use is consistent with the transit oriented mixed-use development recommended for this site, made with the assumption that the Red Line Commuter Rail would be a funded and active project and even though the alignment and transit mode of the proposed north corridor Red Line is currently being re-analyzed by CATS, the proposed land use is appropriate for this location, across from residential development and located adjacent to Interstate 485 and the multi-family development can provide a transition between the industrial development to the west of the site, and single-family development to the east of the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 109-110.

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ITEM NO. 12: ORDINANCE NO. 9527-Z, PETITION NO. 2018-135 BY WOODLAWN STATION HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATE 1.49 ACRES LOCATED ON THE WEST SIDE OF OLD PINEVILLE ROAD, NORTH OF SPRINGBROOK ROAD AND SOUTH OF WOODLAWN ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-R-(O) (TRANSIT ORIENTED DEVELOPMENT, RESIDENTIAL OPTIONAL).

The Zoning Committee voted 6-1 (motion by Gussman, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the transit oriented development vision of the Woodlawn Transit Station Area Plan but inconsistent with the specific use recommended based on the information from the post hearing staff analysis and the public hearing and because the plan recommends employment based transit oriented development for the site. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposal is generally consistent with the long-term vision for the transit station area plan to provide a high intensity mix of transit supportive uses within walking distance of the transit station and the subject site is directly adjacent to the Woodlawn Station Park and Ride lot, and within a ¼ mile walk of the station on the LYNX Blue Line and the proposal allows a site previously used for industrial/office purposes to be redeveloped with a transit supportive project and the site plan supports future increased connectivity by reserving right-of-way for future streets recommended in the transit station area plan and by installing planting strips and sidewalks along the reserved right-of-way along the northern and western edges of the site. The approval of this petition will revise the adopted future land use as specified by the Woodlawn Transit Station Area Plan, from transit oriented development - employment to transit oriented development - residential.

Motion was made by Councilmember Mayfield, seconded by Councilmember Harlow, and carried unanimously to approve this petition and adopt the following Statement of Consistency: That this petition is found to be consistent with the transit oriented development vision of the Woodlawn Transit Station Area Plan but inconsistent with the specific use recommended based on the information from the final staff analysis and the public hearing and because the plan recommends employment based transit oriented development for the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposal is generally consistent with the long-term vision for the transit station area plan to provide a high intensity mix of transit supportive uses

within walking distance of the transit station and the subject site is directly adjacent to the Woodlawn Station Park and Ride lot, and within a ¼ mile walk of the station on the LYNX Blue Line and the proposal allows a site previously used for industrial/office purposes to be redeveloped with a transit supportive project and the site plan supports future increased connectivity by reserving right-of-way for future streets recommended in the transit station area plan and by installing planting strips and sidewalks along the reserved right-of-way along the northern and western edges of the site. The approval of this petition will revise the adopted future land use as specified by the Woodlawn Transit Station Area Plan, from transit oriented development - employment to transit oriented development - residential.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 111-112.

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ITEM NO. 13: ORDINANCE NO. 9528-Z, PETITION NO. 2018-139 BY DAVIDLAND, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.44 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD, SOUTH OF I-485 AND EAST OF I-77 FROM B-D(CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL) TO I-1 (LIGHT INDUSTRIAL).

The Zoning Committee voted 7-0 (Motion by McClung, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northlake Area Plan based on the information from the post hearing staff analysis and the public hearing and because the plan recommends retail land use. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site was rezoned for a hotel use that was never built, changing the proposed land use to retail from light industrial and the Northlake Area Plan, prior to the rezoning that amended the plan, recommended a mix of office, retail and industrial uses for this site and surrounding area and the site is adjacent to the interchange of Interstate 77 and 485, and is surrounded by industrially zoned property. The plan amended by the prior rezoning recommended EDEE and outdoor entertainment uses consisting of golf related activities on the subject property. The approval of this petition will revise the adopted future land use as specified by the Northlake Area Plan, from retail use to industrial/warehouse/distribution uses for the site.

Motion was made by Councilmember Harlow, seconded by Councilmember Mayfield, and carried unanimously to approve this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northlake Area Plan based on the information from the final staff analysis and the public hearing and because the plan recommends retail land use. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site was rezoned for a hotel use that was never built, changing the proposed land use to retail from light industrial and the Northlake Area Plan, prior to the rezoning that amended the plan, recommended a mix of office, retail and industrial uses for this site and surrounding area and the site is adjacent to the interchange of Interstate 77 and 485, and is surrounded by industrially zoned property. The plan amended by the prior rezoning recommended EDEE and outdoor entertainment uses consisting of golf related activities on the subject property. The approval of this petition will revise the adopted future land use as specified by the Northlake Area Plan, from retail use to industrial/warehouse/distribution uses for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 113-114.

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ITEM NO. 14: ORDINANCE NO. 9529-Z, PETITION NO. 2018-140 BY PROFILE MANAGEMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 11.87 ACRES LOCATED ON THE SOUTH SIDE OF RIDGE ROAD, WEST OF I-85 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by McClung, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential up to eight units per acre for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed multi-family residential development will provide a mix of housing in the area and the site is located north of the Interstate 85 and 485 interchanges, just south of the Concord Mills activity node in Cabarrus County and the proposed site plan is providing two public streets as per Subdivision Ordinance requirements as development occurs, resulting in improved connectivity in the area.

Mayor Lyles said staff recommends approval of this petition upon resolution of outstanding issues related to site and building design. May I hear from the staff regarding those items?

David Pettine, Planning said those items are just some design requests; don't have any significant impact of create any significant concerns from staff.

Motion was made by Councilmember Phipps, seconded by Councilmember Harlow, and carried unanimously to approve this petition and adopt the following Statement of Consistency: That this petition is found to be consistent with the Northeast Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential up to eight units per acre for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed multi-family residential development will provide a mix of housing in the area and the site is located north of the Interstate 85 and 485 interchanges, just south of the Concord Mills activity node in Cabarrus County and the proposed site plan is providing two public streets as per Subdivision Ordinance requirements as development occurs, resulting in improved connectivity in the area.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 115-116.

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ITEM NO. 15: ORDINANCE NO. 9530-X, PETITION NO. 2018-141 BY BROADSTREET HOMES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 17.90 ACRES LOCATED ON THE WEST SIDE OF HARRISBURG ROAD, NORTH OF CAMP STEWART ROAD, WEST OF MECKLENBURG SHRINE CLUB ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-4 (SINGLE FAMILY RESIDENTIAL).

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Rocky River Road Area Plan, based on the information from the post hearing staff analysis and the public hearing and because: The area plan recommends residential land uses up to four dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because: The proposed R-4 (single family residential) zoning district is consistent with the surrounding single family zoning districts in the area, which include R-3 (single family residential) and R-12 PUD

(residential, planned unit development); and The proposed zoning will maintain the low to moderate density residential character of the area because much of the surrounding area is also recommended for residential up to four units per acre.

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to approve this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Rocky River Road Area Plan, based on the information from the final staff analysis and the public hearing and because: The area plan recommends residential land uses up to four dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because: The proposed R-4 (single family residential) zoning district is consistent with the surrounding single family zoning districts in the area, which include R-3 (single family residential) and R-12 PUD (residential, planned unit development); and The proposed zoning will maintain the low to moderate density residential character of the area because much of the surrounding area is also recommended for residential up to four units per acre.

The Ordinance is recorded in full in Ordinance Book 62, at Page(s) 117-118.

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EXPLANATION OF ZONING HEARINGS

Mayor Lyles explained the rules and procedures for Zoning Hearings.

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INTRODUCTION OF THE PLANNING COMMITTEE

Mayor Lyles said our Planning Commission has 14-appointed citizens and it is established as an advisory body to the City Council. The Planning Committee is a sub-committee of the Commission, and they are here tonight and they will provide us with their recommendation on the appropriateness of Petition No. 2018-169, which is the new Transit Oriented Development zoning districts before us. This Committee is Chaired by Victoria Nwasike, and I would like for her to introduce the members of the Planning Committee.

Victoria Nwasike, Chairperson of the Planning Committee introduced members of the Planning Committee and said the Planning Committee will meet on Tuesday, March 19, 2019 at 5:00 to discuss and make a recommendation on Petition No. 2018-169 that has a public hearing tonight. The public is welcome at that meeting, but it is not a continuation of this meeting that is being held tonight. Prior to that meeting, you are welcome to contact us to provide input; you can find our contact information and information on all the petitions on the City's website at chlotteplanning.org.

Mayor Lyles said in addition to the Planning Committee of the Planning Commission, the Charlotte City Council Transportation and Planning Committee will also provide their input and a recommendation on the Text Amendment and their meeting is March 25, 2019 at 10:30 a.m. in Room 280 of the Government Center. If you would like to attend that Committee meeting you are welcome to do so as well.

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HEARINGS

ITEM NO. 18: HEARING ON PETITION NO. 2018-169 BY CHARLOTTE PLANNING, DESIGN AND DEVELOPMENT DEPARTMENT FOR AN AMENDMENT TO THE ZONING ORDINANCE TO REPLACE THREE EXISTING TRANSIT ORIENTED DEVELOPMENT DISTRICTS WITH FOUR NEW TRANSIT ORIENTED DEVELOPMENT DISTRICTS AND REGULATIONS. THESE FOUR NEW DISTRICTS ARE THE FIRST PHASE OF THE CITY'S UNIFIED DEVELOPMENT ORDINANCE (UDO).

Mayor Lyles declared the hearing open.

Mayor Lyles said the first thing that I want to note is that there has been a little bit of a social media saying that we are going to vote on this tonight; that is not accurate. This is a public hearing, not a vote. The vote will take place after the Planning Committee makes its recommendation and the staff does the review, and then it will be scheduled for the Council. I wanted to make sure. There is not a vote. This is a public hearing.

In addition to that, there was also on social media, I just love this, that people said the materials have changed, that there is something different about them. That too is inaccurate. The same materials that you have on the agenda that you looked at either on the City's website or from a paper copy of the agenda, the materials have remained the same.

Taiwo Jaiyeoba, Planning Director said I am joined by Monica Holmes who has been the Project Manager on the TOD Ordinance over the last several months. We are here tonight requesting a Text Amendment to our new Transit Oriented Development of TOD Districts regulations to our Zoning Ordinance. I would like to thank a few people, Tony Lathrop, Ordinance Advisory Committee and 40-members of the Committee for their time commitment for about the last year to this point. We actually had two groups; I loosely call the builder group and the user group. The builder group made up of developer and design professionals and the user group, which are more like the neighborhood representatives and committee advocacy groups as well. They have worked with us over 40 different public meetings, contributed over 1,000 comments and everyone who has been involved in that I really want to thank you. Resulting in five drafts of what you have in front of you tonight; that is no easy task. I want to thank everyone who has participated in countless one on one meetings with the developers or even small group meetings with staff to better understand the ordinance as well as provide feedback. The development community worked with us in providing proformas and construction numbers also that fed into our economic impact analysis.

Since adoption of our TOD Zoning District in 2003, more than three million square feet of office and commercial space has been built and in excess of \$2 billion in private investment around our stations. While those numbers sound very impressive, the fact is that they could be better and the development around our transit stations can actually go from good to great. Despite our best intentions in our current TOD Ordinance, there were short comings. We still have primarily auto oriented uses such as gas stations, car washes, drive-throughs around several of our stations. Again, uses are negotiated the subject to unpredictability and lack of transparency, and they definitely not enhancing the value of the billions in public dollars invested along the Blue Line and around our stations.

The proposed TOD Ordinance begins to change our narrative. It is the most significant revision that we have done to our ordinance in 15-years. It strengthens the policies that we have adopted whether through our South End Vision Plan or the University City Plan or the Blue Line Extension Transit Plan. It emphasizes open forms; it relies less on the negotiated rezoning process, focuses on form rather than use and allows a lot of creativity and flexibility in design. Perhaps most importantly, it aligns with community priorities, affordable housing, workforce development while providing a climate around our transit stations conducive to doing business. One of the most important changes in this proposed ordinance is the bonus height. Under the new ordinance, there will be public benefits in exchange for allowing a developer to build taller, but the bonus height only applies to

development that seeks to build above the maximum height in a TOD District. In order to achieve, this maximum height a developer has items to choose from, affordable housing or meeting the minority, women and small business enterprise standards, make environmental commitments or pay for transportation improvements.

So, in response to what we have from you and the development community where [inaudible] of a market economist, bay area or by an economist to conduct an economic analysis of the bonus height and to test such assumptions. The bay area economists matrix select their commercial developers, without staff in the room, develop their report which is before you, and that is also publicly available on line. One of the items tested and confirmed by BAE is that the developer who pays \$4.75 for each square foot added with a taller building in lieu of this bonus many items. That fee will then be put into the Housing Trust Fund for affordable housing construction and preservation. We also looked at cities that have similar ordinances in place and have recorded some degree of success, one of them being Pittsburg.

Tonight, you are going hear from different speakers, and I hope that everyone will testify to the creative and collaborative work that start from planning, housing, economic development, even our Department of Transportation have done on this ordinance. This ordinance is a major progressive way we want to maximize investment along our transit stations and lay the foundation for future transit corridors. If we invest \$1.6 billion in rail corridor we definitely want to do more than simply move people from A to B. It is critical that we strike economic return that equals the capital outlay.

So, in the future we envision a situation where people will board our trains or step out of a train station with what I call a total experience, not just because of your transit ride but also because of the quality of housing, the quality of development, businesses and amenities around the station. I would like to end this by saying the future adoption of this ordinance is by no means the end of this conversation with the community. The best practice by an effective planning process is to continue to adjust, to continue to involve people to continue to test and evaluate new ideas until we get there; however, we need to start from a good place and build to a great place. For our transit stations I firmly believe that this ordinance begins that process for us tonight. I'm going to invite Monica to kind of walk through what we analyzed over the past several months as a matter of fact and then we will be here to answer questions if you have any.

Monica Holmes, Planning said we will start here with our current rules, which Taiwo mentioned were adopted in 2003 and our current policy. Our current policy really sets the framework for which we are building the Transit Oriented Development Ordinance so, our most recent policy, the South End Vision Plan all the way to the Blue Line Station Area Plan. We also have to take into account and really have focused on other City priorities and other adopted priorities as we've done this work; affordable housing, jobs, infrastructure, and really it is building on what makes Transit Oriented Development great; so, how do we build walkable places, places where people can get access to their daily services and needs, places that are diverse? So, not only a diversity of people who use them but a diversity of types of development, a diversity of types of housing, a diversity of types of services where you can go to the grocery store. You can get a cup of coffee. You can do your dry cleaning all within walking distance of our transit stations. A place that is connected so, again focusing on that walkability and the connectivity. So, street connectivity, sidewalk connectivity and even connectivity between people who use transit stations. While zoning is the tool it has to build off of a framework of the policy and getting us connected to each other. Also, a vibrant City, so what makes TOD a vibrant environment? It is investing in its infrastructure and creating a framework and pilot to really have the total transit experience.

After looking at what our vision of TOD is, we really have to build the framework for the zoning, and that is all about a livable City where residents of all incomes again have that convenient access. So, we started this process, and if you've been a part of the journey from the beginning you are likely to have seen these, but we started this process really with the four [inaudible]; so, how do we build on foundation of work? So, building on the success of our light rail line there is \$4 billion of both planned and already built private

investment. We have to again, implement that adopted policy so the success of our adopted policy we have to use this as tool and really important is that this is a model for the new Unified Development Ordinance. So, Taiwo really hit on this that we have to get it in place; learn from it so that when we implement the entire Unified Development Ordinance we have a framework to start from. So, very important that we are really using this as a model.

The new ordinance emphasizes form so it is about creating great places and it really prioritizes design. So, we have learned through this process that our current TOD Ordinance is really a one size fits all approach. It doesn't have appropriate districts for all of our transit station areas and that is evident in the fact that we have nine transit station area that have had less than \$5 million of private investment in them. So, nine transit station areas that have very little economic activity happening, and we need to have zoning districts that really accommodate that flexibility. So, the new zoning districts, there are four of them and they range in intensities. We also want to provide flexibility when appropriate. So, the new districts have no parking required; the uses are fairly flexible, and we have a process with clear criteria to consider alternative designs. This is creating a new process with an appointed board to really evaluate specific design standards and how we can address creative design solutions.

Lastly, we want to improve the function; so, we want to prioritize and provide an opportunity for citywide goals. You see development bonuses in the Transit Oriented District for both affordable housing, jobs, environmental, and mobility options, and really we feel like at the end of the day this helps us with transparency, and it creates a transparent system where we have less complicated rezonings and less process with more predictability. The one thing we have heard loud and clear from our neighborhood representatives is make the rules clear and make them so they cannot be changed. It takes a lot of effort for people to come to these meetings, and we want a process that really is a transparent process so that when people invest in the area planning process, in the comprehensive planning process they know what they are getting, and it is predictable.

We've had four public meetings; the information on meetings we started in August; we had August, October, December and our last one in February. We've had over 30 meetings with our Ordinance Advisory Committee, and again, we mentioned that, the builder group and the user group, the development and design, neighborhood and sustainability. We've also had several stakeholder meetings with both advocates, neighborhoods, and development groups. We've done the third party economic analysis, which you received the results of that in your packages, and we've had over 1,000 comments so, everything ranging from people interested in market to very specific details about the ordinance; we've heard it all, and we really worked to incorporate those and iterate and really find what works best for our community.

So, what is new in the new district? You've heard this a little bit sprinkled throughout but it is just a reminder before we head into the public comments. These new districts are really based on intensity and form. There are simplified graphics in them, so they are easier for the average user to understand so, tables and pictures versus all words. There are updated design standards so, a key form element so, things like the sidewalk, how wide is it, where do the street trees sit? Everything necessary to create that walkable, vibrant place is included in the standards, and again, there is that increased flexibility so transparent process for considering alternative design, flexibility where we need it, predictability where we need it. So, the incentive structure is very predictable; there is bonus provisions providing height and more development area, so there is an open space bonus. There is a height bonus all to encourage affordable housing infrastructure and mobility. We really recommend that this is consistent with our Transit Station Area Plans, so when you look through the policy the new ordinance is consistent and you can see the rational here again about the City priorities, the design and development standards in the new district. Just a reminder before we more to the hearing this is the schedule that the Mayor mentioned that we will be at public hearing tonight; we have Planning Committee discussion and recommendation tomorrow and Transportation and Planning Committee

on the 25th and are hopeful for an April decision. So, the sooner we get this tool in place the quicker we can use it.

Tony Lathrop, 2714 Belvedere Avenue said as the Mayor indicated, I Chair the Ordinance Advisory Committee, Chaired the Planning Commission for three years, and I'm here tonight in support of the TOD District as the Chair of the Advisory Committee. The Committee has served a pivotal role in shaping the new ordinance into a very powerful tool that will implement the goals and policies that the City has adopted for our transit station areas. For the past year and a-half, the Committee has dissected topics, had active discussions, worked to balance perspectives of neighborhood advocates in the development community. In my time on the Planning Commission during my three-years as Chair, I regularly advocated for process in connection with the ordinance and one that is inclusive, transparent, and rigorous, and this has exceeded my expectations I'm proud to say. It has been very inclusive.

Also, back when I was on the Planning Commission I developed a livable cities policy for Charlotte, or at least recommended it, and I'm really happy to see that this is consistent with that. So, the ordinance before you tonight is the result of a lot of hard work and compromise between the stakeholders. It will encourage the development of vibrant neighborhoods around the transit stations, lessening reliance on cars, encouraging transit use, walking and biking through the inclusion of better design standards and those will create more pedestrian and bike friendly streets and sidewalks around these stations. It also includes standards such as no minimum parking requirements which are going to lower the cost of housing and provide easier opportunities for adaptive reuse.

Finally, the ordinance creates a really clear framework to allow more height and development intensity around these stations by leveraging the City's investment in transit and make the height available by right to balance the other City priorities such as affordable housing and infrastructure, as well while doing that. I think there is a good balance there. The new TOD Districts will stimulate long-term economic vitality and also importantly economic opportunity in the City's existing and future transit corridors to better design, more predictable results and with greater flexibility and transparency. Therefore, I urge you all to approve this TOD Text Amendment and to help steer our City's future growth and development in an environmentally and economically sustainable and livable manner.

Sharron Binns, 2317 Laburnum Avenue said I am with Sustain Charlotte; I sent you all a letter on Friday, and hopefully you've seen that and if not, hopefully you will take a look at that. That has my sort of detailed comments about why we support it at Sustain Charlotte, but I will just say tonight, I've been part of the UDO Advisory Committee since its inception. So, it does feel more than a couple of years. It has been a while but we've been at this for a long time. I estimate that I personally have over 100-hours into this ordinance, and you can just imagine how much time staff has into this ordinance and all of you have into this ordinance. One of the goals as Monica and Taiwo have said, is to really make the process more transparent, make it more predictable and hopefully what wasn't mentioned is you guys get out of here before 10:00 p.m. once in a while the night of a zoning meeting.

I think there are a lot of good things about this ordinance and staff has been working very, very hard over the past year to make this the best possible TOD Ordinance that we could ask for, and I really encourage you to support them in this effort, support the community who has been very involved over this past year and put this in place; so, we can get better development than what we are getting today along our \$1.6 billion Blue Line and future corridors that will be developing soon as well, including the Gold Line. Happy to talk with any of you off line but really encourage you to move this forward as quickly as you can.

Brent Gilroy, 711 Charter Place said I live in southeast Charlotte, and I'm on the Citizens Advisory Committee for the UDO. I've lived in places where transit works and I've seen sometimes in those places when it doesn't work, and it works best when the land uses are compatible, and you don't have car washes, fast food joints, and massive parking garages all along the transit line that don't put people on the line and take people off. This

set of rules that we are coming up with here I think will do a great deal to keep us from continuing to put the wrong things next to our transit stations. This afternoon I saw a couple of letters that went to the Council from the development community where they basically said hey, just make sure we have a work around to this so we can come to you and cut a deal when we need to and get around some of these rules. That is not the way to go; that will keep us a deal making City for ever; the way we've done it for a hundred years. We need rules and we need clear rules, and we need transparency in the process.

David Walters, 619 East Kingston Avenue said I will be extremely brief; I have an inside perspective on this, because I do this stuff for a living as an architect and urban designer. If I had done this code I would be very proud of doing it. It is extremely good. I have learned over five decades in the design and development business that compromise is actually a good word, because that means people are engaged; people are talking to each other. Different opinions are meshing. This code is a compromise of the very best sort, and what Mr. Gilroy mentioned, if any interested parties from any side of the spectrum can come to you and ask for a special deal to get around these incredible well designed and well throughout rules, it sort of subverts the whole thing and does an injustice. It betrays the citizen input. So, it is a great piece of work and I really encourage you to adopt it.

Darlene Heater, 8801 J.M. Keynes Drive said I am the Executive Director at University City Partners, and as many of you know, in University City, we have three transit stations in University City proper with the terminus on campus. We work with developers regularly, and I will say repeatedly and endlessly to make sure that projects that are built along out Blue Line live up to the community's vision. We provide market research; we discuss community schools. We work with the Planning Department, but despite our best efforts for every shining success that we've realized along the Blue Line there is an equal number of projects that simply fall short. Many of these disappointments have been the result of existing TOD Ordinance.

We've seen gas stations, car dealerships, storage facilities, drive-thru restaurants and other auto oriented uses with our investment in transit in the background regularly appearing in the local news and in the Business Journal, the Observer and local digital media. What a shame. Neighborhood, HOA group of residents are also doing their work to raise the bar. This work is cumbersome, it is time consuming and it is challenging, and frankly we should not have to work this hard to let the right investments happen in Charlotte. So, University City Partners supports the Transit Oriented Development Ordinance in its current form, because we believe it has been built on the back of compromise; it has transparency. It delivers on our community goals, and it will further catalyze on our City's investment in transit.

Eric Zaveral, 828 East 36th Street said many of you know me; I was the President of South End Neighborhood Association, and I would have asked 10-years ago for this. I am in support of it; it is going to happen and for the folks that are sitting here for the following rezonings. This will take away that need for these citizens to have to fight for every project that comes along. Thanks to the City staff for all their hard work.

Madeline Keeter, 1201 Greenwood Cliff said I'm with the Real Estate and Building Industry Coalition, and we really wanted to commend your Planning staff for the months of hard work they have put into this initiative. It has been 18-months, and they have been extremely responsive to the input provided by groups on all sides, and we see this draft as a very, very effective good first step in the process. We do wish that there were a little bit more rezoning options available; we did send a letter that would encourage more unique projects to be built, but the main thing is that we really appreciate this first step.

Cheryl Myer, 200 South Tryon Street said I am Senior Vice President of Planning and Development with Charlotte Center City Partners. Our organization is pleased to support the update to the Transit Oriented Development Zoning District. The time is right for a refreshed approached to TOD in Charlotte, to help us create more vibrant, walkable and well-designed Transit Station Areas. We support this Transit Oriented Development Zoning District update.

Keri Miller, 2718 Avalon Loop Road said I know is sound a little ridiculous to be against it, but I'm only against it as it is not just exactly right. This was brought to my attention, because I heard the developers were looking for a work around to be able to look for a loophole, to not fulfill every commitment that they promise the community. I actually live in North Charlotte; I'm in the University area. We have worked with University City Partners for a while now, and they are trying to bring thriving development, but I also want to make sure the developers are keeping the end of their bargain that they brought in to this while we were planning this initially. I'm not going to hold up any more time, because I am actually for it, but I'm against it if they have the changes. I'm against the loop around; I'm against any loop arounds they want to do, any loopholes I am against it. So, just so everybody knows if you are going to go for it, if the developers want to add all of the extra loopholes-

Mayor Lyles said Ms. Miller, it is not quite fair or a level playing field if you are for something that we did it that way. I want you all to meet our new City Attorney, Patrick Baker. So, Mr. Baker would it be appropriate if I could say that the remaining, since that was not an against speaker, that we go through the list and have two minutes for the remaining speakers?

Patrick Baker, City Attorney said I believe you can do that with the affirmation of the Council.

Motion was made by Councilmember Winston, seconded by Councilmember Ajmera, and carried unanimously to allow the remaining speaker to speak for two minutes each.

Peter Kelly, 3011 Brandon Manor Lane said I am in favor and support of the proposed TOD. I strongly support the inclusion of affordable housing as a positive bonus in the program, and I want to thank the Council for including staff energy on including affordable housing in the proposal, so I would strongly advocate for it as is. I think is an opportunity for us to end up with a different Charlotte than what we've done in the South End of the Blue Line, where there is no affordable housing built close to it. So, this is an opportunity for us to move forward and I strongly support it.

Mary Kelly, 3011 Brandon Manor Lane said I appreciate the time to speak this evening. The City Planning staff has worked very hard and diligently with community members and developers to create the TOD plan this is before us that includes options for affordable housing that we are pleased to see and hear and read about. I strongly support the TOD as is and request that you consider approving the TOD, as is as you vote in the next meeting.

John Porter, 253 King Owen Court said I am the President of Charter Properties, a multi-family developer based here in Charlotte. I would like to direct your attention to two matters tonight; the first of which is the provision for affordable housing in the document. The proposed language allows affordable housing to be built without having to go through a zoning specifically geared towards such housing. This alone is a real step forward in Charlotte Zoning Code and makes clear that we as a City are reducing the barriers to affordable housing production that were in the previous code. As a committee we have worked hard with staff to codify language for incentives that produce affordable housing and specifically lay out what developers receive for providing such housing and what guarantees the community gets in return. All this language is part of a separate ordinance adoption process; I am hopeful that staff will bring it forward with this petition, because having such [inaudible] language in place is among the very first steps that signify to the market place and to our citizens how important affordable housing is to this City. That said, I think it is important for all to understand that we are introducing this new code in some of the most expensive real estate areas in town. Because of that production of new affordable housing will be modest in TOD without significant direct subsidies through funds that this Council has already authorized and that private citizens and foundations

have committed, nevertheless this petition is a very good start and I hope sets the tone for revising the balance of the Zoning Code.

The second item I would like to direct your attention to is the adoption of the petition. Staff has asked that it be implemented on July 1st of this year, and I would respectfully ask that this be extended to January 1st of next year. The investment of money and time that has gone into developing under the current TOD Code makes switching gears in such a short timeframe very difficult for someone who has to get up to speed on the new 80-page document and one that is very complex. If, however, there were a six-month period to get up to speed on this and consider the code you would find some owners continuing to move forward and thus having more economic benefit immediately and some owners would determine that the new code offers design opportunity and incentives that are sufficient to revise their plans and create something new that fits their vision.

Julie Porter, 4601 Charlotte Park Drive said the Housing Partnership is in support of the new TOD Ordinance, which we feel is vital to the City of Charlotte, given the shortage of affordable housing in our community and the economic mobility challenges we face. Our community must innovate new methods to increase the supply of affordable housing. There are a number of examples where we think the TOD Ordinance will reduce barriers and create a workable voluntary bonus system that will increase production. In the interest of time, I won't list those examples however, the Housing Partnership really feels that this will be helpful; it would also be helpful to implement similar types of tools outside TOD areas.

Joseph Margolis 6549 Quarter Bridge Lane said I've been a citizen of Charlotte since 2001, so I have been here long enough to see what has happened along the north line and the south line where opportunities were lost to make sure that everyone from a residential standpoint could benefit with affordable housing options. So, I'm asking you to adopt the plan as is without any of the proposed amendments that come to you from developers. The community has been working together for months on this process and there should not be any further work arounds. When Mitchell Silver came to this City, he said there are two types of Cities: there is planning City and a deal making City. What kind of City is Charlotte? There was a wistful sigh; we are a deal making City. Please, don't allow that to continue.

On another count Charlotte, as a government, not you, but those seats; people in those seats created rules and laws and policies that segregated our City, and this one thing that allows for affordable housing incentives in the TOD is just a drop in the bucket to help right the wrong that policies that were made by people who sat in your seats did. So, that is a perspective that maybe no-one officially wants to talk about, but as a citizen I'm watching you and looking to you to right those wrongs that my government did to black people that all of us suffer from, whether we are black, white or whatever ethnicity because of what was done by your predecessors.

Tobe Holmes, 3019 North Myers Street said I'm glad to be here tonight to speak for the proposed TOD Ordinance in its current form. You know me from other roles in Charlotte, but tonight, I'm speaking as a resident of the NoDa neighborhood. I've been there for about 10-years; moved there immediately after graduate school, with my wife and started touring it about two years previous to my graduation there, having written a graduate thesis on its adaptive reuse in that neighborhood.

It has been amazing to watch Charlotte grow over the years and through its growth I worry about what happens to my neighborhood NoDa, South End, University City and everywhere else along the transit line, and I fully believe that this ordinance in its current form helps move the needle on raising the bar for our neighborhoods. It raises the bar in a way that helps us capitalize on our investments in transit, it creates more transparency in our processes, which I cannot say more about with regard to how important that is to a functional democracy, and finally, I think along the way, this has been such a long re-write of this ordinance that along the way we realized we had an affordable housing crisis, which I think this also can help move the needle on. So, while it is not the panacea by

any means on that subject, it is very much a step in the right direction and I look forward to seeing this ordinance passed in its current form in the very near future.

James Lee, 3501 East Independence Boulevard said I want to thank Sandra Montgomery for spending time with me. I got two books and a document; the Code of Law, boom, evicted, and she gave me this TOD document. I'm for this, because you have to stay by the rules, you have to make everybody play by the rules. If it took this long for the staff and everybody to put this thing together, you need to make people responsible for what you put in here. I wholly support this Board and the Mayor and County Commission, but I present the Hood. My aunt, she is a minister of a church, and she gave me the new title of John the Baptist. I'm the John the Baptist of the Hood; so, I'm here for the Hood who can't be here. My neighborhood isn't on the Blue Line; it is not going to be on the Silver Line that you all want to spend \$8 billion to do either. So, no disrespect, I don't see no Hood people making decisions. I don't see no Hood people making decisions for us, so you guys need to make sure that we are inclusive in the decisions that you are making. Don't forget, you've got poor people to take care of in the City. I represent them, and I love this City. I grew up here. I want to see us go from 50 to number one. So, I'm down with you all.

Councilmember Eiselt said first I want to say as Chair of Transportation and Planning I took some time to sit in on the Advisory Committee meetings to hear everybody, and I hope that everybody understands that those Advisory Committees were made up of residents, not just architects and urban planners and the professionals and developers but also residents. So, the same meeting would take place at noon and then again in the evening. It was really split and the conversations would be very, very different, but what is really important to point out is first of all the work that our staff has done on this for the past year led by Monica Homes. The work that our Advisory members, if you are here raise your hand please just so that we can acknowledge who took hours and hours and hours of their time to volunteer to do this. I'm really appreciative, and I'm grateful for that because this is a transformative ordinance.

As Taiwo said, it will transform this City in a way we haven't seen in 15-years; it will provide transparency; it will provide predictability; it gets away from doing deals as Mitch Silver said, and I hope that he will use as an example in the next City he goes to and talks about. It would be easy for us to pick any piece out of this draft ordinance and say you know what, and I had this conversation today with some of you, this isn't just quite strong enough for me, or this one I'm not quite happy with, but I can guarantee you that any issue that anyone of us could pick at has been hashed out by these Advisory Committees. So, I want to honor and respect the work that went into the community members who gave of their time and the staff members who gave of their time to put this together. So, thank you all, that is what I really wanted to say is thank you all for putting the time into it; thank you to the citizens who have read the TOD who have e-mailed us, who have expressed their concerns, who have come here tonight, and I just think that as this Council approves this ordinance; it is going to be very important for Charlotte. You will know 10-years from now that we have an ordinance like this because when you drive into Charlotte you can see what we intend to be and that is what is really important.

Councilmember Mayfield said I need you all to explain something for me; we are extending the light rail now, but I need us to take a step back. Previous Councils were advised to make sure that there was language in place to ensure that there was mixed income housing, workforce housing, affordable housing along the current Blue Line Extension which is South End. It did not happen. From the beginning, long before, we have our new Planning Director; I've had challenges with TOD, because it is too broad and the impact of TOD, especially in the current development of South Boulevard and now has bled into South Tryon Street, which has bled into Wilmore, which has created major displacement for large segments of the community. This was low income land for a long period of time and then we did not put that language in place that we are talking about, so I have a concern that people are getting caught up in the idea of the word affordable housing, and this is going to create affordable housing. The majority of the people that still contact me every day, affordable housing is \$400 a month. There is no \$400 a month rent. Everything that has come out along the light rail has been \$900 up,

but it is affordable, which is why I'm not a fan of the word affordable, because it is affordable to some.

So, help me understand how we are saying this language is going to protect an end of town that has seen growth, that has seen development the way that it didn't protect the side of town that historically has been de-invested in. Land prices were reduced to almost no value for an evaluation to come after the fact, after we made multi-million-dollar investment that displaced hundreds of families of individuals. We are talking about let's protect; I need for us to understand that as a local body what we are saying is the exact same thing that was done more than 50-years ago, and we are putting a pretty name on it and saying affordable, we are going to protect affordable. Affordable to who at what costs? Because we took a community that was very diverse in pricing before it started to be gentrified, which it did not happen until our light rail that we did not protect. We did not have the language clearly in place. I don't get to ask you any specifics on what type of development this is. Given height is a challenge, we say we had partners around the table; we've also, I don't know if my colleagues have, I've talked to others in the development community. We create the additional costs through the setbacks we ask for through the tree planting and tree save; we ask for through the new sidewalks that we demand.

So, we are saying one thing here and over here our language, our streamlining is causing still challenges so I just really need to understand so when I go back and have a conversation, whether they live off of West Boulevard, off of Tryon Street, off of Nations Ford Road, off of Arrowood Road, because now the rail is finally going all the way to Westinghouse Boulevard. When I have a conversation help me understand how we are going to do better for the side of town that has already had opportunity that we couldn't do for the west side. That is what I really need you to help me understand.

Councilmember Newton arrived at 6:44 p.m.

Mr. Jaiyeoba said there is a lot there, but I will say I would be the first to admit that there are shortcomings in our current TOD Ordinance. Those shortcomings were the result of the shortsightedness in transit supported policies prior, and that is what the South End Vision Plan, the Blue Line Extension Plan, the University City Plan and the policies started to address, especially if you remember we went through a lot of discussion and conversations with you all during the South End Vision Plan as to how that plan should address affordable housing or diverse price point housing. This ordinance begins to help implement some of those things, because you cannot really get your ordinance right unless your policy is right.

How can we move from this point forward? So, I will have those three plans in place while also working on our Comprehensive Plan process right now, which is really to me where this conversation should be happening. So, how can we make sure that we address locations for mixed-income housing; how do we make sure that we create utmost spaces around our station stations that would not only be business friendly but also be an opportunity for delivering on affordable housing. I cannot tell you that this TOD Ordinance is the only tool that will make it happen. There are a slew of tools on the books that we can actually deploy to make it happen, but tonight my focus is really on how the TOD Ordinance will get us there. I truly believe that this particular TOD Ordinance, if you pack it carefully, will actually us to deliver on some of those promises that we have in the existing policies like South End Vision, University, and Blue Line. It will also be tweaked as we go into the process, and we are hearing what people are saying but even more importantly, once we have a Comprehensive Plan in place, we will have to revisit this TOD plan to see if it is even adequate to handle some of the things that will be said or will be recommended to you as part of our Comprehensive Plan.

What I wouldn't want to do, and when I came on board and we have our new UDO that was going on, what I did not want to do was to delay the implementation of the Transit Oriented Development Ordinance because we've missed opportunities around our transit stations. I felt that we needed to capture those opportunities, whether those opportunities will be affordable housing, whether they be development or whatever they may be how

can we capture them through this new ordinance? So, I do admit that there are shortcomings today in the Ordinance that we have, but this new ordinance begins to address those shortcomings by reflecting some of the things that we can do to address some of what you just mentioned.

Councilmember Phipps said I've sat in on several of these meetings with the Advisory Group and the developers in the room, and I can tell you that I was really impressed that that group of developers could get in a room and granularly talk about such high technical matters and come to some consensus. So, I'm glad we are finally at this point; I know this is like the gateway. This is the first step to the overall Comprehensive Plan that we are trying to do; so, the success of this will dictate how we move forward. I'm also pleased over the fact that even now on the Blue Line Extension, even though we would have liked this ordinance, if it had been in place several years ago maybe we could have made some changes to some of the land use applications that we now have. We have a brand-new service station under construction right now on the Blue Line, not too far from the Tom Hunter Station, but if we'd had this, this would have set the expectations for us to have better development consistent with our investment in the transit line.

I'm also pleased over the fact that some developers have grabbed the vision even without this in place yet, and we have several projects on the Blue Line Extension that are specifically geared to age restricted houses for seniors and some affordable workforce housing. So, I'm pleased with this. This is the most granular highly technical information that I've ever seen in a long time. So, it really would give notice and expectations for what is expected in our transit corridor, something that we've never had before, and I think it explicitly depicts what we are expecting to see, and I just look forward to us finally adopting it and moving forward with the rest of the plan. I applaud the Planning staff in their work and dedication and patience and enthusiasm through which they embraced this project and comment them on their effort and look forward to this moving forward.

Councilmember Bokhari said I will also commend, as everyone has, all of you guys, wonderful work. We've been talking about this for a while. We know we need to get towards the planning versus the deal making community in development, and this is obviously a huge leap in the right direction; however, I think I need to make note based on some comments that were made tonight, just a fraction of reality that this is one not utopia by any stretch of the imagination and two, for those who want to villainize or demonize the development community who wanted the ability to bring exceptions around, I would encourage you all to think about the fact that just because they are organized, and they see what is coming ahead of time, which that is what it is going to take go get from deal making to planning, the average citizens out there, the members of neighborhoods, who aren't organized don't necessarily know but the same impact is going to happen to them, whether it is height over certain number of stories, density, those of you who came here tonight with signs to petition us to say this density is too much and the implications of traffic, all of that stuff, that goes away.

Just as developers don't have the ability to end around exception, neither do citizens when we lay this ordinance down in certain high-density areas or next to the transit lines. If they say 12 or 13 stories in one of those four areas is what it is and they decide to put money in a bucket that then gets spent on affordable housing, which we desperately need, in another part of town, they can go 20, 25, 30 stories. So, just know there is no vote here for that. When you go from a deal making to a planning City you take the deal making of this out of the picture. So, while we sit here and demonize the development community, just know they've got an indication of what is to come, and I hope you all come out with – and I'll go back to where I started, this is where we need to go, but I hope you all come out with as much gusto when all of the community members with pitchforks and torches come for us when they realize what did you guys pull on us. We don't have the ability to make that height go away because nobody wants anything in their own backyard. So, just remember it is a huge great step in the right direction and I'm going to support it with gusto, but it is not utopia, and let's not cast stones at the folks who realize how it is coming down this pike.

Councilmember Egleston said I thank everyone who is here to support this tonight, thanking everybody who worked on this, especially to Monica. Also, if you didn't hear she is one of the 50 most influential women in Mecklenburg County, and this is a good example of why. I do want to say there were a couple of groups who reached out and said we really like this and then they said we would love to see this one other thing. We rarely take a vote on anything where someone doesn't suggest something else they would like to see in it, particularly when it comes to a rezoning hearing or any sort of text amendment hearing or ordinance amendment hearing.

There are always people on every side of every issue that want to add one more thing; so, I think today that was misconstrued as there had been some sort of amendment made to what we are looking at tonight and to iterate what the Mayor had said at the beginning there was not. There were suggestions made; there have been no changes made though, and there is always people who are going to give input and we will weigh that as we make our decisions, but there is no change made and no intention of a change being made that I'm aware of at this point. One other thing is I think people on both sides, and this was said my Ms. Eiselt just a minute ago, that would say I wish this part was a little stronger or this was a little bit different. This is I think a living policy, and it is something that is going to inform the UDO ultimately. We know that it is not perfect today; I don't think anyone thinks it is perfect, but we need to test it. We need to see how it works in the form that it is in now, and that will inform how we are able to tweak it as we incorporate it into the UDO. I think people shouldn't think that any of us believe that this exactly how it is going to be forever, and that it is perfect, but we think it is really good, and we are going to put it to the test over the next couple years during the UDO process, and that will inform what it looks like ultimately in that more comprehensive UDO. I think we are very much in the right direction here. I think we are going to get a lot better results from this going forward with our transit corridors, Blue Line and beyond than what we've gotten in the past. I will be support this as well.

Councilmember Ajmera said when I think about TOD what I envision is neighborhoods that are walkable, diverse, sustainable, and to my colleague Ms. Mayfield's point, historically we have created through our system neighborhoods that are segregated to our planning and land use. This is an opportunity that we have to create inclusive mixed income, mixed-use neighborhoods, and if it is implemented correctly it can create very inclusive community. Our stakeholders through our engagement process our staff, especially to Taiwo's leadership, we have come up with very strong rules that will help us create equity into our overall planning process.

With this equity in mind, when I look at this TOD Ordinance we can connect residents with jobs, higher density that allows bonus options but truly keeping infrastructure, affordable housing, sustainability in mind, and ultimately, it reduces the transportation costs for those residents who live in those areas so that those residents can spend more on other important things such as education, or other important household resources. With that being said, I think is an important step forward to our truly creating an equity in our City through our land use planning. I will be in full support of this Transit Oriented Ordinance, because this puts our words into action when we talk about upward mobility, and when we talk about creating an equitable City and sustainable City for generations to come.

Councilmember Harlow said I won't beat the dead horse with what a lot of my colleagues have been saying, but I do think it is appropriate to thank our staff, the whole Planning Department, Monica particularly for kind of shepherding us to this point. The development community, the community leaders and stakeholders, who have been a part of this long and arduous process. We know that this is not perfect; I'm not sure that anything is in the case of public policy, but I think the proof is in the pudding on this. We know that this will continue to be something that we are going to look at over time. We are going to continue to make investments in our transit corridors; we are going to continue to build out our transit lines and fulfill our transit plan, but this Text Amendment to TOD gives us an opportunity to correct some past policy and then over time continue to evaluate as we move to a larger Comprehensive Plan.

For those that don't know, we are embarking on a larger Comprehensive Plan to really look at all corridors and all neighborhoods, not just along our transit lines. I think this is a very good start as we are encouraging and really mandating specific design standards, streetscape appearance, architectural standards, height requirements and at the same time trying to target some of our own Council's policies around affordable housing, around infrastructure. We won't know yet if the development community will choose some of these options. We don't know and unfortunately; in this state, we can't mandate those options. Often we hear from you in our public forums and at these rezoning public hearings around why we can't just force certain things, but unfortunately state law kind of dictates to us a little bit about that. So, we do what we can on the local level and at the municipal level within these ordinances to try to encourage and incentivize and in certain instances that is the best that we can do. I think with this text amendment we are doing that.

I'm most proud to see that we are not just having language that speaks to our light rail and in rapid rail corridors but also specifically to our streetcar stops and streetcar corridors. While we don't have station area plans for those areas and specific policy for them, the language indicates that many of these TOD new districts can be used there. When we talk about neighborhood centers, transition districts, so neighbors like many of you sitting in this room, whether you are petitioning for or against a certain rezoning have some more predictability about what is coming. So, you don't have to spend your evenings in here so often, and you can kind of get an idea to know we are going to get these eight-foot sidewalks, this building can't be but so tall unless a developer is contributing to some other form or option such as some of the sustainability options that they cannot choose or some of the affordable housing donations that they can choose for those extra height requirements or building requirements. I think this is a good compromise. We will probably be able to speak to that in years to come, but I think this is a good first step. I will be supporting this, and I think when you have both sides not getting everything that is probably the best way to go, so we will leave it at that.

Councilmember Winston said I think about everything has been said tonight, but I want to thank the crowd of people that are here tonight. You are here representing the larger community, and you are organized and that is what is going to need continuing to move forward as many have said that this is a first step. This is a first step in doing a process that is long overdue in this City. Many of you have heard this UDO used here tonight, the Unified Development Ordinance; this is the rewrite of all this hodge podge of ordinances that have this DNA going all the way back to federal, red-lining policies that resulted after the great depression. This is long overdue, and it might have started back then and it culminated with this policy not being written when the Blue Line was realized a decade and a half ago. It should have been done then but there was not the political will to do that.

We still have a lot of work to do; this is not just the existing development around the Blue Line. This is forward thinking and can be implemented now around areas like the Silver Line corridors and the Red Line corridors to prevent what has happened in the past around our Blue Line. We need you not to stop; this was a long play organization effort with the community as a whole for this process and then today you saw a very rapid response from the community when there was a rumor of a process or information that was incorrect, but I thought it was good anyway to see the community come out in such force and organization. We are going to continue to need that, because the fact is that to get this point, to do something that should have been done a decade before you needed a perfect receipt of people in the positions that are here, whether be behind this Council, whether it be on the Planning Commission, whether it be Monica and Taiwo and the Planning Department, other folks that are in the development community. We might not be here in 10, 15, 20-years; you might not have the same officials elected or appointed sitting in the seats making the decisions, but we are going to have the people of Charlotte that are going to be living under the conditions. So, we are going to need the community to continue to be organized and effective and motivated to take on this work. I applaud you all on the long play but also on the rapid response, and just please, please keep up the work, because nothing is going to continue to change unless we have your support, work, and effort behind it.

Mayor Lyles said I think you've heard from everyone at the dais, and I want to say how much I appreciate the words, the tone that has been set in this effort. Many people have worked on this, but before I go to that let me just say that if you've lived in Charlotte as long as I have or been someone that knew Charlotte even before when I used to come up to go Bojangles Area, which was the Charlotte Coliseum at a time that I grew up in Columbia, South Carolina, and I look at those two cities right now, and I think about how far Charlotte has come and the optimism and the expectations, and what is very different to me is that there is an understanding of what we are, a recognition of what we have been, and an attempt to move forward in a way that diminishes the things that made up small and encourage the things that will make us big. I say that in our thinking, in our ways that we treat people, and the way that we view our neighbors, the way that we view our ability to talk and walk together. So, I'm very optimistic about this work because it is the beginning of a much longer journey, and as long as we remember that we have differences behind us and there are going to be some in front of us, but we can do it by acknowledging that we've learned to do it together and do it well.

I do want to say that first of all I know the Planning Committee has been here; are there any questions from the Planning Committee? If there are none, I think that everyone in this process should really understand that there has been a lot of work, a lot of communication, process, strategy, research all of those things that we've learned in school but even more, so there has been a lot of civic engagement, the real kind that actually addresses law, policies and actions, our social conscious. So, thank you Monica, I know you don't get that enough, Monica Holmes, Laura Harmon, who has been with us a number of years to make all of this work and especially we all have to understand that we've brought on a new Planning Director and what was taking us four years was done in an amount of time that I can't even imagine or predict, so thank you all.

Motion was made by Councilmember Newton, seconded by Councilmember Egleston, and carried unanimously to close the public hearing and approve the requested Text Amendment to the Zoning Ordinance to replace three existing transit oriented development districts with four new transit oriented development districts and regulations. These four new districts are the first phase of the City's Unified Development Ordinance (UDO).

INTRODUCTION OF THE ZONING COMMITTEE

John Fryday, Chairperson of the Zoning Committee introduced members of the Zoning Committee and said the Zoning Committee will meet Tuesday, April 2nd, at 5:30 p.m. to make recommendations on 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 on charlotteplanning.org.

ITEM NO. 19: HEARING ON PETITION NO. 2018-147 BY LAUREL STREET RESIDENTIAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.31 ACRES LOCATED ON THE NORTH SIDE OF MALLARD CREEK ROAD, EAST OF PROSPERITY CHURCH ROAD, WEST OF GALLOWAY ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is a request from R-3 to UR-2(CD). Just to give you context the property fronts Mallard Creek Road towards the intersection of Prosperity Church Road and Mallard Creek Church Road. As mentioned in the staff report looking at the future land use plan for this area the Prosperity/Hucks Plan, which was adopted in 2015, does recommend residential uses at six dwelling units per acre. The plan does

provide some caveats to discuss slightly higher densities in those areas, but we look at those in the sense of trying to determine their compatibility with mass and scale, buffers, the relationship to existing property, so the plan does give us some ability to look at different densities. We have to look at that in the context of where those are being located.

As we look at the proposal itself, we've got up to 90 age restricted dwelling units, two buildings with three stories. The three-story buildings closest to the single-family residential to the rear, the four-story building being the one that fronts Mallard Creek Road. We are looking at some right-of-way that would be provided for the Mallard Creek Road widening project through NC-DOT. We are looking at a CATS additional waiting bus pad out there; we've got some architectural commitments for building materials and the orientation to Mallard Creek Road, also look at some commitments to analyzing storm drainage and making some improvements to mitigating some of the discharge off of the property just to give you some example of what we are looking at for this actual proposal.

As we discussed staff's recommendation for this, it is consistent with residential uses, but it is inconsistent with the overall density. The overall density being proposed is up to 27 units per acre. As we had stated, the area plan only calls for six units per acre, but again we do have some opportunities to look for higher densities in these areas if we feel they are compatible in terms of massing, scale, buffers and other relationships to existing properties. Just to give us some note; the highest density currently developed in the area is 17 units per acre, that is just to the west of the Tradition at Mallard Creek.

There was a previously approved rezoning back in 2017, Petition No. 2017-185 that provided up to five four-story multifamily buildings and up to 22 dwelling units per acre on that proposal and that was approved back in 2018. While staff does not support the petition in its current form due to the density, I do want to highlight some of the challenges we have from a policy standpoint when we look at some of these projects, particularly age restricted housing projects. We don't really have a set policy in place for us to evaluate those against other land uses that are either multi-family residential or single-family residential; we really don't have a unique lens to view those through because they do have some unique characteristics as projects in and of themselves; so, from a staff standpoint, we have the area plan that we go by but that area plan doesn't really give us the tools to look at this as just an age restricted product and consider that in the context of the area plan itself.

We kind of use those plans to look at things on a very micro level, but once we start getting into these site specific infill opportunities such as this one we really don't have the best tools in place in those policies for us to really hone in and use that as an evaluating tool so that is why we go by that general six dwelling units per acre, but again not having some of those policies to view age restricted, 55 and older an infill opportunity does give us some limited tools for us to make some of these recommendations to you as a Council. Again, that is staff's position and I'll be happy to answer any questions.

Dionne Nelson, 512 East Boulevard said I am President and CEO of Laurel Street Residential. Tonight, I'm here to introduce our rezoning petition for 2018-147. This development is different from what you have historically seen from Laurel Street but you will see that it fits well within our mission. Laurel Street looks to develop high quality housing for a diverse range of demographics and income levels, including both families and seniors. These projects typically require public subsidy as they provide some percentage of housing for households at incomes of 60% of the median income and below. That is not the case tonight.

Mallard Creek seniors will not require any public subsidy, but it still meets a need for a market that is underserved. As you know, Charlotte has a growing senior population and Charlotte's population of households at 55-years of age or older is expected to double by the year 2030. This population is growing almost twice as fast as a rate of the millennials, and although we traditionally think of millennials as renters, 22% of the rental demand in Charlotte today is from our seniors. That is 70,000 seniors who are renting housing in Charlotte. Many of these seniors are over income for housing that is considered

affordable housing but still cannot afford senior housing currently being developed by the market. There is a very large unmet need that will be addressed by developed like Mallard Creek Seniors, and in order to address this need we must be open to new approaches, especially in the older zoning classifications that have not yet been updated. Tonight, we propose a development that deviates from the calculated density recommended by the area plan but honors the form of housing that is recommended, and it meets an unmet need. We are proposing a type of age restricted housing that was not a consideration in the creation of the area plan, and with that, I will hand it to Keith for the details.

Keith MacVean, 100 North Tryon Street said I am with Moore & Van Allen assisting Laurel Street Partners with this rezoning petition. As Ms. Nelson just mentioned, this is the proposal for middle-income seniors, which is the proposed use for the site. This goes into a little more detail as what Ms. Nelson described the need, what population is trying to be served at this site and what the proposed plan will implement.

Why this location? This location is located just to the north of the intersection of West Mallard Creek Road; that is an intersection that is currently developed with a number of retail and office uses that supports this type of housing. It is near healthcare options, transit options; there is good bus service here. We are in very close proximity to the Blue Line Extension that is on North Tryon Street at the University. The site is walkable to grocery and retail; there will be a 12-foot multi-use path that will be extended along Mallard Creek Road; there is a pharmacy and nearby shopping, and it is also adjacent to residential communities. It is not in a residential community, but adjacent to residential communities. One of the things that Ms. Nelson's company has found is that seniors want to live where their families are, and this gives an opportunity to do that because as you move away from the commercial development that is along Mallard Creek Church Road you get into more of a single-family residential neighborhood. This creates a good transition from that commercial area to the more lower density single family.

This small parcel, slightly over three-acre parcel is a remnant parcel has been on the market for two years. It will eventually be developed. It is currently developed with just one single family home that has been there for quite some years, an older, single-family home. It is actually vacant now and has several other outbuildings. Potential uses for this site that would be consistent with the density that the more micro density recommendation of the area plan could be single family, about 19 single-family homes or potentially townhomes for sale.

Some quick comparisons and all this is trying to get at the point of something other than density should be considered here for this particular use. Density shouldn't be the only measure or necessarily the best measure for a proposed development. As Ms. Nelson mentioned, the type of housing is important; this has a much lower traffic impact than normal multifamily; it also does not impact schools. These seniors who are active seniors; these aren't folks that won't drive. They do drive, but they have a choice as to when to drive. So, we've spent a little bit of time comparing what we are proposing to do to what could happen with a plan that might be more consistent with the residential land use, which we are as well, but also consistent with the density recommendation.

So, looking at our proposal, we are 45-foot maximum height on our three-story portion of the building. It is a single building, not a multiple building proposal. Single family development could also achieve 45-foot with a minimum side yard of 15-foot or maximum height of 56-foot for the four-story. There is a small portion of the building, a third of the building is four-stories however, that portion of the building is up on Mallard Creek Road over 156-feet away from the single-family homes in the Chatham neighborhood. Our rear yard is 95-feet, a single family rear yard would be 30-feet. Our side yard is 25-feet, at the closest point it grows to 68-feet. Single family rear yard is five feet. We have a 24-foot buffer with a six-foot privacy fence; we've enhanced the buffer material to three times what is normally required, 10 trees per 100 linear feet versus four, a little bit over twice as much. Single family would have no buffer and no fence. We have gone to underground detention and that allowed us to shift the building further away from the Chatham neighborhood, and single family would be open detention. Trip wise we are about 310 trips per day; we generate 3.4 trips per units; that is a very low number. Single family 10

trips per unit at the peak. Both forms of development would do a good job of buffering the existing neighbors from the impact of noise and traffic that currently exists on Mallard Creek Road.

Here was our original plan; we had several meetings with the neighbors and a number of the neighbors are here to speak about this petition. We have made a lot of changes to this petition based on the comments and the input we got from the neighbors. We originally had several accessory structures, a maintenance building, garages which we felt would help buffer the development adjacent to the single family. Those have been removed; we had above ground detention, and we removed that. The building was originally four-stories, it has been reduced to three and four-stories with the three-story portion being now the closest portion to the single family. The buffer was also increased.

So, here is our new plan that is before you tonight. As I mentioned, the minimum rear yard of closer to 100-feet versus what could be done under single family. We think that is an adequate separation for the three and four-story. The four-story portion is actually over 150-feet away, side yard of 28-feet up toward Mallard Creek Road, increasing to 68-feet enhanced buffer along the perimeter of the site, 24-feet with 10-trees per 100 linear feet, a seven-foot privacy fence, eliminated the above ground detention we had here, but now it is underground and the parking lot connected to the existing storm drainage in the area.

Also worked with some of the adjacent neighbors who are currently experiencing water run-off from this site in their yards, to make sure there was a swale in the buffer so that the water from the site actually is directed to the storm drainage facilities adjacent to the site. We believe these factors, along with the fact that it is an age restricted community, mitigate the fact that the density is greater than what the plan calls for. As Mr. Pettine mentioned, the area plans did a very broad stroke micro look at density, looked at what was the surrounding area, don't always take into account this type of specific use which has some unique characteristics in terms of how the building can be located. This is interior corridors, elevator service with larger setbacks and buffers that would normally be required for much lower density development.

Those are the changes we've gone through; we've removed the pond; we've moved the building working with the tree ordinance folks. They allowed us to shift the building further this way and up toward Mallard Creek Road. The only trees on the site are actually here so in order to meet tree save requirement these have to be preserved and is one of the reasons the building isn't on this side, we have to preserve those trees. We were able to work with the tree folks to allow us to move it slightly. Lower building scale from four-stories to three-stories, eliminated the storage and maintenance buildings and put them in the building so the buffer could be bigger, split up the dumpster locations into two smaller areas to minimize the impact and disperse the activity, incorporate the swale at the back of the site and also revised the building design to be much more compatible.

Donald Spence, 3102 Parker Green Trail said my wife Brenda and I reside in the Chatham community. We are original owners and have been residents since April 2000. Our property abuts the site of the proposed rezoning. I'm a Civil Engineer, licensed to practice in North and South Carolina with 30-years of service with the North Carolina Department of Transportation, including 17-years as a Traffic Engineer and six years as your District Engineer in Mecklenburg County. For the past 19-years, I have worked as a Consulting Engineer in the transportation industry. Before I go on, Councilmember Phipps on behalf of the community, we would like to extend our sincere thanks for your time with us this past Saturday. I know your time is valuable, and we really appreciate your visit and taking a look at this site.

The senior living center as proposed by Laurel Street Residential will front Mallard Creek Road at a height of 56-feet, four stories. This elevation eclipses existing buildings in the surrounding area. The latest site plan indicates the number of dwellings is proposed at 85 units. The plan we saw just a few moments ago said 90, but the last one we saw was 85 within a 3.31-acre area. These numbers translate to a density that is 42% higher than the nearest apartment complex. The site of the proposed Laurel Street development is

considered a wedge as defined by the Prosperity/Hucks Area Plan adopted by the City in July 2015. Wedge areas are proposed to remain low density.

According to the Prosperity/Hucks Plan the higher density mixed use developments are to be located in the core community near the I-85 interchange at Benfield Road. We first became aware of the proposed rezoning last December, and most of our neighborhood conversations since has centered around the question why is such a dense development being considered here? We have asked that on several occasions of the Laurel Street representatives. Their response has been that the proposed vertical elevations allows the density, and this method of development is a means by which Laurel Street can make it work. We have to ask, is a 56-foot monolithic structure 250-feet from our homes a proper transition? We've reviewed the plan and concluded this is an undersized property with a proposed density well in excess of acceptable levels resulting in light and noise pollution, marginal buffer widths, lacking in transition with unacceptable locations for dumpsters and a vehicular turn around intruding into the proposed buffer by 16-feet. We are convinced this parcel is too confined to sustain the proposed zoning; we again request that our concerns be given your thoughtful and responsible consideration resulting in a denial of this application.

Athar Syed, 3043 Parker Green Trail said I also live in the Chatham neighborhood, and I have some background in real estate investing as well. I just want to thank a few people. I want to thank Mr. Phipps for coming out again on Saturday to check this out and see what we are dealing with the problem. We are not here just to complain; also, I want to thank Ms. Ajmera for taking the time to talk to me personally earlier, and also Mayor Lyles, I want to thank you for your time that you took earlier today to mention some of the people that lost their lives and recognizing that diversity in all forms must be appreciated, so thank you for starting that way.

If you will forgive me, I'm going to read, because time is short, and I want to make sure I cover my points. Most members of the Community that I belong to, myself as well as my neighbors here have voted for many of you as well as affordable housing. As citizens, we vote for the best candidates that reflect our values who will represent us with honesty, esthetically and fairly; however, we rarely need your direct help. Today however, we directly need your help in a desperate way.

Please know that we did not come here just to complain and because we don't want to apartments next to our homes. It is the nature of this development that poses a major problem and is totally out of character for the area and is located in the Prosperity/Hucks Area Plan Wedge defined as low density, primarily single-family homes. Our livelihood and right to quiet enjoyment is what is at stake here. Our homes are bungalow style, Saucy Burbank homes, which many of you may be familiar with, on very small lots and tiny backyards with no natural buffers currently. The proposed structure provides the least buffer by far of any structure in the vicinity, including the apartment complex that they were referring to as having 17 units per acre. We have no trees between what they are proposing here today. Squeezing 85 to 90 units on a 3.3-acre site creates by far the most dense structure of any apartment housing in the area and creates an uptown density in suburbs where the density runs between six to 15-units at most except for the 17 units that was mentioned earlier. It would more than triple the buffer area in those cases and is naturally forested. We have nothing.

This monstrosity will destroy peace, privacy and may end up with flies and bugs and foul odors from the garbage dumpsters planned for this facility literally behind our homes, because they are trying to put a square peg in a round hole. We have explained to Laurel Street on multiple locations that we understand that they want to make money and be profitable, but in this case with due respect their attempt to make money at the expense of the people living around it. Laurel Street also makes it sound like they are providing a service to folks that are over 55; however, I think we need to be cognizant as to what we are negotiating and what we are not. What we are asking for is be sensitive to the neighbors around. If you can visualize for just a moment, I think from here to there may be 60-feet or 70-feet; that height may be roughly 25 to 30-feet. If you imagine doubling that height and pushing that wall back about another 30-feet would no tree buffers and

balconies over there, would you be happy to have that kind of drastic change to your neighborhood? That is my problem and it is my concern and it is a total unanimous concern for the neighborhood.

Dawn Maschlaupt, 10765 Traditional View Drive said my husband and I purchased in the Chatham Neighborhood in 2006. I am here to speak in opposition to the proposed rezoning Petition 2018-147. I'm very concerned about the safety of our neighborhood. What they are showing you is a very busy street that they will be building this building on. It would require people to walk .33 miles up to the light where it is safe to cross and walk back with groceries .33 miles, and that is where they will get their groceries and their medical is across that very busy street. If they are not walking up to the light, they are dashing across the street and this is a big concern for me, because the residents of the Tradition Apartments do this on a regular basis, it is very startling. Other than that, they will be making an illegal left turn into that development if they don't make the illegal left turn they come up and make the U-turn into our neighborhood, which is at a bus stop where our children enter and exit the bus, and if you don't have any investment in the neighborhood, you are less likely to follow traffic laws.

I would like to leave you with this we are not opposed to the property being developed; what we are opposed to is the building and the height of this uptown-style density in this residential area. This density on this small parcel of land in my opinion is the equivalent of stuffing 10 pounds of potatoes into a five-pound bag.

John Bender, 3005 Parker Green Trail said I've resided in Charlotte for 40-years; I'm a retired Professor Emeritus from UNC-Charlotte, where I was employed in the Department of Geography and Earth Sciences for 34-years. My background and my PHD is in geo-chemistry, so I am quite familiar with some scientific aspects. What I want to talk to you about today is water quality and water quantity. I live in this development on the cul-de-sac on Parker Green Trail. When I moved in there 19-years ago, the piece of property that is behind me, which I think this is a very important point to make that gets lost in the shuffle, that is a designated wet land. It is under the oospecies of the Army Core of Engineers-

In rebuttal Ms. Nelson said let me take the first question around again the density point and the size of the parcel. We are trying to make the best use of land; the reality is part of Charlotte's affordability problem is land costs, and on a 3.3 acre parcel we are trying to serve at least 80 households, and we can meet all the requirements of the City's plan, exceed the buffers that would be naturally required by the proposed land use or the proposed zoning classification and meet the needs of our community on a 3.3-acre parcel. The only way to reduce the density beyond that would be to be on a parcel of 5 acres or more and artificially increase our land costs.

So, the reality is if we are going to try to do something different and provide housing for people at moderate rates we have to look for opportunities to minimize costs wherever we can. That is our reality; we think we have tried to respond to the concerns of the neighborhoods and the community and do that in most conscious way. Lastly, we are producing age restricted housing, which is not directly comparable to other multifamily. We have different trip counts; we have different usage of the land etc., and I'll just leave it at that and let Keith answer a couple of other points.

Mr. MacVean said Mallard Creek Road is a funded TIP project, will be widened to a four-lane median divided. It also will enhance the pedestrian accessibility from the site to the surrounding commercial uses. While we were at the site we saw people actually using the sidewalks that are there currently to access that commercial area. As Ms. Nelson mentioned, we are providing larger buffers with larger setback than lower density development would provide. That mitigates the impact of the slightly larger building to accommodate the number of units that are being proposed. The use is also a factor here. The use in combination with the buffers and the setbacks we think make this an appropriate location for this type of use.

Councilmember Eiselt said first of all I do want to say and acknowledge the desperate need we have for housing for seniors. Sixty-five and over is the population that is growing the fastest in Charlotte, so we absolutely need that. That said, this strays from the area plan, not just slightly, but greatly. The area plan calls for R-6 residential and this is R-27, so that is a big change and given some of the previous problems in the area that gives me some concern. I had heard from some of the residents and some of the folks mentioned tonight that there are already some flooding issues in the community and so, I would like to know from staff why they didn't— Property and Engineering said they didn't have any concerns with storm water yet there have been complaints filed about the storm water that is running off from the shopping center in the area. Mr. Pettine, if you could address that why we are not concerned about putting something this dense in there to add to the storm water issues.

Mr. Pettine said I can address the site itself, not sure about the other issues coming from other uses in the area, but the site itself initially as the petitioner mentioned proposed just the standard BMP, which is kind of a wet pond off on the corner of the property. That has been changed to tie into some existing storm drainage out there, but from what we understand will happen is storm drainage runoff coming from this potential project would be filtered through that drain, slowed down so it doesn't flow at such a fast rate coming off that site into that storm drain, so it should help to funnel any runoff from that into some of that existing infrastructure and use that to its best advantage to not have some of those runoff challenges that they are currently facing.

So, we may have to look at how that is going to function when we get into some of the details of it. I do have some folks here from that part of Engineering that can maybe answer that question a little bit better or provide a follow-up, but from what we understand that storm drain that is tied into this property will be used to channel rain water off, and any other runoff through that and should handle that adequately, particularly if it is slowed down as it comes off this site.

Ms. Eiselt said is it large enough to address the existing issue, or is it really just sort of designed to take care of what is proposed to be built?

Mr. Pettine said that is something that we would have to take a good detailed look at in terms of is it large enough. From what I understand, there are some benefits that it is, but there may be some challenges with it as well; so, we need to make sure we do a good evaluation of that to make sure that it can handle that in its current state or if it would have to be upgraded or provide some other means, but right now from what they are proposing it looks like it would be adequate, but we would get through that also through permitting and other ways that we go through that process should this be approved and moved forward.

Ms. Eiselt said that is one issue, and aside from that again, I appreciate the effort to build senior housing. I would just like for you to work with the neighbors a little bit more. I appreciate the setbacks, the design, but, I would like to see it more in line with what the area plan has called for, which is a much lower density.

Councilmember Phipps said I guess I'm conflicted with this particular rezoning request as it has already been stated that there is a definite need for accommodations for senior living in the District, and me being of that demographic, I can definitely say that this would be a fine location for a facility but for I think the density. I have a question for staff; did I understand staff to say that this particular residential density exceeds anything we have currently in the area?

Mr. Pettine said that is correct sir. We've got 17 units per acre at Tradition Apartments and then what was approved back in 2018; it was a 2017 petition. That goes up to 22 units per acre, and they are five four-story buildings in that project as well.

Mr. Phipps said do we have anything approaching, even in the Research Park of this amount of density?

Mr. Pettine said I don't have that answer off the top of my head sir; we can certainly follow-up with you on that.

Mr. Phipps said as far as the changes that were made to the property; the petitioner showed us the first rendition of the proposed project and then some adjustments that were made. Were any of the changes the result of neighbor input to that process, and if so, what were those?

Mr. MacVean said all the changes we made to the site plan were in response directly to neighborhood concerns with height, mass, location of accessory buildings, location of the dumpster areas, the amount of buffer that was being provided, where the building was on the site, in fact going to the Urban Forestry to move the building away. I will note that we do have letters of support from some of the neighbors, clearly not everyone, but we did have some folks that thought we had done a good job addressing their concerns and moving the building and providing buffers. Hopefully, you have received some of those in your e-mail, but a lot of the changes were made for that. To the storm water question. If I may, Storm Water Services did ask us to study downstream storm water impact of this site. We have done that; the conclusion of that is that this site will reduce peak flow as a result of the underground detention that is being proposed, so it does have some benefit.

Mr. Phipps said I have to say that on occasion on this dais I have approved rezonings that were slightly in excess of the recommended density; there was one that was six or maybe eight to 10, but I can tell you it is really a stretch to go from six to 27, and that is going to be a major concern of mine on a go forward basis. It looks like at six it is four times the recommended density, but this particular tract. I think it was zoned R-3, but the Prosperity/Hucks Plan was developed in July of 2015 said six, right?

Mr. MacVean said correct. I'm sure a lot of the property in the area was zoned R-3 originally, but has been changed over time to retail development, R-17 development, R-22MF development. I would note that those other developments at 17 and 22 units to the acre are not age restricted residential. To Ms. Nelson's point, that is a different type of multifamily with a different impact in the area. So, comparing density is a blunt measure, not necessarily the best measure of a proposed use.

Ms. Nelson said I would also add that the other multifamily that is existing or has been proposed is multiple buildings at three and four-stories; so, the one that was proposed across the way that was approved in UR-2 across the way is at 22 dwelling units per acre, but it has multiple four-story buildings. We tried to look at it both from the perspective of the land use but also from the perspective of how does our form compare to the form that is being recommended by the current land use? The reality is we know that there are some limitations to our current zoning ordinance, and we've done our best to hear from the neighbors and respond all the way down to entirely changing our design and the exterior elevation of the building.

Mr. Phipps said another thing that gives pause on this is the fact that a statement in the staff analysis that says- This particular site is being looked at as a proxy for what might could happen for other similar sites along Mallard Creek Road, some of which are for sale or up for development. This basically says that if we change this from the current six units per acre that this could potentially change the plan that other adjacent tracts would have this same kind of higher density that could be afforded to those tracts too. That is another thing that give me pause in looking at the density on this particular project and at this point is going to be hard for me to overcome as we move forward unless something changes. I know staff has said that the reason they don't support it in its current form is because of the density; so, are you saying that you are recommending that the density mirror or be similar to the six dwelling units per acre?

Mr. Pettine said let me go back just for a moment and clarify some of the points you made about the note we have that the plan would change should this petition be adopted. What that stems from is state legislation that anytime you approve a zoning change that is not consistent with your plan, that recommendation for that plan then changes, but it doesn't change properties around it. It just changes it for that specific property. So, we wouldn't

make any switch and say now what is recommended here or anything over here, it would really just change that recommended density on this specific parcel so, it doesn't have that impact of stretching out beyond the rezoning boundary.

In regards to our statement, we don't support in its current form due to the density; our role is to evaluate the policies that we've got in place as a staff and the policy that was adopted here in 2015 recommended that six dwelling units per acre. Now, we've also have pointed out that there are some shortcomings to some of those policies that we have in place, that they look at things on a very broad scale. They don't give us some opportunities right now to look at infill opportunities for site specific projects such as this one; they really don't give us too many tools to evaluate age restricted or other housing options that may support other Citywide initiatives that could come into play as we evaluate these from a staff standpoint. So, we really just have a very minimal set of tools that we look at with these; these plans are really formulated from both staff and community input. They serve a very good purpose but they also give us our guidance from a policy standpoint and as you stated when we start looking at six versus 27 or six versus even 12 or eight we always take that into strong consideration and how do we balance what is being proposed? What we know is a housing need versus the plan and in this case? We would like to be able to kind of put all of that into one umbrella, but we just don't have the tools. So, what we have the density to look at; we don't have some of the other caveats that we can use to say that this project fits within even though it is recommended for six we still think it fills a need, and it fills other policy initiatives that we would like to move forward, so that is where we get a little bit of hamstrung from our own policies in that standpoint.

Councilmember Ajmera said I appreciate the petitioner's willingness to help us address affordable housing, especially for our seniors, and I also appreciate working with our tree Arborists Office to protect some of the existing trees that are on this site, especially the [inaudible] on the wedge area; however, there are also valid concerns that the community has brought up around density and the storm water issues as some of my colleagues have pointed out. Based on the presentation that was done by our staff and the area plan, it is difficult for me to justify an exception specifically for this petition.

As Mr. Phipps has pointed out, this is a huge increase from what the area plan is suggesting for this site, and that does raise concerns for me, not just for this development, but what happens to development that comes in the future? Are we setting a new precedent for this neighborhood? I hope that over the next few weeks Ms. Nelson and her team will work with neighborhoods to come up with something that fits into the neighborhood, that addresses some of the valid concerns that have been raised by our residents.

Councilmember Harlow said in a quick response to Ms. Ajmera before I ask my questions, I'm not sure we set any precedent to be honest. We evaluate these things on a case by case basis, parcel by parcel, taking into account the area plan. This isn't going to rezone the whole City with this one decision, but, beyond that I feel like staff is looking for a way out on this one in the sense that I don't know if I've ever seen in my short time here, I've ever seen a clause that says while we don't support the petition in its current form and then we provide these kind of caveats around age restricted housing and what the land use recommendations look like on a micro level. Maybe this is just leading up to our full Comprehensive Plan to say, perhaps we need to make sure we evaluate or consider how we look at age restricted housing as it relates to density for future policy, because it sounds like without you saying it we haven't given you the tools really to give us the best analysis on this. So, it leaves a little bit of that judgement up to us as it relates to while we might not have policies in place particularly for age restricted housing. We have our own goals here as Council. We talk about affordable housing, we talk about making sure that we have a City that is diverse in race and social economics and in age, and we have to think about how we create quality of life for all folks.

I don't struggle with this one as much; I hear some of the concerns from the neighbors as it relates to safety and crossing the street. My response to that is anything that goes there if someone wants to cross a busy street they are going to cross a busy street, and we can't really police that. We can't rezone out of those type of decisions. As it relates to the

buffer, would some of the community support this if there was a larger buffer in the rear around the perimeter of the site? Then also, just to get you prepped up Keith and Dionne, I know you mentioned something about buffers in the perimeter of the site, so I guess maybe depending on their response what that looks like or if you could reiterate that.

Mr. Spence said I mentioned the narrowness of the buffer in my presentation. That was one of several issues that we were concerned with. It originally was 15; it was increased to 24, but in order to make the plan work to allow for a turn-around in the back of the building that had to extent part of the turn-around 16-feet inside of the 24-foot buffer. That was one of several items; the 56-foot building fronting Mallard Creek Road was a second. It was kind of a smorgasbord; there were several items we had concerns with.

Mr. Harlow said is that turn-around a sanitation turn-around or fire truck turn-around; what is the turn-around?

Mr. MacVean said it only occurs in one very small area, and that again is just wide enough for a truck to turn-around, so it is for fire trucks to be able to come, move up here and then make a turn. The Fire Department has a rule that they won't back more than 150 feet, so when we exceed that length we had to provide a turn-around for them. We still have the fence; we still have buffer planting between the fence and that. That is an area that is going to be frequently used; the activity is limited, just when a vehicle has to use it to turn around, hopefully not often for a fire truck, but again, couldn't find an alternative way to deal with that.

Ms. Nelson said we have attempted to extend the buffer. We've gone from 15-feet to 24-feet; the buffer is also substantially enhanced. Lee, do you want to speak to the change inside the buffer?

Lee Cochrane, Laurel Street said as we heard and met actually on site with neighbors what we heard was a six-foot privacy fence and actually down to what type of trees. So, we tripped the amount of trees in the buffer; we are doing 10 every 100 linear feet, which effectively creates a wall. Some residents want all evergreens and some wanted a mix of evergreens and deciduous, which we can do. We literally can go neighbor by neighbor and plant whatever kind of buffer is required in order to create the screen between our development and the adjacent single family.

Ms. Nelson said if I may address the density, the reality is we've looked hard at the density as well. We can get down to 80 units; the original proposal says up to 90, but to be honest with you that takes us to 24 dwelling units per acre as opposed to 27. If you go below 80 units; we are doing small developments here, and we are trying to serve a small segment of our population that needs the housing. The reality is, it is very difficult to operate a multi-family community at the level of service that you would expect if we go any lower. So, at some point the whole concept kind of falls apart frankly because we want to have on site management. It is difficult to operate on site management for a very, very small development. So, I just want to be transparent about it; we are willing to make that adjustment, but frankly, we didn't start there, because I acknowledge that is marginal relative to the concern that has been raised.

Mr. Syed said the problem is that when they are talking about the buffer they are going to put a six-foot privacy fence, and Mr. Harlow, if you think about a six-foot fence and then in about a hundred or so feet you've got a 56-foot wall with balconies and then when they put in the fence, some of us already have an eight-foot privacy fence. They are going to put their fence 12-feet away from our fence. It will create an alleyway, which will create a no-man's land. They are doing that I guess because of rules and restrictions they have to meet the requirements I'm not personally clear on, but creating two fences with a 12-foot gap in between and putting trees to me that is a risk for crime, for debris collecting. Who is going to maintain that; how that will be done? Why do we need two fences? I wouldn't want an alleyway created anywhere. So, there is a lot of things; the lady was also talking about we are not putting multiple buildings. The truth is even one building is not fitting there. If they tried to put two buildings you have other restrictions. They can barely get one building in this small piece of land with a lot of flooding issues that John Bender didn't

get to talk about. There are legitimate concerns about the water flow and not just those buffers.

Mr. Harlow said I think for us as a Council, this won't be the last senior development proposal we ever see; we hope not for Mr. Phipps' sake, and again, just to implore staff as we go through this Comprehensive Planning process these buffers are probably going to continue to be issues as we abut single family neighborhoods. Senior housing is going to continue to be a desire I think for everybody. I think there is some conversation to still be had here with the petitioner and the neighborhood. We see the no signs; we've gotten some e-mails. We've gotten some letters up here of support. I think there is probably some space there, and thanks for being honest Dionne; you can't really get around the density here. It is a tight parcel, but we've got to think a little bit outside of the box here. Understanding that yes, we are pushing the limit on some density stuff. I still believe staff is looking for a way out with some of these comments, because we haven't given them the tools, and so, we've had those conversations among ourselves to kind of say what would these tools look like if we did have them. I know we've got a whole month to decide that, but that is how I'm seeing this one right now.

Councilmember Winston said this petition reminds me of a petition we considered about a year ago on Nolley Court in District 6. I would like to be provided with the minutes from that public hearing, as well as the decision on that. It seems very similar, and we came to an understanding between the community and the developer.

Again, it was for senior living; there were concerns about elevations, setbacks as well as privacy fences etc. I would also like to see the final deal of how we got that consensus between the community and the petitioner. I have a couple questions for the petitioner; did you anticipate this type of push back from the community and Planning staff with this rezoning?

Mr. MacVean said yes, unfortunately. We've met with the neighbors early on; the first part of the year was our first meeting in January after we contacted folks in late December, waited for the holidays to pass. I've had several meetings, two large community meetings, some follow-up meetings on the site so, we were aware that we had not addressed fully the neighbor's concerns.

Mr. Winston said was staff as well?

Mr. MacVean said I'm sure the staff was aware there was opposition.

Mr. Winston said why move forward with such strong opposition on a project like this?

Ms. Nelson said the reality is when we first— you create a concept, right? So, you move forward, you learn of the opposition through the process and through the process what we've done is worked really hard to respond to the specific questions that have been raised. The reality is, in some cases there is disagreement in the neighborhood on each point. Some are saying they don't want a fence; some are saying they do want a fence. The reality is we've done our best to try to respond to what we've heard and move forward. We were aware of what the land use plan says in terms of the recommended density, but we also understand that there are opportunities for staff to take in other factors, even in your GDP guidelines, it allows age restricted housing as an exception to the GDP rule. I'm frankly a little bit surprised that the staff comments are worded the way that they are, but the reality is that is neither here or there, we are responding to the best of our ability to address the concerns and frankly from what I'm aware we have addressed the staff's concerns down to some small technical points with the exception of the DUA calculation and if that is single critical factor that is going to make or break this case that is not something that we have a whole lot of leeway with.

Mr. Winston said we've heard a lot about the age demographics and the proportion of population growth over the next 20 to 30-years. Is that accurate or can you talk about that demographics growth?

Mr. Pettine said yes, that is one of the fastest growing demographics, not only in Charlotte, but across the country. So, that is accurate and there is a housing need for that demographics specifically, yes sir.

Mr. Winston said how have we planned to house and service this community in a general sense?

Mr. Pettine said almost on a case-by-case basis such as this; we evaluate those petitions and we evaluate those developments as they come in, but we don't have a set citywide policy on land use specifically geared towards 55 and older communities. A lot of places frankly don't as well, but they do evaluate everything on a case by case basis and look at some of the same factors that we discussed tonight.

Mr. Winston said would it be fair to say that we don't have a strong plan to deal with this population growth?

Mr. Pettine said I don't know that I would say we don't have a strong plan; I think we've planned as well as probably some other places, but I do think that we've got some things that we can maybe look at with a different lens when looking at these projects that are geared towards this population.

Mr. Winston said what is the path that the petitioner could take to get staff's support for this project?

Mr. Pettine said that is something we would have to go back and sit down and work with them on and kind of go through and listen to concerns from all sides of the coin and see where we are and work with the petitioner to try and get a little bit more comfortable with the density, but I think overall, we just need to sit down and have some of those conversations. I wouldn't be able to say that without seeing some alternatives.

Councilmember Egleston said I will be brief, since we are getting close to two petitions in two hours. I would like to comment the petitioner, because I think everybody at the dais realizes the rarity of someone coming forward and proposing to help us on our affordable housing goals but not having their hands out asking us for money. That is pretty unusual. So, kudos for the effort if nothing else.

I would also like to point out, and I think this something, and I'll lean on the District Rep when it comes down to it on this one, because I don't spend as much time in this area and don't know the nuances of it as well, but just looking at the Prosperity/Hucks Area Plan on Page 6 of 7 in our books, I do have some concerns that a plan that is less than four-years old looks at the intersection of two roads this major and has on both of them a long stretch on Prosperity Church Road and a long stretch on Mallard Creek Road proposed on parcels fronting those major roads that we have a density of less than four units per acre. If that is the way we plan our City that we have that low a density along major roads near retail, near office we are going to have a big problem trying to get anything affordable because that sort of density does not allow for affordability; that sort of density does not allow for walkable neighborhoods, and it gives me a little bit of heartburn that four years ago we through a quarter mile from that major intersection we should have parcels fronting those roads at a density of less than four units per acre. That is maybe discussion for another day.

Mr. Phipps said could we go back to the proposed elevations for this particular project? I notice it is not in our book, but I think you had a picture.

Mr. MacVean said it is in our presentation.

Mr. Phipps said another concern that was brought up to me during my meetings with the residents was there were concern that given their houses that this particular structure in its current form, the character there in comparison to their particular houses was not particularly compatible, and I was wondering if staff had any kind of comments on that.

Do you consider this particular project to be compatible with the character of the existing neighborhood with which it abuts?

Mr. Pettine said I think a lot of it is a perspective question. I think what they've done with the building here, and I think they've also responded to some resident's concern even addressing the color of the building. So, I will say that the petitioner has done some efforts to address some of those concerns from the aesthetic, but as far as being compatible, it is hard to address compatibility of a four-story multi-family building to a single story bungalow style detached dwelling. I think from the context of would this be the kind of development you would see on a major thoroughfare such as Mallard Creek Road, continually as the City grows and progresses. I think long-term, yes, it would be something you would see on a thoroughfare like that. Whether it is compatible with things that are behind it again, that is going to be a bit of a challenge because the context is a little bit different with the [inaudible] between a multifamily four-story building to a single-family bungalow is really a tough one to make.

Mr. Phipps said any comments as to massing and scale?

Mr. Pettine said again, I think they've addressed the issue by reducing the height of the building to three-story on the back side. I will point out that the UR-2 zoning that was approved across the road maintained four-story in height throughout the project. So, I think with the step down they have provided some efforts to mitigate some of the visual impacts and the massing of it rather than having those both all be four-story buildings. I think again, they've done some work to address some of those concerns. I think they did a good job of massing the building on the back side to address that. Is it enough, again, that is something the community has discussed with you all and will continue that discussion, but as far as the massing that they've got now I think they've made some efforts to address that from their community meetings.

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

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ITEM NO. 20: HEARING ON PETITION NO. 2018-149 BY WEST END INVESTMENTS LLC/MOSAIC VILLAGE HOLDINGS, LLC/PAUL EDWIN CLOUER FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.13 ACRES LOCATED ON THE WEST SIDE OF WEST TRADE STREET, SOUTH OF SOUTH BURNS AVENUE FROM R-8 (SINGLE FAMILY RESIDENTIAL), R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL), B-1 (NEIGHBORHOOD BUSINESS), B-1 PED (NEIGHBORHOOD BUSINESS, RESIDENTIAL OVERLAY TO MUDD-O PED (MIXED USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY), WITH FIVE-YEAR VESTED RIGHTS.

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is a proposed rezoning to MUDD-O PED, mixed use development with optional and pedestrian overlay with five-year vested rights. This is a project that is going to go forward to bring forward some different development proposals within the Mosaic Village project, that is going to retain the existing six-story building as well as the 80 residential units. Development Area B will propose up to 100,000 square feet of office, retail, restaurant, performing arts and community space. It does have a maximum height of 86.5 feet.

Development Area C proposes up to 90,000 square feet of office, retail, restaurants, performing arts, up to 90 multi-family residential units, and Development Area D proposes up to 80 multifamily and single family residential units with a maximum building height of 40-feet. We are providing some allowances in this petition for consideration of conversion of retail, restaurant community space, so we do have some options in there if things change with the market over time they can adapt. We have some optional provisions related to location of parking and drive-way. We do have some other street scape and

transportation improvements including coordination with the streetcar implementation, some architectural standards related to building orientation, architectural treatment on all sides with a few exceptions and also identifies existing and proposed amenity areas. Some of the general concerns that we had brought up really pertain to building design and tree ordinance requirement. I do want to address the tree ordinance item. We do have listed as an outstanding issue; we've continued to work with the petitioner and the folks behind the project to meet that requirement both through provisions within the site boundary for this rezoning as well as other development areas that they have and property ownership just next door. That will get flushed out through the permitting process so we will be able to address that. We may not be able to address it all through this rezoning boundary but outside that context we can acquire some of those trees save ordinance requirements that we've been asking.

Mike Griffin, 19109 West Catawba Avenue, Cornelius said thank you Council for your service and your dedication to our community. I know it is a long night, so I will brief and try to keep it three minutes. I am a partner with Griffin Brothers Company; I have two quick slides specific to this development. One is our experience in hospitality and restaurant, which will be a component of this. We own [inaudible] Country Club which is in West Charlotte and also a restaurant in Denver, North Carolina. We have about 600,000 square feet of property that we have developed and own. Generally speaking when we do development, we keep it; we don't do any type of development for sale and this is an example of that. Deep roots in the West End corridor; that is my father in 1940, born at 5604 Beatties Ford Road. His parents met at Lance Crackers, both were both factory workers and grew up at LaSalle Street and Beatties Ford Road, so we've had a long presence. My father started his career with his uncle, Honest Tire Service; eventually, we got into the tire business, and over the years we've diversified into real estate development and other things.

I'm excited to talk about the past and of course the future. Recently Mosaic Village, our partnership with Johnson C. Smith and also the Arts Factory the Visual Performing Arts School, partnership with Johnson C. Smith, this is phase two which we are super excited about; we call it M-2. I won't hit the highlights, because they've been talked about as far as the size, but we really look forward to recruiting compatible companies that believe in the culture of this community and follow that. I am super excited to share a few pictures and also briefly talk about our neighboring concepts in Shook Kelly; they are my equity partners in this. It has been a great pleasure to work with Daryl Williams over the years and new in this partnership is Terry Shook. They as a group collaborated to create this great structure. To the left is our original tire store, Arts Factory; to the right is Mosaic Phase I and the parking deck.

Just a couple key points, one is the multi-modal path that connects to Seversville; this was a great collaboration with C-DOT in that we took what could have been a road and made it a multi-modal path instead of a road, which gives us an opportunity to have great connectivity without vehicular traffic. This is as if you are walking from the Arts Factory to Johnson C. Smith. Obviously, we look to have a lot of retail on the ground and community centers. This would be walking to the back of the building from the Seversville community or Duckworth. The last comment I want to make is at Five-Points Business Corridor which is a key part of historic West End. We have a focus there obviously, but it deserves to be a live, work and play environment. I think there is a lot of live diversity. Honestly it has gone away a little too quick; there has been a lot of gentrification-

Councilmember Harlow said this is a fantastic development along our Gold Line. This could have easily been a TOD transition, kind of a first example as we think about it; what design could look like around the Gold Line corridor. Great community support, fantastic input from the petitioner on multiple fronts to all the surrounding Fire Point neighborhoods. I will be supporting this and hope the Council will next month.

Councilmember Eiselt said why do we need five-year vested rights?

Mr. Griffin said I think specifically to our plans is that we plan to start development soon after this hopeful approval.

Ms. Eiselt said I say that because we are trying to get away from that, so if there is a specific reason for five-year vested rights?

Mr. Griffin said I do know this; obviously, Neighborhood Concepts and Shook Kelly plan to move their firms there; Shook Kelly from South End and Neighborhood Concepts from Mosaic Phase I. We have to at least get another 30,000 or so square feet of tenants before we can start so I guess therein lies the reason there is five-year vested rights.

There is a challenge in this corridor, obviously we are competing with other sub-markets in Charlotte and right now this market is starving for entertainment and dining. We have a dining desert and an entertainment desert, so it is hard to compete and we are trying our hardest to compete against other sub-markets to bring the type tenants that our community wants, so I guess the hedge is there. I would like to think it is not going to take five-years but we hope to start as soon as we have the proper amount of tenants.

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

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ITEM NO. 22: HEARING ON PETITION NO. 2018-154 BY CHARLOTTE MECKLENBURG HOUSING PARTNERSHIP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.48 ACRES ON THE EAST SIDE OF WEST SUGAR CREEK ROAD, SOUTH OF MUNSEE STREET AND WEST OF YUMA STREET FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND MUDD(O) (MIXED USE DEVELOPMENT).

Mayor Lyle declared the hearing open.

David Pettine, Planning said as you can see, the property is located at West Sugar Creek Road, Yuma Street, Argyle Drive and I-85 just to the north from West Sugar Creek Road. As we continue forward going through the District Plan, this was a District Plan that was adopted in 1996; they only recommend land uses up to four dwelling units per acre, and because of the age of the plan, we applied the GDPs for this particular petition and that got us up to 12 dwelling units per acre. The proposal that we've got comes in at 12.28 so just a hair over what is recommended for the density for this area. Again, we've got multiple development going on throughout this project with both multifamily buildings as well as some attached single-family housing. Just so we have an idea of what we are looking at, Development Area A we've got up to 50 multifamily dwelling units, 3,500 square foot club house. A minimum of 90% of these units will be made available to persons earning less than 80% of AMI for a period of 20-years, so we do have that component as well.

Development Area C, we've got the existing single-family dwelling that will be maintained and then we also have some set aside for neighborhood parks and open space and then some parking that is going to occur down here between this building and Yuma Street that will help to provide some additional parking for this institutional use as well as some architectural standards that have been committed to. Staff does recommend approval of this petition; we do have some minor outstanding issues related to site and building design as well as environment and transportation issues. It is located on a major thoroughfare; it does meet the proposed density, just slightly exceeds by 2.8 units per acre. We do have some attention to the details along Yuma Street to deal with how that interacts with the existing single family there. Just note that this will revise the adopted future land use as specified in the plan from that single family of four dwelling units per acre to multifamily of 14 dwelling units per acre.

Keith MacVean, 100 North Tryon Street said Jeff Brown and I are assisting the Housing Partnership with this rezoning petition. We do have some outstanding issues and we will be addressing those. David did a great job describing what the development is, up to 50

workforce housing units, a small neighborhood park and a small amount of parking for the church. Dr. Wherry and Julie Porter with the Housing Partnership have formed a unique partnership, and I'm going to step away and let them explain what that partnership is and then you can hear from the other speakers that have signed up to speak.

Julie Porter, 4601 Charlotte Park Drive said as mentioned earlier, the Housing Partnership develops affordable housing, both multifamily and single family serving low and moderate income renters and buyers. We administer the City's House Charlotte Down Payment Assistance Program and provide home buyer counseling. In addition, we help Charlotte's low income, disabled and senior homeowners age in place by partnering with Center for Legal Advocacy on Workshops to apply for property tax relief. We are asking for zoning approval of this traditional nine percent low income housing tax credit, multi-family community, a partnership among Mayfield Memorial Baptist Church, the Housing Partnership and Shook-Kelly Architects.

The low-density design of these apartments fits well within the community and will add much needed affordable housing in a portion of Charlotte that has seen acceleration in housing costs. As a non-profit the Housing Partnership's responsibility is to target our affordable housing product to serve households at the lowest end of the income spectrum. For that reason, we have modeled this development to target 13 of the units for 30% of area median income and another seven for those under 50%. We would welcome the opportunity to partner with others to serve additional very low-income families using tools, such as The Way Home Endowment. In keeping with the priorities for Mayfield Memorial Baptist Church and its constituents, this is a mixed-income community also serving 60% and 80% AMI households. Thank you for your continued investment in Charlotte's affordable housing, we appreciate your partnership.

Peter Wherry, 7103 Strawberry Fields Lane said thank you for the opportunity to be here tonight and to talk about this development. I came on with all kinds of data and facts but Julie Porter has forgotten more facts that I've known about this space, and so, I will just simply say a couple of things. One, this gives us the opportunity to make a contribution to what we view as one of the crisis of our City, the lack of affordable housing, and we plan to build what we consider a grand address in the space that will be new development in our community of which our church has been a part for now 50-years as of yesterday.

I also want to say it gives us the opportunity to partner with Dr. Tom Bart of UNC-C and the graduate school of urban planning to allow graduate student interns to help us gain more data and information about ways we can help the community move forward into its own goals and objectives. I want to finally say that we are not doing this for any reason other than it was a vision of the possible and that we believe strongly that it is right; 2 Kings Chapter 7, verses 3-11 talks about four lepers deciding not going into the City; lepers represent the community without a place to go and the City represents the problems of viability in a city, and they decided instead of going forward or staying where they are and dying in both cases to think outside the box and go to the army and that is the lack of housing where the problems are and what ends up happening is God provides for everyone. So, we hope that will be the case.

Charles Martin, 2306 Prestigious Lane said I have served previously on the Planning Board for the City of Atlantic City; I was Vice Chair of that for some 14 odd years. The developments of casinos and of course with our kind President of the United States; however, in spite of that, this project I have been involved with Pastor Wherry. I am a member of the church since its inception, and I am for it, and while some people may not like it because it represents a change, change many times is good, and I ask that this Board before us grant the necessary approval for this particular project. I ask you that. I beseech you that. I beg you that.

Robert Barfield, 9814 Hanover Hollow Drive said I am an architect here in Charlotte, North Carolina; I am a deacon at Myers Park Baptist Church, and most importantly I have had the pleasure of serving with Dr. Wherry over the past year, maybe even longer than that, in our efforts to move forward with this project on this land that is adjacent to Mayfield

Memorial Baptist Church. Myers Park Baptist Church is a sister church to Mayfield and we have enjoyed a fruitful partnership through this process. I am here to speak in favor of this rezoning petition. As you all have heard already before tonight, this is effectively an affordable housing project, and I believe that this will add much needed affordable housing and viable housing options to a community that is desperately in need of it; I also believe that this project will serve hopefully as a catalyst for many other projects that will occur, not only in this general area but also in Charlotte at large. With that I simply offer my support for the project.

Charles Seale, 3536 Blackhorse Lane said I am also a member of Myers Park Baptist Church, but I've been involved since the formal work that Mayfield Memorial CDC started with their Board. You all hear a lot about affordable housing, and so, I'm going to do it a little bit differently. I'm going to tell you why I got involved; number one, they ask me; that was pretty nice of them so I said yes, and I said yes because I've been a developer. I've been a head of the most laudable nationwide affordable lending operation, and I've been involved in low income housing tax credits around the nation.

The next reason is the commitment that Mayfield Memorial has; they have been committed by putting their own land up and then being totally involved with the community from the outset. The next one you all know already that affordable housing and tax credit type properties work. They are well maintained normally and they provide housing that eliminates some of the too high of rents, some of the overcrowding and some of the homelessness in neighborhoods. Finally, is that Mayfield Memorial showed extreme professionalism by the type of people that they got involved in this project. We interviewed a great deal of people, and we ended up with a team that is exceptional. I'm proud to be here as part of Mayfield Memorial, proud to be here to support the project.

Bill Hamlin, 1402 Fern Valley Drive said I am a 50-year member of Mayfield Memorial; we have been in this business of affordable housing and housing for seniors for over 42 years. We are good stewards of the public dollar; we are probably one of the few churches in Charlotte that have operated affordable housing for this long being good fiduciary responsible stewards of what we do. Some of our Board members of our present Mayfield Memorial Apartments are here, and we stand on ourselves. We are proud that have chosen this opportunity; this land has been vacant for about 42-years. It was initially planned for parking, but it hasn't grown to that fruition, but we have found a more viable use for the property for human value. I support this project.

Kim Wilson, 10610 Honeyfur Court said the Declaration of Independence states that all men are created equal and that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and a pursuit of happiness. The Bible is clear that some people have experienced setbacks and hardships in their lives even to the point of extreme poverty. Many have discovered that minimum wage-

Simon Broom, 4536 Munsee Street said I am against the proposed rezoning of 4.48 acres of land located on the east side of West Sugar Creek Road, south of Munsee Street and west of Yuma Street, for the following reasons and/or questions. The proposed density of 12.28 units per acre slight exceeds the 12 units per acre supported by the General Development Policies; that is number one. Number two, maximum building height is two-stories and 40-feet; what is the height of a two-story building? That wasn't explained in the petition. Number three, 90% of residential units will be made available to residents earning less than 80% of the area median income. The area median income in Hidden Valley is \$29,300. I want to know what the average rent be for this facility. Number four, why are these townhomes not accessible from Sugar Creek Road? All access to this property will be on Munsee Street and Yuma Street. Under transportation considerations, the existing use of the area is 70 trips per day based on seven single-family units. The area has an entitlement of 170 trips per day based on 17 single-family dwellings. This proposed zoning change would increase to 350 trips per day, five times the existing use based on 50 apartments and one single-family dwelling.

Has anyone done a traffic study of Sugar Creek Road between Cinderella Road and Ragan Drive during the 2:30 p.m. to 6:30 p.m. commute times during the week? Number

five, under department comments from Charlotte Mecklenburg Schools the net increase in the number of students generating from existing zoning is proposed to increase by only two students from 11 to 13. I'm saying what? Two hundred people and the school only increased by two students? That doesn't make sense. Number six, I noticed on the rezoning petition itself that the staff recommends approval of this petition upon resolution of outstanding issue related to site and building design and environment and transportation. When will we be made aware of the resolution of these outstanding issues?

Charles Aiken, 4523 East Argyle Drive said I have been a member of the Hidden Valley Community for 18-years. When I first moved to the Hidden Valley Community, it was known for three things, drugs, gangs and violence. Over the years we've worked hard to change those negative views of our community and have undoubtedly made some notable progress. Although we still have a lot of work to do, Hidden Valley is now known as a diverse community where the majority of the residents are working class, striving to own their own homes and retirees seeking peace in their golden years. I think our community is currently on a positive trajectory, and I don't feel that adding an apartment complex to the 13 already established in this community is in anyway a positive step toward the goal of making Hidden Valley a model community here in Charlotte. In fact, I feel that adding the low-income apartments being proposed by Mayfield is not only detrimental to the continued progress we've worked on in our community but will be like throwing sand into the gears of that progress.

I don't know the precise number that would say that our compassionate community has absorbed more of its share of Section 8 along with problems associated with low-income programs. We are doing more than most communities while trying to maintain a fragile balance that won't take us back to 20-years ago when I first arrived in Charlotte. We don't have the infrastructure as anyone in proximity to Sugar Creek Road or having dealt with cut-through traffic can tell you. The schools are already at capacity; what does that mean for our children? While knocking on doors in my community, I did not find one person in favor of apartments of any type being added to our community. I'm asking that all members of this Council vote no on Petition No. 2018-154, the proposal to set the Hidden Valley Community back, not move it forward. I'm asking that you do not be complicit with those whose objective is to line their pockets without any regard to consideration of the damage that they cause to the community that they don't live in or care about. Hidden Valley is our home where we raise our children and grandchildren who are as valuable to us as yours are to you. We want things that will uplift our community, make it better, not worse. The Mayfield proposal does not make us better; please vote no on Petition No. 2018-154.

Al Williams, 4500 Munsee Street said I Al Williams, US Navy Retiree; I've been living in Hidden Valley for 20-years. My wife and I got married in the backyard. This is new to me, and I drive down Sugar Creek Road and Munsee Street every day and I see this. I see the drugs the prostitutions, the homelessness up on Sugar Creek Road that is going to migrate down to one street from my house. I go back to my backyard, and I can see Mayfield and also this site that they are looking to put these units on. A few years ago, my wife and one of my neighbors found a dead body in our trashcan. This is my reality; we both have PTSD going forward. I'm trying to keep emotions out of this, because I don't want it there. With what they are trying to do here, okay, fine; let's do it somewhere else. I'm asking that you vote no. Having PTSD and knowing that going forward with this and I've got to drive home every day with this- I also work for the City; I work on the light rail, so this is not easy for me to sit here and try to downgrade what God is trying to do through Mayfield. I have no problem with that, but I have a problem with the issues going forward.

I applaud CMPD for doing the job they have done in Hidden Valley; I applaud that, but this proposal will bring all that migration back from the days that Hidden Valley was before the drug activity. Let's be real, we're going to keep it real, if we are going to do this let's do it right, but let's have some sort of sensibility please. Excuse my outburst; I'm just emotional a little bit. I'm looking out for my wife and my family. I've spent thousands of dollars putting security in my house, doors, cameras, lights for our safety, so I'm asking

you please with all due respect and agape love take this into consideration. In the Book of James, Chapter 1, verse 8 a double minded man is unstable in all his ways.

In rebuttal Ms. Porter said first of all I would like to be able to finish; so, I'm only going to just mention one thing that the Housing Partnership does have a professional third party management that is very careful about doing background checks and making sure that our tenants, our residents of our apartment communities are actually valued members of the community and contribute, and we are very careful with any crime associated with a unit, and we will evict if there is a problem with a unit. I just want people to know that they really have nothing to fear from affordable housing.

Ms. Wilson, continuing her remarks, said many have discovered that a minimum wage job doesn't even come close to paying the rent and the utilities, but God. God teaches us to be radically different from the world, that we should go out of our way to provide for the homeless, the poor, the orphaned and the disillusioned. All believers within the body of Christ are called to this mission; the church is hope. Those of you who govern are charged with securing the preexisting basic rights of the people, not to impose the will of the majority of people on the minority. Today, we are asking that you aid us in our mission and grant our petition to rezone our property for mixed use.

Councilmember Egleston said I can appreciate that every rezoning we have has people that have concern with change, but I will emphatically reject the idea that all of these church members are here to line their pockets. I would like to applaud the Mayfield Memorial Baptist Church for doing the work that we need more of our faith organizations and institutions in this City to do, because we as a City will not be able to meet the affordable housing need on our own. We have to have the partnership of the private sector and the faith community, so bless you for what you are doing.

I'm glad Ms. Porter touched on the fact that they do background checks, they do hold their tenants accountable; this will not be bringing back the people that thankfully have been removed from the community that caused so much trouble in that community, but I do have faith that Mayfield Memorial had invested interest in that community whether they live there or only worship there. Mr. Williams mentioned that he has worked on the light rail; thank you for the work you've done. You certainly realize what an asset that is and that as Sugar Creek Road reopens across the light rail which is slated to happen in the next 45 to 60-days, that area is going to be a target for investors; it is going to be a target for people who want to come in and tear down old homes and build \$600,000 and \$700,000 homes in their place. So, while today Hidden Valley and Farm Crest and Sugar Creek those communities might look one way, they will not that way for long if we are not proactive about ensuring that people can stay there and age in place as you said and live out their golden years. We've got to be proactive in these things; we've got to know where the investment and the gentrification and the displacement is going to happen and be thinking a head about how we can keep price points where people can stay in their community; so, I am very appreciative of the church, their partner church and the Housing Partnership for this work. So, thank you all for being here.

Councilmember Winston said we had this conversation probably about a year ago when we had to decide sites that we were going to send up to Raleigh for consideration for low-income housing tax credits, and this site received a perfect score from the state. So, should this rezoning go through, which I don't imagine that it won't, there is still a next step; however, I want to talk a little bit about the history of Hidden Valley as it celebrates its 60th year of existence.

It was the first suburban neighborhood built in Charlotte, and it was pretty lily white when it came into existence. There were regulations on public housing in and around Charlotte on the federal level that made that type of public housing that wasn't Hidden Valley desirable again, mostly lily-white Charlotteans. As those federal regulations were drawn back, the color of those public housing developments became more brown and black and those white folks left to enclaves like Hidden Valley, but as time continued to move on and urban renewal occurred and those housing projects and other black and brown neighborhoods, some very close to uptown, were demolished and those people moved

to places like Hidden Valley. So, this was not necessarily a natural occurrence that happened within 20 to 30-years; this was intentional development practices that are not just on the City state but also on the federal level that influenced the type of drugs, violence and destruction in places like Hidden Valley. Hidden Valley is notorious during the late 80's and 90's for the gang activity, the drugs etc.

Things continued to change, and if we don't take intentional steps Hidden Valley will not have the black and brown faces that it has now. It will not have the ability to have mixed-income communities. During that hearing last year one of the people that was speaking in opposition was actually a developer, who said he had a plot of land that he imagined that he was going to put four houses there that were going to sell for \$400,000, and he was afraid that if this investment occurred he would only be able to sell it for about \$300,000. Well, that doesn't necessarily equate, because this is about \$30 million of investment going into this neighborhood or several million dollars of investment going into this neighborhood on top, as Mr. Egleston said, the effect of Blue Line opening and that corridor being developed. I had to look at renting homes in Hidden Valley as of recent; they are not affordable, \$1,400 and better a month, and you can find cheaper stuff closer to uptown, and you are not going to rent it from a person, you are going to rent it from a corporation.

So, this investment is wise; this is a part of our community, the faith community that we have given the charge that they have to step up; that they have to use their money. It is not just Mayfield Memorial but you are right communities and church communities in Myers Park and Ballantine and all the places that we suspect that need this investment just as well, but somebody has got to take the lead. I appreciate the development community, the church community and the neighborhood for stepping up and creating an example for the rest of this City to follow.

Councilmember Ajmera said Ms. Porter, you had mentioned that there would be a property management company that will screen every applicant.

Ms. Porter said correct.

Ms. Ajmera said to one of the speaker's concern around security, could you speak about the security at this site and how it will address some of the concerns that were brought up by Mr. Williams?

Ms. Porter said there is an on-site property management that will be at the apartment community. We own 22 apartment communities now here in Charlotte; we don't need to hire actual security guards for them. We really don't have crime issues at our apartment communities. If there was ever a problem, we evict the problem, and that is the simplest way to say it. Our tenants and our residents are so grateful to have an affordable apartment for maybe the very first time in their lives; they are not going to mess that up. That is where they want to be, and maybe the first time they are ever paying \$350 a month, less than 30% of their income. They are going to do everything in their power to keep that stable housing.

Ms. Ajmera said I think some of the concerns that were raised by speakers were not specifically for the residents living on that site. I think the fear of the neighborhood and there are some concerns that they have raised because of the past of what they have seen, and I think we as a community need to assure the neighbors that are already living in the existing environment that we are going to do everything in our power to create a safe and sustainable affordable housing in our City.

Dr. Wherry said that was a part of what I would have mentioned; you said it much better than I could. What I would like to add to the conversation in answer to your concern is that I would like to reject the notion that because a person is poor they are also a criminal. So, what we have encountered in fact is people who are working very hard just not working gainfully and so, we propose this community, not as a magnet for crime; it has been alleged some other things but we propose this as a vehicle, a doorway out of poverty as a scourge and instead a community where everybody has a place.

Ms. Ajmera said Ms. Porter, in terms of security, you had said there would be no security guards on the site. Would there be any cameras for physical security? I have seen at various housing, whether it is apartments or homes, they have installed a camera system for safety, and having served on Charlotte Housing Authority, I have seen on several Housing Authority site because of the concerns that were raised by residents, not residents that are living on the site, but the surrounding neighbors, where it also protects the neighborhood and residents that are on the site. Would there be cameras installed for some sort of physical security, not necessarily security guards, but what are some of the measures that you are taking to address some concerns of our neighbors?

Ms. Porter said we have not typically installed cameras in our apartment communities; it is certainly something that we can look at. We would be open to talking about that, just as long as it is within the budget.

Ms. Ajmera said I would ask that we look into some of these concerns, and I think to Dr. Wherry's point poor people doesn't necessarily mean that it creates crime; however, two neighbors that are living today having experienced difficult times in the past, and that has led to some of the fear, and they have come here to express that fear at the hearing. They are not saying that we don't want more neighbors; I think this is an excellent example of how communities can come together to create affordable housing, and I applaud Dr. Wherry's leadership. He has been a very vocal supporter of creating sustainable neighborhoods in our City when we had in 2018 had approved the SEAP and sustainable resolution. I'm not saying that with this project we are going to create unsafe neighborhoods or unsafe development, but I think at the same time we have a responsibility to our neighbors that they are comfortable, and we are welcoming to them.

So, I hope that you will consider some of these measures that we can take which are very cost effective. Security cameras cost less than \$200 to \$300. Some of this investment would give comfort level to residents that are living next door who have lived in fear for many, many years and we can't neglect that kind of anxiety and fear that does exist. I hope you will consider that; together we can create a great community where we are welcoming our neighbors.

Ms. Porter said we will certainly consider it.

Councilmember Mayfield said I want to share that I hear the concerns of those who signed up against the petition; I also see the work that the church has done. I want us to think about one, when we talk about affordable housing today it is a very different conversation than even 10-years ago. When we look at the cost of rents today a lot of these rents are more than our mortgages if we were able to purchase a number of years ago. I also want to encourage that Freedom Drive, corner of Camp Green and Freedom we have a project that is going to be happening, because we had to put affordable housing on Freedom Drive, of all places. Anybody that has lived in Charlotte more than 10-years, anybody that grew up in Charlotte, you remember Berryhill; you remember prostitutes, morning, noon, and night, the drug dealers. We remember Westwood Apartments; when that development started happening that changed the whole conversation.

So, you have a community where we had homes that were \$40,000, \$50,000 and \$60,000, and I say this because that is my community. I bought my home in 2001, thank God. So, I'm watching it happen around, and I was driving back and forth to work seeing the prostitutes, seeing the drug addicts, seeing everyone. Yes, I see the house on the corner; yeah, my people standing on the corner wanting to play like they were drug dealers. We're the ones driving down the street throwing the trash out the car windows, walking around the corner throwing the trash on the side, so there is a community impact to this that we've got to have a conversation about when we have to take some ownership, but I want us not to walk in fear when we are talking about creating housing opportunities.

I have a lot of questions; I do a lot of challenging to our developers on a daily basis outside of this dais around what you are trying to build in our community that has historically have not been invested in. I would hope that those of you who have concerns about the project

know that we are hearing you; we are listening to your concerns. I just don't want us legislating or making decisions as community members and as neighbors out of fear, for the simple fact that what is happening today is a snapshot that we can just drive 10-minutes from where Hidden Valley is, and you are seeing the impact of \$500,000 and \$600,000 homes right next door to a home that we did a partnership on in order to get the roof repaired.

Tonight, is the hearing; the whole purpose of this is for us to hear from staff, from the petitioner and from the community for us to take it in. Ms. Porter, you've heard the concerns; you've heard some of the fear. I just want to make sure that we are having a very transparent conversation about what we are doing and what we are attempting to do and recognizing that as the City grows, we have an opportunity now to do what didn't happen in my neighborhood. We had the conversation earlier about the rail; what didn't happen on South Boulevard, what didn't happen off of Freedom Drive, what didn't happen off of Camp Green Street, the impacts that we are seeing now, we have a chance to try to do it differently and try to do it better.

I'm hoping that there can be continued communication with residents in the neighborhood, but I also want you to understand that we are listening to you and we hear you, but the entire City is growing. There is available land, the question is how do we identify a project that is going to benefit the community long-term versus a short-term gain and then the community is going to be in the same position in five years that we are dealing with today.

Councilmember Eiselt said I want to first say to Rev. Wherry and to the parishioners and supporters of this project at Mayfield Memorial that it is great to see a church that walks the walk and puts the effort into this and cares about this. That is what makes all the difference in the world on projects like this to what some of my colleagues have said. We've had this before on a couple other Housing Partnership projects that the Housing Partnership manages the development when it is completed and that is really a critical part to all of this. Without that component, 18 units could go on to this land by right, and you could certainly have problems in any one of those units, and nobody is going to be watching that. So, having the Housing Partnership involved is very important, having the church family involved is very important; so, I have confidence that it will be a good development, and it will be a part of the community. That said, I do want to acknowledge the voices of the folks that are concerned and want to say two things: one, that I hope they will reach out to Mayfield Memorial and have more conversation so that you can really address what their concerns are and have a better understanding, but secondly, I would like to know from staff what else is planned for this area? Because there is some concern. What else has been filed and this is something that we don't get to look at on Council. We talk about deals, and we are a deal making City and we get one deal at a time, and that is all we get to look at but we don't know what else is coming.

One of your residents brought that to my attention that there are a lot of other apartment complexes, projects that have been filed, so I would like to know more about that, because we do need to be concerned about how fragile this area is and when Sugar Creek Road gets complete and when there is access to the light rail and when developers come in we want to make sure the area is not being taken advantage of and that we are not overbuilding in there in a way that undoes the work that the community has put into this to make this neighborhood a thriving neighborhood. So, if you could get back to us on that David on what else is coming up.

Mr. Pettine said certainly we can do that.

Councilmember Phipps said Dr. Wherry, I do appreciate the work that you've done, especially with University City family zone and being in charge of that affordable housing Committee. I have visited your Mayfield Memorial Senior Apartments off of Oneida Road, so I see that the church has a deep history in managing projects like this. As the District Rep, I get cornered from time to time at various meetings in Hidden Valley and some of them are pretty intense. They talk about that they feel like they already have enough affordable housing there and this will be just adding to it, but I want to reflect on something that Ms. Mayfield said and what is happening in the Freedom Drive corridor. We have a

similar corridor at Sugar Creek Road and Ragan Drive where we have a cluster of 13 hotels. I'm told that 166 families live in those hotels on a week to week basis. Matter of fact, CMS considers people who live in those hotels to be homeless. I always thought and I know that the partnership has a stellar record of developing projects and transforming projects even the Statesville Road corridor with Bright Walk and the things they have done there. I think they had a similar reputation of nefarious activities going on and that has cleaned up with investments.

So, I see that these areas that what I try to project is you're having these substantial investments of people who are not just trying to get heads in the beds, but they are making sure that they're having quality tenants there that would be able to make up a cohesive fabric of the community. So, when I hear people say, we have enough. I know we are talking about what is going on at the light rail station near Tom Hunter Road; there is an apartment complex getting ready to come up across from The Blue, but The Blue is a high end, market rate apartment complex and across the street is going to be another high-end market rate complex coming there. At Eastway and in back of Martin Luther King Middle School, there is a proposal there for some affordable workforce units but they are in jeopardy now because of some division ordinance that they have to meet in terms of connectivity, but that may or may not happen, but we are trying to get affordable projects on the light rail that people can use so they can use the substantial investment that we've created with our light rail also.

Dr. Wherry, what I want to ask you is when you hear the comments that we have enough affordable housing units in the Valley, what is your response to that? How do you feel about that? I don't see many people complaining about we've got too much market rate apartments going around in some of these areas, but when it comes to something that is desperately needed and something that we've all focused our efforts on as a priority for the City in terms of, we get complaints all the time about people saying they just can't find a place to live; people are desperate, seniors, individuals so it seems like we are getting pushed from different sides. People want affordable housing, except if it is somewhere else. So, when you hear those kinds of comments and the vision that you've had for your property for all those years what is it that you want to impart on people to be able to recognize?

Dr. Wherry said a couple things if I may, first I want to resonate with something I heard Ms. Mayfield say and that is the conversation about affordable housing is a very different conversation today than it was when the 13 apartment complexes in our area were built. I will say this, I understand and hear and resonate also with concerns of the residents in the community. We have in this delegation if you would not mind Mayfield Memorial just to show you they are here and everybody who is here is not outside the community. In this delegation, we have people who are homeowners in Hidden Valley and residents of Hidden Valley, but also other places. Mayfield, just hold up your hands so we don't disrupt anything and you can see where they are. Some of these are homeowners and residents of the Valley. I would say this, as you know, I am a member of the Hidden Valley Community Development Corporation, and also we have a vested interest in making sure that the community is safe and moving forward as well, and I think when it is said that there is enough affordable housing, I want to argue that that is in contradiction of the facts we see on the ground. That is to say every week we see people, who are not indigent who are not criminal, but they are just poor and that if all they can afford is the rent that keeps coming like a bad cold every week, if they could afford that, they are working. Why can't they have a credible decent commodious place to live? That is what I think, and I believe that if we work together for example, I've got plans, and I've had conversations with members of the Homeowners Association about going to talk again. I just met with the CDC this past week, going to talk again with the Homeowners Association. I don't think there are any issues that people who love the community can't work out together.

Mayor Lyles said before we close the public hearing, I want to say that it is really great after a year and a half and a conversation in your sanctuary that we talked about a vision for this, and I think that Mayfield is a leader in our faith community. I know it has been kind of boring listening to all us talk, because we certainly don't have the choir that you guys have, but I want to say a couple things. One, I've been in Charlotte a long time;

actually, a lot of Hidden Valley was populated when Third Ward was done, when they were actually moving a lot of people from Third Ward and they moved to Hidden Valley. I also think that you can see where many people have really put their roots down and they have stayed, but there are some problem areas when you go into the neighborhood, and you can just tell; the standards can sometimes not be clear, and we need to kind of create this kind of network where people take responsibility for where they park their cars and how they cut their grass, not because it is a law, but you do it because it is your neighbor and you respect your neighbor. I believe that we've got to do a lot more of that, and I also believe that we need to look carefully at what is going on. Mr. Phipps has talked a lot; there are a lot of problems in Hidden Valley that are not in Hidden Valley. They are along the truck routes that park there; they are along the hotels that are there, and we've been trying to do this, and I think the way to do that change is to put more people with interest of staying; so, I hope this adds to it.

I'm going to say one other thing; I think it would be good for the neighborhood to do an exchange with some of the CMHP property. I think seeing is a lot better than us trying to convince you that this is a good thing. It is better to actually get the van or the bus or drive over and let Julie talk to you, because I've yet gone to a property that they have built and managed that I wouldn't feel proud to live in, and I mean that. I think that we need to do a little bit more conversation, and I'm willing to say Julie that I didn't quite understand what the properties were going to look like. We got the drawings, and I think that is an important thing before we approve that these say not for construction, and I don't know what the plan is. It is a vision but we usually see elevations, we usually talk about materials; we want to be able to show something comparable when people come down they want to see what is going to be in their neighborhood, and you ought to be able to do that. I don't think this is in our packet.

Ms. Porter said we will be happy to provide that.

Mayor Lyles said generally before we approve these types of zonings we've looked at a lot of details. We've argued how much siding, how much stone, how much brick, you've got to get that to us. It is not fair I think to the entire community until we get that done. I think we are going to get you the information on average median income. We will talk about the rents, all that is calculated; so, I think that we just need to have that. Pam Wideman works with you just like all of us are here to work for our community and to get this done, because I grew up when we had housing that we used to call homes. Like in my neighborhood it was Saxton Homes; a lot of them were named after the guy that did the blood Drue Homes and all of those other things, but when we did those communities most people didn't have a lot of money, but they certainly treated each other with respect, and I hope that we begin to look back sometimes. History is not always a bad thing.

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

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ITEM NO. 24: HEARING ON PETITION NO. 2018-121 BY STEELE CREEK 1997 FOR A CHANGE IN ZONING FOR APPROXIMATELY 264.93 ACRES LOCATED OFF WEST ARROWOOD ROAD, EAST OF I-485 FROM R-3 AIR (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, O-1(CD) AIR (OFFICE, CONDITIONAL, AIRPORT NOISE OVERLAY) AND I-1(CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY) TO MUDD-O AIR (MIXED USE DEVELOPMENT, OPTIONAL, AIRPORT NOISE OVERLAY) AND I-1(CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY), WITH FIVE-VESTED RIGHTS.

Mayor Lyles declared the hearing open

David Pettine, Planning said the site is located on Arrowood Road and I-485; we have Sandy Porter Road as part of the frontage up on the northwest corner. As we get into some of the recommendations and items that we look at to provide our staff analysis, this

area is located within the Whitehall Mixed Use Activity Center, and we get into the future land use as well. The Steele Creek Area Plan did recommend a mix of uses throughout these properties that are including in the rezoning boundary. We have some industrial warehouse and distribution; we have residential and office and also have residential, office and retail.

While this petition is consistent with the majority of those there are some inconsistencies in terms of where some of those uses are located, but overall we are providing the different uses that are recommended throughout this, it is just that some of them are located; for example, the residential office that is over here is primarily now industrial. We've shifted some of that up to the front on Arrowood Road; some of this industrial warehouse has now become the residential office and retail and some of that industrial then shifts back over. So, we are just kind of swapping some areas for where some things are located and providing some buffering in context for some protection for some of these existing single family as we walk through that exercise.

As you can see for the proposal, we've got several different development areas; it is a very large site and there are some different components to it. Up on the front on Arrowood Road we've got the main mixed-use component for some office, retail, residential, and we've got some public investment and some road infrastructure bringing us from Sandy Porter Road all the way back down to Arrowood Road. We also have a future public road connection that would connect over to Shopton Road with some future development and potential to the north, so that would provide us a connection all the way back between Shopton Road and Arrowood Road and Shopton and Sandy Porter Road. We also have some internal public roads; we've worked with C-DOT and the petitioner on these to get some additional enhancements such as protected bike lanes and other things put on some of those public infrastructure investments.

Just so we can be clear on what some of the uses are; we've got to 73,000 square feet of office, medical, bank, retail, eating drinking establishments, breweries and some other retail and non-office commercial uses, up to 270 dwelling units of all types. There are some conversion things in there in terms of converting residential to hotel or hotel rooms to residential units. We do have up to a 140-room hotel proposed, additional 15,000 square feet of commercial office uses; 30 additional again hotel rooms or residential units through those conversion rights. Also, particularly Area D this is 2,000,000 square feet of warehousing, warehouse distribution, office, manufacturing and industrial uses, so that is a significant investment in potentially industrial uses and warehouse distribution uses with up to 2,000,000 square feet of those. They do get into some prohibited building materials and also some prohibited uses in some of those areas as well.

Just so we can talk really quick about the buffers, particularly important to these residential properties that are existing. This red area shows a 100-foot class A buffer. Likely, it will be a little bit more than; you've got some existing natural features that will probably continue to provide additional buffering to those existing residential units. Also, down here along this property line along the east we've got a 75-foot buffer from some of the residential uses there and then your standard buffers here along Arrowood Road. Sidewalk infrastructure as well along the frontage on Arrowood Road, a multi-use path along Sandy Porter Road, so again, some significant infrastructure investments that are moving forward over this potential project as well. Staff does recommend approval of this petition upon resolution of the outstanding issues related to transportation, environment and technical items. Keep in mind that as we discussed earlier some of those land-use recommendations are in some different locations but overall land use components in the mix is what the plan recommends but it will change some of the land use plan recommendations should this petition move forward with an approval.

Jeff Brown, 100 North Tryon Street said it is a pleasure to be here assisting Chris Thomas and [inaudible] of Childress Klein Properties but also the Sarah Belk Gambrell Real Estate interest, who owns a good bit of this property and will be in the process of acquiring the remainder of the property. In a nutshell, we are excited that we have the staff's support; we've worked hard with the staff and will be working on outstanding site plan issues. Transportation issues are very important. We've given you a lot of material

because this is a significant rezoning, and it is involved in an opportunity to create economic development. This is a unique site that allows us to be able to create a potential large user for the industrial site that David has been talking about. This not only has great access for the industrial distribution and economic development opportunity but also being located in closer proximity to the Airport. By creating the opportunity for a single user of potentially a million square feet user as opposed to a lot of the industrial, you've been seeing which are more 300,000 square foot buildings. It really does provide a special site for more economic development purposes, not just another industrial site. I know there has been a lot of focus on Council to ensuring that we have these types of sites available; at the same time, we have the opportunity to provide for a mixture of some uses within a residential district that David was talking about, and that would include retail, restaurant uses but a lot of people who came to our community meeting were excited to have in the area. It is a unique opportunity to provide for the mixture of these two uses. You will say, well how can industrial be compatible with the retail? You will see that we have a separate entrance for the industrial; we have access that also provides for a compatibility from the standpoint of our design guidelines for the multifamily and also for the retail.

I'm not going to go into all kinds of detail except to really emphasize, I believe the speaker who may be speaking in opposition lives off of Brahman Meadows Lane, which is in the community in this location. We want to emphasize that we've provided; there is a significant tree save area in this location and as you can see significant creek is also in this location here. So, what we've tried to do is not only create a 100-foot buffer, but also our buildings will be substantially further back by the natural topo and the topography with regards to the creeks and otherwise. I'm not going to go into much more detail; I'm happy to answer questions, and I'm also happy to hear a little bit further from the speaker. She came to our community meeting we held, and we thought was well regarded. Happy to continue a conversation with her and look forward to hearing what she has to say. I do want to emphasize a tremendous economic development opportunity and also an annexation opportunity. This entire site, you may not realize this, is not within the City, so it is an opportunity for us to annex in an opportunity for a sizeable piece of that that would be developed.

Mayor Lyles said you said an opportunity; is that a commitment?

Mr. Brown said it is a commitment that as the development takes place it will be an annexation.

Kelsey Magraw, 2944 Brahman Meadows Lane said I am a resident as he mentioned in the neighborhood behind the area that they want to rezone to be the industrial area. My main concern with the rezoning of this into an industrial distribution center is the environmental consequences that it would propose. The land they say is sitting vacant, but really there is a huge wildlife and woodlands that are back there. I'm on Brahman Meadows Lane, so it backs up to those woods. It is 265 acres is that amount of land in total, and I know that they did talk about having some buffer area in there, but really that wouldn't be enough to support the wildlife that is already in that area, and I know Charlotte has had so much construction in recent years there is nowhere for these animals to go and a lot of them are living here. I see them from my back window on a daily basis. Not only with the animals be driven into my neighborhood and surrounding neighborhoods, but they would also be driven onto the streets where that would cause more traffic implications.

In addition to the wildlife consequences, another point I had is that it would create more traffic issues in the neighborhood and surrounding areas, which I know that there are some proposed changes in traffic, but again just another concern to bring about. Also, the noise concern with a distribution center with in that large area behind a neighborhood. Trucks going in and out at all hours of the night and then in addition to just the trucks from going forward that would be many years of noise but the construction noise for when they are building and the timeframe of that. Overall, just consider the residents that live in the neighborhoods surrounding this area, and consider the animals that can't speak for themselves.

In rebuttal Mr. Brown said we appreciate the concerns; I do want to talk a little bit about the area that is going to be developed and the area that is not going to be developed. We are estimating between 40 and 45-acres of this site will not be developed. It is in part because of the stream and the creek and the tree save areas largely in the area in the corner that we talked about here. Essentially, the area that we are talking about in the northwest corner has closes to 30 or so acres and then you can expand that in the tree save area. That will not be developed. That also put the development of the warehouse further from the community that was just referenced.

I do want to point out some of the other features that we are dealing with. We are preserving the greenway path on the front so we can ensure that the connection from the greenway to Coffee Creek can be done; that is part of the element that we are dealing with, and we are going to make sure to reserve along Arrowood Road so those two can connect. You will also notice that we are doing where the industrial in this location is again, we are talking about sizeable distances from the creek. Those are all tree save areas, all of which will remain undisturbed.

In terms of the wildlife; it is true, with a parcel like this off I-485 gets developed it does change the wildlife habitat. That is a regrettable aspect of growth but again, this community plan calls for this to be developed largely in the manner in which we are seeking it, and we think we are providing great amenities to the community as well. Her comments I think are sincere and heartfelt and appreciated, but the fact that we are here on a 265-acre large development that don't have any other opposition, along with the Steele Creek Land Use Committee's support should bode well for this project.

Councilmember Eiselt said I was a little surprised that only nine people attended the community meeting. Has the neighborhood been engaging, because this is a massive project?

Mr. Brown said it is, I think one of the things is that except for the community that was just referenced, if you look at the rest of the area around it there are some residential homeowners on the other side of the creek but those large single-family lots. Frankly, over time will likely be developed if you look to the north, but if you look around the site, other than the community we've referenced, which did receive notice and adjacent property owners received notice, there aren't as many residential communities as you might imagine. We did have a lot of people at the community meeting who said positive things about the fact that they liked the industrial warehouse development. If you see the industrial up above ahead of our site, that has also been viewed by a lot of the residents of those parcels as actually a pretty good neighbor.

I think we are also doing a lot of the protections to ensure that this warehouse distribution as well, but we noticed people and we've also sent out a follow-up notice. After our meeting that occurred several months ago we sent to the people who attended the meeting a follow-up set of material that including the transportation commitments that we are making which I have to say are sizeable and will create a much more positive network. I think that may be part of the reason also that we didn't have much of a turnout for tonight, because we have been pretty intentional.

Ms. Eiselt said can you explain to me the note that says reserves the right to convert a portion of the residential-dwelling units into hotel rooms? How does that work?

Mr. Brown said when you go into a project of this nature, we are reserving a hotel estimated to be 140-rooms. Then there is also a multi-family component, as you mentioned. In the event that the hotel decides it wants to be slightly large, maybe 150 rooms; we are seeking the opportunity to reduce the amount of the residential and be able to put a little bit more hotel, because at this point know 100%, but it is reserved. I don't think we can convert more than 30 of the residential units to that; so, it is just trying to give you a little more flexibility but not changing the nature of the land use.

Ms. Eiselt said do we have anything like that in Charlotte that we've converted? I'm just not familiar with that.

Mr. Brown said actually, I think we do it with some regularity, but only a smaller portion, and I think from a transportation perspective they would also say that is a pretty equal swap from the standpoint of transportation implications. It gives a slight flexibility to respond to a market that may occur during the development timeframe, because at this point you are still estimating exactly how many hotel rooms you might need.

Councilmember Winston said Ms. Eiselt, some high-rise apartments uptown have actually done that too; they've transitioned some apartments into hotel rooms. I don't know if it is apples to apples comparison. You said 45-acres will not be deforested, but that still does leave about 200-acres that is going to be cleared. I have a question for staff which can be answered off line or later down the road, with our expectations and our goals we have on keeping our tree canopy up. How do we account for such a massive deforestation in a development like this and still stay on our goals? Because obviously, we can't rely on the petitioner to pick up that slack.

Mr. Pettine said we will have to follow-up with our urban forestry folks and get some idea on how they handle large sites like this. I know they do have percentage requirements for tree save and maintenance of those areas. I think with some of those natural features we are going to get a lot of that just through requirements that have to maintain stream buffers and things of that nature, but I can certainly follow-up with our folks in that department and get a little bit more holistic system.

Councilmember Ajmera said to respond to my colleague's question about the tree canopy, currently we are not on trajectory to meet our goals; however, we are revisiting our urban forest plan and the tree ordinance that can be usable for urban purpose. I do have a couple of questions for the petitioner; I didn't catch the buffer portion. I know you said there were 45-acres that was the tree save area which is the 20%, so are you paying into the fund or are you just doing 20% tree save?

Mr. Brown said what we will be adhering to the full tree save requirements of the ordinance, well exceeding that and part of what we have here is we do have a substantial area where the creeks are that; because of the topo and otherwise, we cannot clear up to those areas so it is a substantial amount. In addition, where we are proving for development there will be open space areas there if you are looking more in the retail office portion or the multi-family portion, there will also be tree planting in full compliance with the tree ordinance as well. There is an opportunity throughout the site where we will be providing for, and yes, there will be grading throughout this site. It is going to change the nature of this larger site that has been in this location for a while, but as we come back in we will be adhering to all of those requirements, and because of the topo, we will be saving much more than would a normal flat site would have saved.

Ms. Ajmera said could you point to the tree save area on here?

Mr. Pettine said it is better reflected on the plan from the petitioner, but certainly we can give you an idea. It is essentially this area here would be protected; we've got the required buffers along the property lines and then you've got some natural areas that would occur for tree save because of the stream management issues and just general topography, so it is really going to be large swath, and this area would be the primary focus for that along with some the areas I believe that were up here adjacent to Sandy Porter Road.

Ms. Ajmera said so, that is on the backside?

Mr. Pettine said yes.

Ms. Ajmera said to the concern that was raised by the speaker in opposition, this does provide some sort of habitat for wildlife to your concern that you had raised. Although, I do understand that is not entirely 250 acres, but if it is not developed today by this petitioner it will be developed by someone else, and we may not know what that plan and

design look like. As we grow as such a fast pace, habitat for wildlife, preserving our natural resources is a concern, but we have to balance both, but, to put that entire burden on the petitioner I think is unfair just for this petition, which that is something we are working on to preserve our natural resources, especially our urban tree canopy and that is a separate topic of conversation, but I do appreciate what we are doing here in terms of preserving on the backside, which does provide a little bit of wildlife habitat, which is by 20% I think that is a requirement that they have to meet. I would say that in terms of what we are doing as a City to preserve our tree canopy, we have an urban master area plan, which we are revising, and I think that will have more information about what we are doing around wildlife.

Councilmember Phipps said I'm looking under the transportation outstanding issues; they talk about a traffic impact study a technical memorandum needs to be done before this petition could be completely reviewed. It looks like back in October, we submitted this and to date we haven't heard anything back from them. What is the status of that?

Mr. Pettine said that is the information we handed out at lunch and at dinner updating some of that information. The scope was approved back in October of 2018; the first study was received in November of 2018, was reviewed and comments provided on January 3, 2019. An additional follow-up study has just been provided back on March 13, 2019. That is the most recent addition to that which staff is looking at and reviewing and we will review that up through the meeting with the Zoning Committee and have all that in order. If there are any changes to the plan incorporate those for that and have those issues buttoned up before coming back to you for any type of decision.

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

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ITEM NO. 27: HEARING ON PETITION NO. 2018-143 BY LIV DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.5 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET, ACROSS FROM ORCHARD TRACE LAND, SOUTH OF SANDY AVENUE FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) AND B-2 (GENERAL BUSINESS) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL).

Mayor Lyles declared the hearing open.

Kent Main, Planning said this is an 8.5-acre site on North Tryon Street. The Tom Hunter Station you can see right down here is in very close proximity to this site. If you have driven by there, it is a night club now with an old race track on it and a bus storage. It is at the extension of Orchard Trace Lane, which is a condominium development some time back over on the other side of the street, and there is also a new project called Blue at North Line that is a multi-story building right across from it.

On this site, they are proposing 275 multi-family units; that is 32 units per acre. This is TOD optional, which means they are opting out of certain standards for this particular project. It is in the Blue Line Extension Transit Plan, which was our 2013 plan for the area, which does recommend it for transit oriented development and very appropriate, because there is the transit station. The project consists of several building envelopes; these are four-story largely buildings. One of the is designated as a five-story. This is a fairly good drop down from Tryon Street into the site, so the building will appear as four-stories on the street frontage going to five in the back. It will be surface parked again; Orchard Trace will be brought into the site and extended through with future stub connections both to the south and to the east for any future development.

Architectural standards are provided; it is surface parking and the two things that they will need optional provisions for have to do with the height of these buildings. It does back-up to single-family residential, large lots at the back end, and so these building envelopes

may or may not be higher than the height plane that we have in the current zoning ordinance. Not that height plane will not be in the new ordinance, but it is in the old one. This is a conditional plan, so it would remain in that; so, we want to make sure that we have provisions for making sure that those buildings either make that tight plane or there is a request to opt out of them. There is some distance in there from those areas. Also, there is a need for this parking envelope right here for an optional provision for that as well.

We do recommend approval of this upon resolution of a few issues. Again, some specific commitments; they've shown most of the things, but we want to get the commitments on there on streets, turn lanes, and future access. The neighborhood talked about fencing, and we need to make that is on there and meet some other requirements including storm water and buffer notes. It is consistent with the plan; it is within a quarter mile of the station; the scaling and massing is appropriate for this kind of development, and so we are again recommending approval upon resolution of these last issues.

Colin Brown, 214 North Tryon Street said Mr. Main has provided a good overview and in a nutshell, this is an abandoned go-cart racetrack and surface parking lot. It is being replaced with multi-family housing, within less than a quarter of a mile of the transit station. Good community feedback, Councilmember Phipps was actually able to attend the community meeting. We are not aware of any opposition; staff is supportive, and we have worked closely with Monica Holmes and her staff. Although this is under old TOD, we have worked closely with them to make sure we were checking almost all of the new TOD standards as well. There is a conceptual elevation, and I happy to answer any questions you may have.

Councilmember Winston said we can get offline between now and the decision about those options.

Councilmember Phipps said I know under the transportation consideration there were several requests of how were those going and in what direction.

Mr. Brown said we have submitted a revised plan, and we believe we have addressed all of staff's concerns.

Mr. Phipps said this was the particular development I was talking about that was at Tom Hunter station that is going to be a market rate product across from another market rate product.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2018-156 BY DOUG DUNAWAY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.66 ACRES LOCATED ON THE SOUTH SIDE OF THE INTERSECTION OF RANDOLPH ROAD, SOUTH OF DOTGER AVENUE AND MONTROSE COURT 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 relatively small parcel about .66 acres and it is proposing three dwelling units. It is on Randolph Road right at Dotger Avenue. For reference that is West Minister Presbyterian Church that is across Dotger Avenue from this particular property. It is occupied now by, I believe one house, but it is right across from multifamily on the other side of Randolph Road and then single family all around it on the south side of that. The adopted future land use is for single-family residential at four units per acre. The General Development Policies however, would score this up to a density of six dwellings per acre, so that puts this within the realm of the density that is

recommended by the General Development Policies. It is proposed for- and there is just a skeleton site plan here; I've seen some other that they may show you but this is what is being submitted, and again, it is for three units, one detached unit and a duplex unit which would be considered appropriate at this location under existing zoning but because of the size of the parcel etc. it is in need of a rezoning.

Randolph Road as you know is a very busy street; this is way up a hill and sort of isolated, so the access is Dotger and Montrose Court, which is a very short cul-de-sac which does not connect through to Randolph Road. One of the commitments is that all provision of access would be off of Montrose Court and certainly probably would not be possible off of Randolph Road. Staff recommends approval upon resolution of just a few outstanding issues; we need a few labels on where the frontages are and come commitments on the access points. The density is appropriate by the area plan and according to the General Development Policies, and it is consistent with the development patterns surrounding it.

Colin Brown, 214 North Tryon Street said good overview again, there is a structure on the site. It is currently a duplex; a tree fell on it, and it has a tarp over the roof. Councilmember Egleston has been out there and seen it; it is in very, very poor condition. The site is unique, because it is a triangle of roads on three sides, so the setbacks really eat the site up. The purpose for our zoning is not to ask for more density, it is for more flexibility with those setbacks for a new development. The Dunaway Family has worked many years in the neighborhood, and I think it should say we are doing an Eastover rezoning and we are the only people here. I think they have done a good job with the community and feels comfortable with what they are proposing. This is the existing building on the site; I don't think anyone cares to see that around much longer. A new building would be a maximum of three units.

Councilmember Egleston said this is as he said not controversial, very simple, makes sense on this site.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2018-157 BY O'LEARY GROUP BUSINESS PARK, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.05 ACRES LOCATED AT THE INTERSECTION OF ODUM AVENUE AND CENTRE STREET, SOUTHEAST OF BROOKSHIRE BOULEVARD FROM I-1 (LIGHT INDUSTRIAL), I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL AND B-2 (GENERAL BUSINESS) TO I-2 (GENERAL INDUSTRIAL).

Mayor Lyles declared the hearing open.

Kent Main, Planning said this is about nine acres located on Brookshire Boulevard, and you can see the Brookshire Freeway coming in here and sort of transitions into Brookshire Boulevard at this site and is off of Centre Street as well. It is an existing resource recovery center, and it is kind of a mishmash of zonings that have taken place in 2013 and again in 2012. Part of it is industrial I-2, part of it is still industrial I-1; there was a conditional plan for a piece of it to be I-2 at one point. The last time a rezoning was done here in 2013, there were some residences that were in some of the surrounding area so here is the adopted future land use. Here is Centre Street coming in; there is the Second Calvary Baptist Church that is across the street over here, and there was until about a year ago a house there and another house there but both in industrial and business zonings. Those houses are now no longer there. This business is in need of expansion and getting all that consolidated to I-2. The plan does recommend industrial uses for this area, and staff is recommending approval.

Keith MacVean, 100 North Tryon Street said I think Kent did a great job of explaining exactly what the petition is proposing to do. I do have with me here tonight Jimmy Jones and Chuck Duncan with the O'Leary West Group. I'll be glad to answer any questions.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2018-159 BY MARY ANN & CHARLES MAULDWIN FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.85 ACRES LOCATED ON THE SOUTHWEST CORNER OF DERITA AVENUE AND MAPLE STREET, WEST OF WEST SUGAR CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO INST(CD) (INSTITUTIONAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

Kent Main, Planning said this site is along West Sugar Creek Road which comes right across here on the site; this is Graham Street coming down this way; so, this is the Derita Neighborhood. It is the downtown Derita, I think I've heard it called. There are a number of retail properties along this edge, retail, and other commercial sites; there is also a railroad track that runs right along the edge of Sugar Creek Road, and Derita Avenue is sort of on the other side of the tracks. This site is R-3 single family, and there are single family neighborhoods all around on this side of this side of the street; there is United States Post Office across Maple Street from this project despite the fact that it is zoned R-3, and I guess the Feds can do what they want.

This is the property in question, it is 1.85 acres, and it has an old historic looking but I don't believe it is a registered house on there, and they are proposing all institutional uses for that property in particular to include an event facility, which I think is the major intent, but the zoning would be for all institutional uses. You can see Derita Avenue, a large front lawn there, the house is here with some other outbuildings. They are proposing some buffers around the perimeter; there is one existing building that would be within that buffer area that would be covered by this particular proposal. They are proposing limitation on amplified music; they have some provisions for parking at a rate of one space per 300-square feet of area. Again, the buffer and they are looking for a variance right now I believe for the particular building there within the buffer, which would be very close to the houses on this side. Here are a couple pictures of the houses. We are recommending approval upon resolution of a few issues, including a limitation on the number of attendees, which we think needs to be there. We think the parking needs to be upped a little bit and a little bit of timing provisions on the improvements.

It is inconsistent with the plan, and it will change the plan, but we think that it is compatible with the surrounding area; we don't generally have planned locations for institutional use, and it does become a part of this sort of node of activities for the Derita Community.

David Murray, 1109 Greenwood Cliff said I represent the Mauldwin Family; Mary Ann Mauldwin is from the Derita Neighborhood, and this is her efforts to keep the Robinson House that was falling in on the site. She has fixed it up and it makes a really great event center, so the institutional zoning that we are seeking is for a physically conference center type use. There was a statement about a variance, we actually obtained a variance at the end of last year; so, as far as outstanding issues go we don't see anything that we are going to have any trouble working out with staff. I am more than happy to answer any questions that you may have.

Councilmember Winston said I think you answered by question, which was going to be, would this rezoning result in the removal of the existing house?

Mr. Murray said the intent and in fact the main condition is that the house stays.

Councilmember Phipps said I think this will be a good addition to the downtown Derita Community, and I am supporting it, but I do have a question about the conditional notes on the back. It almost like microscopic lighting, but I was able to discern what it says. Note four under transportation says conjunction with the rezoning development and reuse of the site no curb, gutter or sidewalk will be required on Maple Street or Derita Avenue. It has been a while since I've been over that way, but is there a sidewalk there now? Do we have those transportation walkability type considerations? I was surprised that they would have such a note like that, that would detail that.

Mr. Pettine said when we looked at this originally there are a couple triggers under Chapter 19 of the code that would trigger curb, gutter and sidewalk. We are trying to not change anything about this site other than keep the house, so there are no triggers under any code or ordinance that trigger sidewalk. In addition, we have an issue that this house is extremely close to Maple Street, and so, when we sat down and I met with C-DOT and discussed a lot of this with C-DOT. When C-DOT reviewed this, they came back to me and said, you are right; no curb, gutter or sidewalk on this site, because you are basically trying to preserve the historical nature and given the fact that the house is so close. Basically, Maple Street is right up on top of it, so there is no trigger that was under Chapter 19 that triggered sidewalks. That is not a note that says City Council is superseding any kind of authority or anything like that. We just put in there, because when we talked to C-DOT they said no curb, gutter or sidewalk are required when there was originally a comment made to us about that. That is all that it is.

Mr. Phipps said how does that comport with our sidewalk ordinance? I thought our whole purpose- That is a thoroughfare, walkability; how do we compensate for something like that with no sidewalk being there? Is the City at some point going to have a sidewalk project?

Mr. Main said this is in general a divergence from our usual policy of sidewalks everywhere, but this is a situation where we are trying to preserve a historic character and situation and the street is there; it does not have sidewalks even extending further on back and this is a residential street. It does go on back into a neighborhood.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2018-165 BY NRP PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.6 ACRES LOCATED ON THE WEST SIDE OF FOREST POINT BOULEVARD, OFF OF NATIONS FORD ROAD, EAST OF I-77 FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO R-17MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

John Kinley, Planning said this petition is for a parcel on Forest Point Boulevard off of Arrowood Road; it is currently zoned B-2(CD), and they are requesting R-17MF(CD), multi-family, residential conditional. The Southwest District Plan recommends office and retail uses. That was amended by a rezoning in 2006. The General Development Policies provide guidance for residential density for the site, and the site meets the density for up to 12 units per acre. The proposal would allow up to 200 dwelling units on the site; that is right at 12 units per acre. It would specify that the monthly rents would be an average of 60% AMI, for no less than 15-years. It would commit to a number of architectural standards including specifying building materials, provides limits on blank walls and façade modulations and roof articulation. There would not be any parking allowed between the building and Forest Point Boulevard, and they are committing to providing additional street trees along the back of the sidewalk in addition to the normal street trees that we would get along Forest Point Boulevard.

There are some pedestrian improvements that they are going to make along Forest Point Boulevard in regards to the sidewalk and they are committing to right-of-way dedication for the future widening along I-77. Staff is recommending approval of the petition, upon resolution of outstanding issues related to landscaping and pedestrian improvements. It is inconsistent with the Southwest District Plan recommendation for office and retail, as was previously amended by the prior rezoning, but we are in support of the petition as it does meet the General Development Policies residential location criteria.

John Carmichael, 101 North Tryon Street said I am here on behalf of the petitioner, NRP Properties. With me tonight is Jason [inaudible] of NRP. Jason is available to answer any questions and we will try to be as efficient as possible. Mr. Kinley did a good job going over the site plan and request. Essentially, it is 16.6 acres located on the westside of Forest Point Boulevard, east of I-77 north and between West Arrowood Road and Nations Ford Road, which is located to the north of this site off this map. This is a tax map that gives you a little better idea of the relationship to the site; this is Nations Ford Road, Forest Point Boulevard, West Arrowood Road and then I-77 north. This is Forest Point Boulevard once again, that is an intervening parcel of land and that is a single family residential community to the east of the site. This is the Employment Security Commission, and this is the Operation Christmas Child processing center to the north. The site is currently zoned B-2(CD), which obviously is a commercial district. You've got B-2(CD) to the south, B-1SCD and I-1(CD) to the north. This strip here is R-9(CD) and then you've got R-4 single family to the east of the site.

The request is to rezone the site to R-17MF(CD) to accommodate the development of up to 200 multifamily dwelling units that would serve families earning on average 60% of the area median income so it would be a mixture of 30%, 60%, and 80% for an average of 60% and these are commitments that are on the conditional rezoning plan, so in the event the petition is approved, these would be the families that would be served at this location.

This is the site plan; there would be two access points off of Forest Point Boulevard, three buildings. The buildings would each be a maximum of four-stories in height. You would have a club house, a playground and then greenspace within the site, and this is the tree save, and this would be the storm water detention facility. There are architectural standards as Mr. Kinley mentioned; they are the typical architectural standards that Planning staff requests for multi-family units. It doesn't allow vinyl siding, requires brick, stone or masonry, 30% of the façade facing a network required street. This is an example of NRP's product; this is an affordable community that they developed in Raleigh. This project would be substantially similar appearance to this. This would meet the design criteria or the standards set forth on the rezoning plan. There is a difference; however, as you can see, this is three-stories and what is being requested is four-stories. There would be a 2,700-square foot community club house; it would include a fitness facility, a computer room, a multi-purpose room and a screened in porch, and there would also be a tot lot and a playground. NRP has a very strenuous resident selection criteria that we can answer questions about that if you would like. NRP is a very experienced multi-family developer; they do market rate developments, they've done several here, and they have a market rate development that is currently being constructed in Optimist Park Community. They also are very experienced in affordable communities. They manage their communities; they have on-site management and they are an award-winning developer of not only market rate but affordable communities. We are happy to answer any questions that you may have.

Edwina Lytes, 8301 Nations Ford Road said I am the Secretary of Britishwoods Neighborhood Association and we are a part of the Southwest Coalition. I have been a resident of Mecklenburg County at the same address for 40-years. The members of the Southwest Coalition representing seven neighborhoods urge you to reject the rezoning Petition 2018-165 by NRP Properties. The parcel of land encompassing 16.6 acres on Forest Point Boulevard. We object to the rezoning of this property from B-2 general business, conditional to R-17 multifamily.

The proposed rezoning will allow for the construction of an apartment complex building with a capacity of 200 or more units. This will add to the already overburdened traffic and

congestion in our neighborhood. We are not opposed to growth as housing is needed in the City of Charlotte; however, we have had our share of growth and apartments far more than any other areas of the City. No other area has been saddled with the construction of apartments in the numbers that the southwest, Steele Creek, Nations Ford Road area have. Traffic, congestion, schools, medical, fire, and police will all be impacted adversely if this rezoning is granted. Our aging citizenry, as well as others, are being deprived of ability to have the kind of neighborhood we have worked hard for and to retire in. We deserve better. This area has been blighted; we implore growth but not in this manner. I urge you to reject for the people who live here, because we need to have a stable community, and apartments generally do not provide for a stable community.

In rebuttal, Mr. Carmichael said we've driven out there for two neighborhood meetings and been there many times on other occasions and traffic on Arrowood Road, and Nations Ford Road is certainly an issue. The current entitlement, according to C-DOT, if it were developed, and I'm telling you it would be, because it has been vacant for many years, but if it were, it would generate 2,240 daily trips. According to C-DOT this development would generate 1,470 daily trips. We did have two neighborhood meetings and we appreciate all the input that we have received this far. We are looking into a couple issues that some of the neighbors requested, and we will follow-up with Ms. Mayfield. She was kind enough to attend our second community, and we appreciate that. We are happy to answer any questions that you may have.

Councilmember Mayfield said I just wanted to tell my colleagues out there; we are going to be meeting with staff at the Southwest Area Neighborhood Swan meeting tomorrow evening to talk about the traffic impact, because there is a traffic impact. When we had the meeting last week, it was noted that we were going to find out about one or two things: a possible turn lane, and as I am reading through this I'm looking at what we have in here regarding not undisturbed tree save but a replanting of trees. I'm trying to figure out, but the main piece that you have a chance to talk about the potential of a turn lane on Forest Point Boulevard to help mitigate traffic.

Mr. Carmichael said our meeting was Thursday night and since then Dan Melvin with Land Design has responded to us via e-mail about 4:30 today to tell us what would be required to implement that turn lane. We also need to talk with Mr. Obregon in C-DOT about it. I will tell you that we will request a deferral of the Zoning Committee of this petition to give us a little more time to look into those issues. The other issue I recall in addition to the turn lane and traffic was could we reduce the height of the structures from four to three-stories? We are looking into whether we can do some of that, and we will have an answer to that shortly. I will tell you it is a challenge, because there is a minimum about of units that need to be achieved in order to have a project of this nature, but we are looking at all of that.

Ms. Mayfield said the last piece is actually for staff. We have under outstanding issues site and building design one, amend note 5B on the site plan to specify that the additional trees will be planted and an offset from the street trees.

Mr. Kinley said right now as the site plan is written they do have a note committing to planting the additional trees, but they don't specify how exactly we would want that done, so the outstanding issue here is just to have them clarify how those additional trees would be provided, and we are asking basically as the trees are spaced on the street the trees behind the sidewalk would basically offset from that so there is a more consistent amount of trees along the entire frontage.

Councilmember Winston said one good thing I think is there is a business environment pretty close to this area so we need affordable housing close to business centers. One of the concerns I have and would ask my colleagues to think back to a rezoning that did not pass a couple months ago on South Tryon Street in an industrial area because there were concerns about the environmental impact on people that live in affordable-housing conditions and situations.

Ms. Mayfield said it was a project surrounded by industrial.

Mr. Winston said correct, this abuts I-77, and that is perpetually one of the cycles that need to be broken. I would imagine and I would like to see some environmental impact study on air qualities for people living in neighborhoods that abut interstates. We know that all times of emissions come out of interstates, and when you put apartments in communities like this near roads there are all types of health effects, so if we are going to be consistent, I think we really need to look at the health of people that might need to live in these apartments overtime when we are considering this particular petition.

Councilmember Ajmera said I'm not clear on this, because it says staff recommends approval of this petition but then it says the petition is inconsistent with Southwest District Plan. If it is inconsistent with the plan but then you are recommending approval, so help me understand that.

Mr. Kinley said the office and retail recommendation that is in the area plan was done by a previous B-2(CD) rezoning; that never developed, so we have a proposal for residential development, and we looked at the General Development Policies to give us guidance on appropriate density, and the site does meet the General Development Policies guidance for residential up to 12 dwelling units per acre.

Additionally, the site is located on Forest Point Boulevard, which has a CATS bus route on it and there is a stop very close to the site; it might be abutting. I'm not sure, but it is within a short walk. Also, the proposed residential development is consistent with the density standards, and they are providing architectural standards that would basically help the development fit in with the other residential development and development in the area. It would provide additional housing options in the area, those are the reasons why we were supportive of the petition even though it was inconsistent with the office and retail recommendations.

Ms. Ajmera said so, the rationale behind that is, because it is close to the public transportation bus stop and because of the previous rezoning.

Mr. Kinley said the previous rezoning is why we have an office and retail land use recommendation on the property right now.

Ms. Ajmera said so, the previous rezoning sets the new precedent.

Mr. Kinley said the previous rezoning sets what the plan recommends currently which is office and retail.

Ms. Ajmera said I guess that addresses the question I had raised earlier, not this rezoning but the earlier one; if we approve something. It sets the precedent for future development. Is that what I'm hearing?

Mr. Kinley said for this specific site; this rezoning is inconsistent with the area plan and if this is approved it would revise the Southwest District Plan recommendation for this specific site from office and retail to a multi-family residential at 12 dwelling units per acre. Anytime you do a rezoning that is inconsistent with an area plans recommendation, it updates or revises the plan based on whatever that land use is.

Ms. Ajmera said so, what you are saying is this petition's approval will also revise the future plan for this site.

Mr. Kinley said it is only applicable to this site, because it is a conditional rezoning.

Ms. Ajmera said to my colleague's point about the air quality, I was looking at the environmental component and because this is not an industrial site I'm not so much concerned; however, we do have to start paying attention to that. With the recent report that I had seen about the west corridor and the air quality and I was having conversation about that before coming to a meeting with Mr. Harlow about how some of the rezoning

has potential impact on the air quality and the public health, but with this, I don't think that is an area of concern, because it is not heavy industrial. It is more of an office type use.

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

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ITEM NO. 32: HEARING ON PETITION NO. 2018-166 BY CAMDEN DEVELOPMENT, INC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.43 ACRES ON THE SOUTH SIDE OF CHARLES AVENUE, WEST OF MATHESON AVENUE FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT, MIXED USE.

Mayor Lyles declared the hearing open.

Kent Main, Planning said this is less than a half-acre on Charles Avenue. For orientation here is Brevard Street, there is the 25th Street Transit Station and just past this site is Matheson Avenue. Charles Avenue is a dead-end stub and does not connect through. Again, there are some pretty tough topography there. This is a former out parcel from a rezoning that was done in 2015, Petition 2015-051, which rezoned basically all of this property surrounding it and even on the other side of Jordan Place. It was apparently not acquired at the time, and it is now being brought in and added to the site. That was a conditional plan, and it was conditioned upon some road network and some other things. This particular site, we are looking to go with TOD-M straight up and we would assume that it would probably be developed in relationship with the surrounding properties, but it would be a straight-up TOD in this case. We are recommending approval; it is in accordance with the Blue Line Station Area Plan from 2013 which recommends TOD here. It is within a quarter mile of that transit station, and it is appropriate for what they want to do.

Colin Brown 214 North Tryon Street said in a nutshell the story on this is that we did rezone the whole block a few years ago. A gentleman who is a local industrial artist named Theron Ross lives there and has his industrial art studio there. He did not want to be part of the development, so the zoning took place around him; Mr. Ross has now decided that he would like to move somewhere else, so he has offered his property; so, we are rezoning that to match. If we did not do this rezoning the development around it would have to buffer it, because that is an industrial property; so, it makes a very awkward site design.

Councilmember Egleston said this just brings us in line with how the rest of the block is already zoned, so it makes sense.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2019-004 BY C4 INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.54 ACRES LOCATED ON THE SOUTHEAST CORNER OF WEST ARROWOOD ROAD AND WEST HEBRON STREET FROM INST (INSTITUTIONAL) TO R-22MF (MULTIFAMILY RESIDENTIAL.

Mayor Lyles declared the hearing open.

John Kinley, Planning said this is 10.54 acres on the corner of West Arrowood Road and West Hebron Street, currently zoned institutional. That rezoning was done by CPCC just a couple a years ago and the proposed zoning is R-22MF, multifamily residential. The Southwest District Plan was amended by the 2016 rezoning that CPCC did, and so

now it recommends institutional land uses on the site. Prior to that rezoning, the site was actually recommended for a corrective rezoning from the B-1(CD) that was on the site to a multifamily residential district.

The General Development Policies provide guidance for the recommended density and the site meets the locational criteria for consideration of over 17 dwelling units per acre. It is a conventional petition, and it would allow all uses in the R-22MF district. Staff recommends approval. It is inconsistent with the South District Plan's recommendation for institutional use as amended by the prior rezoning, but as note that inconsistency is due to that rezoning. Prior to that it was recommended for multifamily land uses and there is a mixture of multifamily commercial zoning in the area. There is a shopping center next to this site within walking distance, and the site is within walking distance of the CPCC Campus. Those are the reason why we are supporting this petition.

Keith MacVean, 100 North Tryon Street said I am assisting C4 Investments. With me tonight is Tim Sittema and John Butler with C4 Investments. As John mentioned, this is a rezoning to allow the site to be zoned to R-22MF to expand some of the uses or change some of the allowed uses on the site to be consistent with the prior land use recommendations for the location. I'll be glad to answer any questions.

Councilmember Mayfield said this is a question for staff, and it goes back to consistency. Council had asked at one point we would receive a map that show what was going on in the area, so you all would print it off to give us a listing. There was a time where we were getting that information automatically. This goes to the last item that was in District 3, because there is a project for multifamily, right around the corner from this project. As we are looking at development, I'm trying to understand and I'm hoping Planning staff can share, why are we not having presented to Council the full picture of what is going on? Because that full picture when you add these multiple projects could trigger the traffic impact study. Individually, they don't trigger a traffic study, but if we were looking at the collective that possibly could trigger, because the neighborhood is seeing the impact, because what we did a road calming and mitigation on Arrowood Road. We put bike lanes in and a good number of those bike lanes are used for vehicles for parking, so we took down the two lanes for traffic calming, and it has not created the results that I believe we thought it would, but in the meantime, you have this project and a project that is literally walk across the street, and there is another multifamily, and because of the proximity to the highway and the fact that Forest Point Boulevard is a connector between Arrowood Road and Nations Ford Road, a lot of people use that connector if either Nations Ford Road or Arrowood Road are backed up, either coming on or getting on to I-77 south or north. Help me understand why we are not looking at the total impact.

Davie Pettine, Planning said the way I understand our traffic studies are triggers for those on a site by site basis and at certain threshold trips per day. When they do conduct those studies those studies do take into account the background trips and other trips in the area from uses that have been generated by development over time, so when we look at these rezoning cases we are looking at them in a site specific if they trigger that threshold they do the study which looks at the cumulative impacts, but if they don't trigger that threshold to do a study then those cumulative impacts are really just assume that this is development that is consistent with what was envisioned for the area. We try to take a look at other things that we can do within this site to mitigate things within the boundaries of the rezoning, but as far as cumulative ,we only get into that if we trigger a full traffic study and then we start look at the cumulative impacts of everything from that standpoint.

Ms. Mayfield said since we still have our Planning Director here I'm going to as for us to reconsider opposed to doing the same thing we've always done and expecting a different result. We had a robust conversation earlier regarding language; if we already know and common sense says we are seeing projects happening, if you drive over in that area you would see the impact. On paper, it may say it is within walking distance from where either one of these projects may be, and it is not against either project; it is about our process and what we are encouraging developers to do. We need to have a different conversation regarding Planning staff and the expectation of Council.

That is not a safe walk to get from Hebron or from Forest Point Boulevard down to where the closest grocery store is. I need us to think about and not after the fact, because again don't do the testing on the west side but then we want to figure how to do it better in other parts as we continue to grow. If we are in this conversation of a UDO, and we are in this conversation about how to truly plan for better outcomes it will be helpful if we receive all the information of projects that are around and stop waiting for well here is the trigger, because the impact is on the community. So, the reason we are having a neighborhood meeting tomorrow night is to talk about these two specific projects, but since this is the first time that we have it in meeting it would be helpful to know what the Planning staff is doing. There are two different projects that said they are inconsistent; that inconsistency should have created some type of trigger, but the way we are maneuvering it doesn't. It is inconsistent, but staff supports it. It would be helpful if we could get on one page to figure this out.

Councilmember Ajmera said to Ms. Mayfield's point, again, this is one of those rezonings just like the one before that was inconsistent, but we are recommending it, and this one is just a site away from that one. This is pretty close to the other one.

Ms. Mayfield said it is around the corner.

Ms. Ajmera said two blocks from there; I'm looking at the rationale here. Help me understand the history here; was it multifamily first and then went to mix, and now we are asking for back to multifamily?

Mr. Kinley said back 1991 when the Southwest District Plan was written, it identified specific parcels that were recommended to be correctly rezoned, and the prior zoning on this parcel was B-1(CD) zoning that was dated prior to 1991. In 1991 when they did the area plan, they recommended changing that B-1 zoning to a multi-family district. That rezoning to correct that B-1 zoning never occurred, so it stayed B-1(CD) and then in 2016 CPCC did the rezoning to change it from the B-1(CD) to the institutional zoning district that we have, because in 2016 that rezoning was inconsistent. It updated the plan to change the plan's recommendation from multifamily to institutional and now we are looking at another inconsistent plan recommendation to go from institutional back to the multifamily that was originally recommended for this site.

Ms. Ajmera said okay so, we are back to scratch as to what was the original zoning which was multifamily.

Mr. Kinley said the original intent in 1991 when the plan was done was for this to be a multi-family site.

Ms. Ajmera said so, according to the plan, what is the use of this site?

Mr. Kinley as it is currently recommended or as it was originally recommended?

Ms. Ajmera said no, not the latest plan, what does it recommend?

Mr. Kinley said institutional uses.

Ms. Ajmera said if you look at the site it shows multiple rezonings.

Mr. Kinley said if you look at the rezoning history there is 2016-104, which took it to institutional, then 2019-004, which is this petition and even earlier than that was a rezoning to that B-1(CD) that the area plan was trying to change.

Mayor Lyles said I just want to say I'm totally confused by which plan has precedent over which plan, and I don't know whether it is just late and it is late but I think this has been confusing, and I'm not able to understand some of this, especially when we say 1991 and going forward, when we know that that area looked very much like industrial use. I know that it is hard, because we've got a lot of changes going on, but we've got to get this inconsistency stuff explained a little bit better.

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

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ITEM NO 35: HEARING ON PETITION NO. 2019-10 BY JDSI, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 33.48 ACRES LOCATED ON THE EAST SIDE OF BROOKSHIRE BOULEVARD AT THE INTERSECTION OF OLD PLANK ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) AND I-1 LWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA) TO R-6 LWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) AND R-8 LWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

Kent Main, Planning said here is Brookshire Boulevard headed north and the property is located on Brookshire Boulevard right where Old Plank Road intersects it. The property is along Brookshire Boulevard, and there is a water system place; this is industrial land along Brookshire Boulevard. The adopted future land use for this particular area calls for light industrial along Brookshire Boulevard. This particular site is sort of where residential land and the industrial land and a parcel that is recommended in the area plan for multifamily all come together.

The recommendation for the various parcels is multifamily for this corner, single family for this corner; there is a greenway stream that runs through here, and there is a little piece of industrial recommended land right there and then this is industrial, and this is single family. That is what we've got on this particular 33 acres, multiple recommendations for what that would be. The requested rezoning is for a split zoning part of it will be for R-6 single family, and part of it is requested for R-8 single family. The R-6 allows single-family uses; the R-8 is a single-family district, but it does allow duplexes, triplexes and quadruplexes. So, this piece would be for R-8, and this piece for R-6. Comparing that to the recommendation this area is recommended for single family, and this for multifamily; so, that represents a slight downshift from multifamily to the R-8 and recommends a slight uptick from R-4 to R-6 for that particular parcel, and brought into it all in the back piece of that is a piece of industrial zoned land.

So again, this is a pretty messy area where a lot of things come together, but it all comes down to two recommended uses, R-6 and R-8. There is single family on the other side. We are recommending approval of this. It is a straight up rezoning proposal; it is consistent with the Northwest Area Plan, which was a 1990 plan for most of the site but inconsistent for that little piece of industrial, which is being brought in, but it will be separated from existing industrial by that creek. It is slightly inconsistent with the recommendation for R-4 zoning, but we are taking it to R-6, so instead of multifamily and R-4 it would be R-6 and R-8. Overall, it is actually a downzoning from the overall density but a slight reallocation of that.

Judson Stringfellow, 3515 Dovewood Drive said I am the petitioner, and I don't have a whole lot to add to what he is saying. On the part that we are requesting R-6 in lieu of the recommended R-4 about one-third of that property has a gas line easement on it, power line easement and the creek buffer area that he was referring to and then the more or less landlocked recommended industrial area. The net density that we are going to have on the part that is being rezoned R-6 is only about 3.2 homes per acre; so, it is still consistent with the plan although it is an R-6 instead of an R-4. The overall density on the whole thing is only going to be about 4.9 homes per acre, and that is due to the fact that a whole bunch of it is in easements and creek buffer area. While the staff analysis, because it is conventional, was done based upon the whole site being developed; the staff analysis was done at 229 homes and it reality is only going to be about 164. So, as he said it is more or less a down from what the recommended land use plan is.

Thomas Blomquist, 3520 Mountain Cove Drive said thanks for the opportunity to talk a little bit about what is going on in the Mountain Island Lake area. It is actually all within the City limits, and I know a lot of the City staff wasn't aware that Mountain Island Lake is in fact in the City of Charlotte but it is. I am a 22-year resident of Charlotte, and I live in the Mountain Island Lake area and my goal tonight is to try to explain to you why you have a major defect in your entire rezoning and planning process. Major defect, has to change, and I will explain exactly why that applies and why I am opposed to this particular rezoning.

First and foremost, I would hope that City Council wants to put our students and our children first, not rezoning first, our children first. This rezoning is a good example of not putting our children first. Here is the big defect, two of them: CMS who provides you with comments, has grossly understated the effect of development in the Mountain Island Lake area and now leads you to believe well, this only adds 81 students to the Mountain Island Lake Academy, which is very close to this particular development. But it ignores completely, and I agree with Ms. Mayfield who brought this point up earlier, there are six other developments underway in Mountain Island Lake, six other developments. Those six other developments are actually in the ground; they are actually building things right now. They are putting up apartments right now; they are putting up homes right now, 1,200 housing units are going up right now. They will add 393 students to Mountain Island Lake Academy. Well, what is Mountain Island Lake Academy to you? It has a fixed capacity of 530 students, but on the 20th day of this school year, it had 787 students. Two hundred fifty-seven students were in mobile classrooms as of the start of this school year. There are no plans by CMS to expand that school; however, all these 1,200 housing units as calculated by CMS will generate 393 more elementary students. That school will then be at 222% of capacity. Can you afford as a City Council to keep approving rezoning and put a school in a situation like that? The only plan is to add a gymnasium in 2021 to that school. There are no other plans to expand any of the other elementary schools in that area yet, City Council keeps approving and approving a rezoning that now puts us in a crisis mode in this school. What is the effect of that? If you remember me from before, I had a teacher from Mountain Island Lake Academy to speak against another rezoning and what she described was what it is like to be a teacher in a school at 157% of capacity. What the heck is it like when they are at 222%? How can City Council not demand that CMS step up to the plate, look at the big picture, provide the school classrooms that would support a development like this, but it doesn't. There is no support in the school system for this. Good teachers are leaving that school, because the teacher who stood right here has quit that school to go to better conditions, because lunch starts at 10:00 a.m. there; 10:00 a.m. is lunch at that school. What is going to be like at 222% of capacity. You can't approve this kind of rezoning, it is going to kill us.

Secondly, on the other side of not looking at the big picture, who is the other key staff department of the City who doesn't look at the big picture? Just heard that a couple minutes ago by the way, C-DOT, hello. They look at a slice; you heard the story about why they didn't do a traffic impact study, because that one little slice didn't demand us to have a traffic impact study. Well, how would you like to take a look at the six developments in Mountain Island Lake? How many vehicle trip days are going to be coming in the next two years? Well, this particular thing says 2,000; that seems a little high to me, but C-DOT when you add up to six it is 43,000 vehicle trips days are moving into this region. You have not been told 43,000 vehicle trip days are moving into Mountain Island Lane area. They say we don't need a traffic impact study; the last traffic impact study 2016. Hello, a lot of things have changed since 2016, and you have approved a number of developments in the last year and a half that add to that, but that doesn't include the ones that you didn't have to approve, like D.R. Horton has two big housing developments that didn't require a rezoning. They are zoned for that, but those houses don't exist yet. They are being built right now. There are 400 D. R. Horton homes going in the Mountain Island Lake area.

So, when you get right down to the bottom line you are not getting the big picture but, us out there in Mountain Island Lake, we are suffering the virtual death of a thousand cuts. Each of these rezonings is another cut, one more cut: a school that doesn't have any rooms, a school that starts lunch at 10:00 a.m. and roads that you can't even get through.

Oh, and by the way they are not providing any roads for this development. These people think they are going to be able to get out on NC 16 from Old Plank Road. Give me a break. That is not going to happen. All you have to do is drive out NC 16 at 4:00 p.m. to 5:00 p.m. on any Friday, and you will know exactly what I'm telling you.

So, bottom line please go to your Planning Department ask them for the big picture; don't just take one development. What the hell else is going on? In this case, there are seven developments, 393 students going into a school with 787 right now and no plans to expand it. Forty-three thousand trip days on a road that doesn't even have a road for these people to leave that development. You can't approve this darn thing unless you get the support from DOT and CMS; you can't approve it.

In rebuttal Mr. Stringfellow said I will be glad to take any questions. As I said, the proposed density for it is actually below what the recommended land use plan has, and we will be going through the full approval process and reviewing subdivision roads, etc.

Councilmember Winston said I think the gentleman has some good points. I was able to spend some time with Frank Barnes, the data guy over at CMS a couple weeks ago, and he was unaware of what our rezoning process is, and he was unaware of the information that CMS provides and what those numbers actually mean. I suggested that we find a way to have somebody, and these are the questions that we often have when a tough position, because the community is going to continue to develop regardless if we rezone or not, but we want to have the most informed decision making environment as possible, and I don't think we have that right now. I would like to see from an intergovernmental standpoint, how can we have a representative from CMS here to talk about these things so that we can develop in tandem and not in these silos that we all talk about. I really think it is that simple as having a staff member here to talk about these things and to talk about how their plans coincide with where we are going in certain areas. I don't know how to refute any of the points that you have said about the bigger picture, and I believe that is what we are trying to get to, but it can be quite painful if you are on the short end of that stick.

Councilmember Egleston said for staff, do we already have the easement or are we getting the easement for the proposed future greenway in this rezoning?

Mr. Main said I'm not aware of that.

Mr. Stringfellow said that area that is shown in there as future potential greenway is either part of utility easements, or it is in creek buffers and if County Parks or anybody wants that dedicated as greenway; we will be more than happy to dedicate it as greenway.

Mr. Egleston said I didn't know if we already had or if you were granting to us as part of this.

Mr. Stringfellow said that portion is not going to be developed, so we are happy to do whatever Parks or Planning wants us to do with it.

Mr. Egleston said for staff, I would love to figure out if that is something that we would need to write in to this.

Mr. Main said Park and Rec did give us a report, and it showed no outstanding issues, but we can check back with them to make sure that we've got what we want.

Mr. Egleston said to Mr. Winston's point I can appreciate the school crowding issues; if we denied every petition that has dealt us over crowded schools then we would just cancel our rezoning meetings altogether. I do think we need to, as a community, continue to advocate to the County and the school system at the state level for funding to help alleviate the overcrowding in our schools and build new schools and invest in the schools that we have. I can appreciate the frustration, and I assure it is a frustration that every part of our City shares. Again, whether or not we rezone it is going to continue to be more of a problem if we don't get sufficient investment into our education system. I hope we will continue to advocate for that.

Councilmember Eiselt said I think if you had CMS here, they would tell you either we don't have the money to build new schools; we are operating in silos, and we seem to have this conversation at least once a year. We've asked before, and I don't think we've gotten the answer. I know I have asked in zoning meetings to get better information about how CMS estimates what a development would add to the school. I just have a sense that maybe their methodology is outdated, because people are living in townhomes, and they are living in smaller apartments so they can attend certain school districts, so I think we need better information from CMS on that, and again, we've had this conversation a couple years ago. It was around Park Road and Woodlawn when I think we had two or three rezonings in the same night for that area, and somehow we've just got to get better information. We talked about it earlier tonight; we have to get better information about what else is going on in the area so when we make these decisions in isolation we understand the overall impact. What have we already approved that has not come out of the ground yet that is also going to contribute to that school?

We can't do a whole lot about that; CMS at some point has got to say we need a better understanding for the planning for the area, and I don't know if they've said that or not, but we can't CMS to build a school, and I suspect if we even tried CMS would say find us the money to do it. They've got to make decisions about redrawing lines for neighborhoods. That happened I believe in this area and neighbors fought that; they didn't want to get rezoned to another school. So, it is a big problem, but we have it all over the City, and somehow, we've got to be able to look at our areas that are from our standpoint for what we can control and have a better understanding of what is being built in high growth regions.

Councilmember Ajmera said I remember Mr. Blomquist, you had come here with some of the neighborhood folks I think last year or the year before, and we had a teacher here who did speak, because they had so much overcrowding that they were teaching out of trailers. They talked about the issue to an extent where it is concerning. I do not know what the solution is to that problem and I understand that some of our rezoning is contributing to this problem even further, but I think as a body we have to discuss that somehow. We may not have a solution, but to include folks from CMS or the state or even the County we've got to have a discussion on this and figure out some sort of plan.

Mr. Blomquist said don't forget the 43,300 vehicle trip days in C-DOT.

Mayor Lyles said I think we all understand the pains of growth.

Councilmember Harlow said Mr. Blomquist, I appreciate you staying so long and you make a very compelling argument. You do your neighbors a great service in the Mountain Island Community; you are always engaged with what is going on in and around that area on the outer stretch of the Brookshire and I-485 that we don't forget is a part of Charlotte, a great community. We have a fragmented government; County Commission helps fund CMS, and CMS has their own capital plans and we do all of the rezonings; so, you've got three entities. We certainly could do a better job in working together. I'm not sure how that maps out in a comprehensive scenario when all different governing bodies have their own priorities and interest, but we want to be able to represent the community with students and teachers in mind no doubt, and at the same time Mr. Phipps has said, often we can't put a moratorium on growth in this City.

Your comments are not just noted we feel it, because this is not the only scenario where we consider others that have come and spoken about overcrowding of schools and the effects of that. If you look at any of our notes in probably half to 80% of the hearings today there is overcrowding everywhere. I would ask of our Intergovernmental Affairs Committee and co-chairs to look at some more conversations with CMS; how fruitful those become, I'm uncertain of, but we know this is a problem, and it will probably continue to be until we try to put a little bit of a strangle on it.

Mayor Lyles said I want to go back to the road issue; that is something that we ought to pay attention to. I would like to see in the analysis the six developments adding up the number of cars coming out of that area, even for this parcel, because it is conventional

we are not seeing where the road plans and the street are for that, but I think we are doing ourselves a disservice if we don't have a bigger picture around the commute and road expansion plans for these kinds of projects. That is something that we can do and talk about and should.

I know that the Planning staff has heard a lot about our process all through tonight. I would love to see a list of what you think you heard and what you think you ought to work on, and I know you've also got a lot of other things on your agenda but I think in some ways keeping a list or at least acknowledging this could work better or that could be differently done would be helpful for us, because it helps us define where how long it will take us to be able to make those changes or to give you input on what we think the priorities are for that.

Ms. Ajmera said as we are seeing this new development, could we also see what is planned for that area like improvements? If there is a road widening coming or if there is a sidewalk improvement, if we have that lull of information so when residents come and ask us about traffic and congestion as to what we are doing to improve we can actually respond that here are the projects that C-DOT is working on. I know we do get that when we do budgeting, especially at the CIP level, but we have that as we are looking at the rezoning, it would certainly help.

Motion was made by Councilmember Mayfield, seconded by Councilmember Harlow, 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 11:08 p.m.



Stephanie C. Kelly City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 36 Minutes
Minutes Completed: April 24, 2019