

ZONING BRIEFING

The City Council of the City of Charlotte, North Carolina convened for a Lunch Zoning Briefing on Monday, July 15, 2019 at 12:08 p.m. in Room 280 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Ed Driggs, Larken Egleston, and Matt Newton.

ABSENT: Councilmembers Dimple Ajmera, Julie Eiselt, Justin Harlow, LaWana Mayfield, James Mitchell, Greg Phipps, and Braxton Winston, II.

ABSENT UNTIL NOTED: Councilmember Tariq Bokhari.

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David Pettine, Planning reviewed the Zoning agenda with Councilmembers. Mr. Pettine listed the petitioners requesting deferrals and petitions with circumstances requiring special action by Council. He distributed a corrected pre-hearing staff analysis for Item No. 30.

Councilmember Bokhari arrived at 12:10 p.m.

Councilmembers asked questions and discussed petitions on the agenda for decision and hearing.

Mayor Lyles requested recusal from Item No. 40: Petition No. 2019-064 by Novant Health.

The meeting was recessed at 12:32 p.m.

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DINNER MEETING

The City Council of the City of Charlotte, North Carolina reconvened for a Dinner Meeting on Monday, July 15, 2019 at 5:09 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Lyles presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Justin Harlow, LaWana Mayfield, Matt Newton, Greg Phipps and Braxton Winston, II.

ABSENT: Councilmember Julie Eiselt

ABSENT UNTIL NOTED: Councilmembers Dimple Ajmera and James Mitchell

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CHARLOTTE MECKLENBURG GOVERNMENT CENTER RESTAURANT LEASE AGREEMENT

Mayor Lyles said before we get started on the dinner briefing we have one matter regarding a vote that we took and a report from the City Attorney and the Real Estate folks about the actions that we took last week regarding the Showmars' lease.

Patrick Baker, City Attorney said there have been some questions that have been raised about the Showmars' lease item that was on your agenda for last Monday. I want to make sure everybody understands exactly what you did. There was a motion that was made that was made by Councilmember Driggs and then there was some clarification of the motion; the motion was restated a couple of times in that conversation. The bottom line is what you actually voted on was to reduce Showmars' rent from \$3,000 per month to \$500 per month for the remainder of their current lease term, which I believe expires around this time in 2021. You also voted in that motion to remove the option that Showmars exclusively had to extend the contract for five-years. Just so you all

understand, in the original contract there was a set rent term for \$3,000 per month for five-years, and Showmars, so long as they are not in default of the lease agreement, they can provide written request at least 180-days in advance of the end of the original term to extend the term for five-years unilaterally; it is at their sole discretion. You voted to reduce the rent and to take away that option. I believe at the end you instructed Mr. Korolos to take that back to Showmars, and if they had a problem with it to bring it back to you. Well, it turns out they had a problem with it, and he brought it back to you. I will let Mr. Korolos talk about the conversations he has had with Showmars.

Tony Korolos, Real Estate Division Manager said we discussed with Mr. Couchell, the owner of Showmars, regarding the proposal, that the Council came up with regarding the revision of the option and the reduction of rent. Their position is they would like to stay in the City building and use that option of the following five-years. They would also like to add a \$500 reduction in the upcoming two-years. That is what they would like to do; essentially that is their proposal to the Council.

Councilmember Mitchell arrived at 5:12 p.m.

Mayor Lyles said so, the counter-offer is that they get the two-years at the \$500 rent and they keep the option, and there is no option for us not to approve the option; it is unilaterally their decision.

Mr. Baker said correct, if there is not an agreement between the parties to amend the contract, then the original contract terms would stay the same. You are not required to agree to their counter-offer, but this is what is back to the table from Showmars, which is the two-year reduction of rent from \$3,000 to \$500 per month for the balance of the current term, and they want to retain the option to extend the lease for five-years, but it has been clear at this dais that the reduction to \$500 would not extend to the five-year lease renewal should they exercise that.

Mayor Lyles said what do we have in that contract that would say we could approve or not approve the option? Anything? And is that something that we ordinarily not include in our contracts?

Mr. Baker said what is in the contract right now is a unilateral right for Showmars to, so long as they are not in default of the lease, to provide us with at least 180-days' notice to extend the contract. That was in the original contract that they have the exclusive right to request an additional five-years.

Mayor Lyles said do we ordinarily have contracts for leases for facilities with exclusive rights by the leasee and not the lessor?

Mr. Korolos said sure.

Mayor Lyles said we do that?

Mr. Korolos said we do; it is always a negotiation, but it is very common in the marketplace as well as some of the leases that we've brought in front of Council, such as leases for CATS, for example, property, and retail spaces, the decks in the University area that we brought to Council recently, the lease did have an option to renew. As long as they are not in default, they can [inaudible].

Mr. Baker said if I could add, that is a negotiated point between the parties, and I'm not trying to contradict what Mr. Korolos said, but in my personal experience, typically I have seen situations where the parties can mutually agree. I'm thinking of their downtown theatre that we did where we had an operating agreement for a period of years and then the parties could come and extend that period of years upon mutual agreement. I have seen it both ways; it just depends on the subject matter.

Mr. Korolos said part of the reason we did give Showmars the option to renew is because they had invested capital dollars in the building, in the space. So not only did they invest

\$55,000 for equipment but also in renovation of the space we have invested. The total cost was \$245,000; the City paid \$150,000 and Showmars paid \$95,000 and the \$95,000 that they paid [inaudible].

Mayor Lyles said I'm not a real estate professional so the question I have is whether or not we would even want to have contracts that didn't give us a mutual out. I just read something today that we approved, and I was like, oh my God did we really do that? I don't know if we go into that level of detail, but I would like for us to have some kind of standard that says our contracts protects us to this extent and leave it very clear on it. It is not about today but it is about going forward that I feel like any contract for five-years that we have no role in for going forward seems to me it would be something we ought to reconsider. It is negotiation of course, and if we've already thought of that, that is fine, but we need to understand that a little bit better. I'm not sure if we've got that kind of [inaudible], but I have asked our City Attorney to actually review our contracts prior to coming to the agenda. We have not been doing that; I don't know where they are done, but we need that sign off that represents our policies around procurement in a way that our procurement team meets the lawyer and the language is appropriately done for us going forward.

Councilmember Mayfield said Mr. Baker and I spoke earlier today and the specific language that we discussed in this contract that we just renewed in July 2016 that was signed off specifically stated tenant will pay rent during the initial five-year term at the rate of \$3,000. So, what they are asking for is an adjustment but where the challenge came in, and I asked Mr. Baker if he were to have written this contract what would the language have been, because in our language, it says the tenant shall be the one that has the ability for the trigger. Mr. Baker can you share the language that we discussed earlier?

Mr. Baker a lot of this depends on what the client, you the City Council, wants to see in an agreement. If you were using mutual opportunity to extend that particular section would be; by mutual written agreement executed at least 180 days prior to the expiration of the initial lease term the City may grant tenant one additional lease term of up to five-years upon all the same terms of the initial lease at the full inception being that the rent due from the tenant to the City shall increase by 12% to the new monthly rate of \$3,360 per month for the duration of the additional lease term. That would be the type of language that you were going to have a mutual opportunity to extend or it would be something like that.

Ms. Mayfield said when say a mutual opportunity does that give the City the ability to not extend the lease as well as the tenant to have the ability to not renew the lease?

Mr. Baker said correct. Both parties would have to execute a written agreement to extend the term for an additional five-years.

Ms. Mayfield said also going back to that 2016 lease; the language that was approved and signed by the tenant has in there, now therefore in consideration of the above recitals rents hereinafter agree to be paid and the mutual covenants and agreements hereinafter recited. Landlord does hereby lease and demise unto tenant and tenant does hereby lease and take as tenant from landlord those certain premises herein and referred to as the premises which is a part of the Charlotte Mecklenburg Government Center situated on the property located at 600 East Fourth Street. So, again, this particular business, the challenges that I want us to consider is they have been in this space for 20-years. This contract was renewal that we agreed upon; they now, two and a half years later come in and ask for a reduction. You all that voted for a reduction agreed for a reduction for two-years. They are asking now for the entirety of it, which they alone have the ability to pull that trigger under this current contract, not Council, not the City, meaning we couldn't even put it out for bid if we wanted to, and they want this \$500 in perpetuity. We are not debating that; this is not a debate, so this right here is moving forward for whatever their lease period and \$500 which this money goes into our General Fund. Mr. Baker, when if any when we talk about precedent that is being set, if there were to be a new vendor that were interested in this space and they requested the same \$500, if is approved by this Council, would there be any legal challenges to that?

Mr. Baker said I wouldn't say that you would be legally bound to lease that space for \$500 in perpetuity, but the preference obviously, would be to not have negotiations like we are doing right now in public. We would rather have negotiations straight forward; so, it does create the opportunity for people to read the paper tomorrow and come in and want to renegotiate their agreements with the City, just because it is the nature of this public conversation, but legally, I wouldn't say that we are required to now offer \$500 monthly rents to every tenant of every City space that we have, but this discussion will potentially cause people to want to request a reduction if their bottom line is not being met or for whatever reason.

Ms. Mayfield said the question that I ask if a future vendor were to get access to this space are we potentially liable if they were to challenge the rent cost for the simple fact that we had a contract in place on this account as well as the other factors that this particular business have had access to this space for decades without there being a competitive bid process, do we look at a potential legal liability?

Mr. Baker said I would say no we don't have that liability.

Mayor Lyles said I wanted to just make sure that the terms that we come back with from Showmars the terms have been \$500 for two years, and the rent would return at \$3,000 for any option that they choose. Is that correct?

Mr. Baker said that is correct.

Ms. Mayfield said isn't that what we voted on last Monday night?

Mayor Lyles said we vote on the two-years, but we also requested that they not include the five-year option. That is what the difference was, and Mr. Korolos went to them, and they said no, let's continue to have our five-year option in the contract.

Ms. Mayfield said with clarification and understanding that after the two-years the rent goes back to \$3,000.

Mr. Korolos [inaudible] \$3,360.

Mr. Mayfield said so, we have something in writing.

Mayor Lyles said those two gentlemen will put that in writing before we would [inaudible]

Ms. Mayfield said so, what we will be voting on tonight is the ability for Mr. Korolos to continue the negotiation, or are we actually being asked to vote on tonight [inaudible] for two years with \$3,360 moving forward?

Mayor Lyles said the existing contract in place with a five-year option. I don't know, it doesn't say an amount, it has some escalation in it, but it doesn't have a specific amount.

Mr. Baker said it says should they exercise the five-year option, which is their exclusive right, they would then be paying \$3,360 a month for the entire five-years.

Ms. Mayfield said and that would eliminate the ability for them to come back as in this case, a year and a half to two and a half years later to ask for a reduction, so they will be committing to the \$3,360.

Mr. Baker said they can always ask, but they have no legal right to demand this reduction from \$3,000 to \$500. This would be a negotiated piece, so I can't say they won't come back within those five-years, I don't know what they will do, but legally speaking if you say no today then the contract never actually moved because you didn't have a meeting of the minds. So, right now, \$3,000 a month and will continue at \$3,000 a month for the duration of this term.

Councilmember Winston said just a couple of notes on my question, I have spoken to vendors that run food service here in the uptown area that have the same service, only breakfast and lunch, and they say \$3,000 by itself is ridiculously cheap for this type of space. Uptown space, even if this was a shared smaller space, \$3,000 a month would be crazy, let alone \$500 a month. I can't see myself voting for anything that includes \$500 a month lease of this space, unless I would take what you were saying Mayor, a step further, we need to give Mr. Korolos some type of guidance about how we want to treat our real estate transactions. How do we want to acquire properties, and what kind of landlords do we want to be? If there is a policy that is flexible with local businesses, small business entities that exists in our spaces and that are trying to achieve our priorities of ground floor activation, I would be much more comfortable with those paying this, but as this stands on a one time picking and choosing business model basis, I just don't think this is good business. Like you said, what if it turns out that it made sense to do it for two-years up at the University Light Rail Station, because that is the time that we need for the development to [inaudible]. If that is in policy and that is who we want to be, and we want to set that example sure, but that is not what we are doing here today. I think we should take that up. My second question; we keep going back to this. They have invested into the equipment and retrofitting. Understanding this is kitchen equipment; whose assets are those? Are they Showmars assets, or do we own them?

Mr. Korolos said \$55,000 in equipment belongs to Showmars.

Councilmember Ajmera arrived at 5:28 p.m.

Mayor Lyles said let Mr. Korolos talk about the deal that we have.

Mr. Korolos said then there is a capital investment in the City and this belongs to the City Government Building. It doesn't belong to Showmars, \$245,000; the City paid \$150,000 and they paid \$95,000 out of their own bond money for the vacant space doesn't belong to them.

Mr. Winston said if I go and buy an old McDonalds building that is no longer a franchise use, and I need to retrofit it, so it fits my business model, who is going to pay that? Is it going to be the owner, or is it going to be me who has invested in my business, and I want my space to work the way I want my space to work?

Mr. Korolos said it is up to negotiations, but it is very common in the market place for the landlord to pay for the upfit then the tenant will pay higher rent. In this situation Showmars paid [inaudible]

Mr. Winston said it seems like they are getting lower rent, so I don't see why that continues to be a relevant sticking point to give them a reduced rent at this point in time. They made part of the investment; they've got lower rent, and they own the equipment, so that stuff is not going to be left around, but I feel that wine that we keep putting in there is not relevant to today's conversation, but if we want to change our practice and really dive into what kind of landlord we are and how we want to approach that I think that is a different conversation. We spoke about a different capacity before, but we have not been willing to have, and I think we need to on top of affordable housing and on top of opportunity zones, things like this are going to come up where we are going to either have to go by a policy standpoint or we are going to have to pick and choose case by case. I can't see myself supporting this part of the negotiation that has come back to us.

Councilmember Egleston said it is relevant still because tenant improvements are generally negotiated as a part of a package in a lease, and so I'm sure Dr. Harlow, when he opened his dental office got tenant improvement dollars. He wouldn't have gotten those if there weren't agreements.

Councilmember Harlow said I did.

Mr. Egleston said that is not uncommon unless negotiation is a part of a lease and you are doing part of that and saying well the business will invest some and the City will invest

some because it will be a certain length of the term, so I think it is relevant. My question is how common are tenant improvement dollars i.e., and if you want to say we shouldn't be talking about this in public that is fine too, but like with the light rail places, that we are leasing to people, we including tenant improvement dollars in those and would it thereby be likely if had to lease out the Showmars out to someone else they would expect that we would be giving them tenant improvement dollars which would then cost us more to get a new business up and running there.

Mr. Korolos said the light rail is different, the building was federally funded so there is a lot of restriction on what can be [inaudible] so we are not including any [inaudible] as part of the negotiations [inaudible]

Mr. Egleston said understanding that after two-years the rent would go back up to \$3,360 or whatever, has the tenant indicated that they expect that they would be interested in that, or they just want to have that option on the table?

Mr. Korolos said I think [inaudible] to stay within the space just because in the past three years they have not been breaking even or below but they feel like part of the community and they have a lot of existing [inaudible] Charlotte community charitable events, etc. so they don't want to lose that [inaudible].

Councilmember Driggs said I just wanted to mention the situation here is unique. We are not talking about a pure real estate deal. The City has an interest in having dining facilities for its employees, it is a partnership. It is a business relationship, and if the lease was negotiated in the first place with a unilateral option that is part of the commercial terms of the lease. That was part of the deal; if that hadn't been there other parts of the deal might have been different. So, that is how we did that, and if we need to do it differently in the future, I think it is fine.

Motion was made by Councilmember Driggs and seconded by Councilmember Bokhari, to amend Section 2 of the lease agreement between the City of Charlotte ("City") and Showmars Government Center, LLC ("Showmars") to reduce the monthly payment owed to the City by Showmars from \$3,000 per month to \$500 per month for the remainder of the initial five-year lease term. The reduction shall not apply to any additional lease term that may be requested by Showmars pursuant to Section 23 or any other applicable provision of the lease agreement.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Harlow, Mitchell, Newton and Phipps.

NAYS: Councilmembers Mayfield and Winston.

Mayor Lyles said Taiwo will be joining us in his new role as City Planning Director and Assistant City Manager, and he will be coming to the Zoning Meeting. Sam Spencer is the new Zoning Committee Chair, and he will be introducing the new members of the Zoning Committee.

The meeting was recessed at 5:36 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 a Zoning Meeting on Monday, July 15, 2019 at 5:41 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmember present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Justin Harlow, LaWana Mayfield, James Mitchell, Matt Newton, Greg Phipps and Braxton Winston, II.

ABSENT: Councilmember Julie Eiselt

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INVOCATION AND PLEDGE

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

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EXPLANATION OF A ZONING MEETING

Mayor Lyles explained the rules and regulations of the Zoning Meeting.

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INTRODUCTION OF THE ZONING COMMITTEE

Sam Spencer, Chairperson of the Zoning Committee introduced members of the Zoning Committee. They will meet Tuesday, July 30, 2019 at 5:30 p.m. to make recommendations on the petitions heard in the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at charlotteplanning.org.

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DEFERRALS

Motion was made by Councilmember Egleston and seconded by Councilmember Newton to defer a decision on Item No. 4: Petition No. 2018-128 by James Pouitier to September 16, 2019; to defer a decision on Item No. 5: Petition No. 2018-167 by Verde Homes, LLC to September 16, 2019; to defer a decision on Item No. 6: Petition No. 2019-006 by Amerco Real Estate Company LLC to September 16, 2019; to defer a decision on Item No. 12: Petition No. 2018-163 by Suncap Property Group LLC LLC to September 16, 2019; to defer a decision on Item No. 14: Petition No. 2019-008 by CoHab to September 16, 2019; to defer a decision on Item No. 15: Petition No. 2019-009 by Joseph Rhodes to September 16, 2019; to defer a hearing on Item No. 31: Petition No. 2018-117 by Hooper Communities, Inc. to September 16, 2019; to defer a hearing on Item No. 32: Petition No. 2019-047 by NR Pinehurst Property Owner, LLC to September 16, 2019; to defer a hearing on Item No. 33, Petition No. 2018-142 by Profit Dixon Partners to the August 26, 2019 Business meeting; to defer a hearing on Item No. 41: Petition No. 2018-073 by Moores Chapel Retail, LLC to September 16, 2019; to defer a hearing on Item No. 43: Petition No. 2019-027 Liberty Property Trust to September 16, 2019; and, to defer a hearing on Item No. 45: Petition No. 2019-049 by Apollo Holding Company to September 16, 2019.

Councilmember Harlow said we are requesting deferral for Item No. 15, Petition No. 2019-009, Beatties Ford Townhomes. This is what we call a split decision, where the Planning Staff is recommending approval and the Zoning Committee has recommended denial. It was a 4 to 3 denial vote. I am comfortable asking for deferral after speaking with the petitioner. A lot of the outstanding issues have since been resolved; many of

those were resolved after the Zoning Committee meeting. I think for the community's sake there are still some conversations to be had around just some small outstanding issues, most of which have been resolved mainly around infrastructure improvements, screening of the BMP and detention pond as well as adding a bus stop on Beatties Ford Road, and the developer is now committing about \$115,000 contribution to the Beatties Ford/Sunset C-NIP project, so all of these things have been added. There has been a new amended, the fifth amended site plan that now has better elevations and more details around building and architectural design, specifically limiting some vinyl siding. So, there are a lot of things that have changed since the public hearing and even more that has changed since the Zoning Committee recommended denial. I think if this goes back to the Zoning Committee there might be a change of heart. I think the community has had most of its issues resolved and since there is not another meeting until September. I just wanted the community to know that it is another six to eight weeks before this would come back before us.

I wanted to thank the Petitioner for really working through a lot of these things, compromising a lot of things and the community for having multiple community meetings. This is the reason for kind of the 11th hour deferral on this one petition.

Councilmember Driggs said I just wanted to comment briefly on Item No. 33. I wanted to acknowledge that I had a request from some of the neighbors around there not to defer this hearing, partly on the basis that they felt the vote would not take place until October anyway and partly on the basis that a lot of people who might have wanted to attend wouldn't be able to come on the 26th, because that is when school begins. I've looked into this, and I'm satisfied that there is a possibility that the vote could occur in September, so it is not completely irrelevant when it will happen and because of the contract situation that the petitioner is in I think that the case the opponents wish to make can be made clear in 10-minutes by a couple of spokes people, and it is not going to make a big difference how many people in the room. So, I didn't see that as a basis for denying the request for this deferral and therefore I'm going to support it.

Mayor Lyles said Mr. Driggs, you are saying that the deferral to August 26th may actually occur September 16th?

Mr. Driggs said I'm just saying that the question about whether there could be a Zoning Committee review has been looked into. There is a possibility that it can be reviewed by the Zoning Committee in time for the September meeting and therefore the suggestion that it wouldn't get decided until October is not necessarily true.

Mayor Lyles said I'm sorry, I didn't get a good hearing on that.

Councilmember Bokhari said I knew there were a lot of constituents out there who reached out and had concerns about Petition No. 2018-167, Verte Homes; this is the one that is off Sardis Road between Oak Creek Drive and Creek Valley Drive. This one was deferred until September 16th, but just for those of you who have been tracking this closely, this is one that I have been fairly uncomfortable with. The fact that it is not coming before us today is probably a good sign because it would have been tracking towards an item of non-support for me; however, they have deferred to look for more options. Unless it has drastically changed I won't be supporting that.

Terrie Hagler-Gray, Senior Assistant City Attorney said I just wanted to ask Councilmember Harlow, are you asking that the petition be sent back to the Zoning Committee? If so, I would ask that you add that amendment to the deferral motion because it won't automatically go back.

Mr. Harlow said I would like to make an amendment to the motion to send Petition No. 2019-009 back to the Zoning Committee for further review.
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Ms. Hager-Gray said if Councilmember Egleston will accept that, we will just add that to the motion that is already on the table.

Councilmember Egleston said I will accept it.

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

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DECISIONS

ITEM NO. 7: ORDINANCE NO. 9594-Z, PETITION NO. 2016-112 BY ARGOS REAL ESTATE ADVISORS, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 28 ACRES GENERALLY SURROUNDED BY STEWART AVENUE, CHAMBERLAIN AVENUE, TURNER AVENUE, STATE STREET AND STEWART CREEK FROM I-1 (LIGHT INDUSTRIAL) AND I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) WITH FIVE-YEAR VESTED RIGHTS.

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends industrial land uses. However, we find this petition to Choose an item. public interest based on information from the post hearing staff analysis and the public hearing and because while the petition is inconsistent with the industrial land use recommendation, the proposed revitalization of the site for residential/office and/or retail uses is compatible with the surrounding residential neighborhood, and with the goals established by the West Trade/Rozzelles Ferry C-NIP in 2015. The industrial land use is no longer compatible with the surrounding residential uses along Turner Avenue and State Street. The proposed site plan includes commitments to maintain and restore the existing mill building unless determined unfeasible by a third party. The conditional notes provide commitments to both on-site and off-site transportation improvements to mitigate impacts from the redevelopment of the site. The petition will provide pedestrian improvements to create a more walkable environment and better integrate into the surrounding area. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from industrial to office/retail/residential uses for the site.

Motion was made by Councilmember Harlow and seconded by Councilmember Winston, to adopt Petition No. 2016-112 and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends industrial land uses. However, we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because while the petition is inconsistent with the industrial land use recommendation, the proposed revitalization of the site for residential/office and/or retail uses is compatible with the surrounding residential neighborhood, and with the goals established by the West Trade/Rozzelles Ferry C-NIP in 2015. The industrial land use is no longer compatible with the surrounding residential uses along Turner Avenue and State Street. The proposed site plan includes commitments to maintain and restore the existing mill building unless determined unfeasible by a third party. The conditional notes provide commitments to both on-site and off-site transportation improvements to mitigate impacts from the redevelopment of the site. The petition will provide pedestrian improvements to create a more walkable environment and better integrate into the surrounding area. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from industrial to office/retail/residential uses for the site.

Councilmember Winston said I had the opportunity to walk through this Savona Mills property, and this is a great example of the opportunity to adaptive reuse. For folks that are always asking, where is the economic development happening on the westside? Pay

attention to this project. This has been a project that the developer and the community has worked very close over the years to make happen and we need the community to continue to work close to make this a reality. There are other opportunities to develop and further connect the westside to the uptown area again, using some forms of adaptive reuse that are very exciting. So, again economic development on the westside where we all want and hear some that we get to celebrate today.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 287-288.

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ITEM NO. 8: ORDINANCE NO. 9595-Z, PETITION NO. 2018-110 BY MATTAMY HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 38.40 ACRES LOCATED ON THE EAST SIDE OF SHOPTON ROAD WEST, NORTH OF SOUTH TRYON STREET FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL), WITH FIVE-YEAR VESTED RIGHTS.

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: The petition is found to conform to the Steele Creek Area Plan residential land use recommendation but to be inconsistent with the recommended density, based on information from the post hearing staff analysis and the public hearing and because the plan recommends residential land uses at a density of up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because while the proposed density of 6.25 dwelling units per acre exceeds the recommended density of four dwelling units per acre, the project is compatible with existing development in the area. The site is adjacent to an existing townhome development zoned R-8MF(CD), at a density of 6.7 dwelling units per acre. The proposed site plan includes the required road connections, along Shopton Road West and connects to Tamarack Drive providing 4 points of ingress/egress to the development. The proposed development is compatible with the surrounding residential uses in the area. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential up to 4 dwelling units per acre to residential up to 8 dwelling units per acre.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2018-110 by Mattamy Homes and adopt the following Statement of Consistency: The petition is found to conform to the Steele Creek Area Plan residential land use recommendation but to be inconsistent with the recommended density, based on information from the final staff analysis and the public hearing, and because the plan recommends residential land uses at a density of up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because while the proposed density of 6.25 dwelling units per acre exceeds the recommended density of four dwelling units per acre, the project is compatible with existing development in the area. The site is adjacent to an existing townhome development zoned R-8MF(CD), at a density of 6.7 dwelling units per acre. The proposed site plan includes the required road connections, along Shopton Road West and connects to Tamarack Drive providing 4 points of ingress/egress to the development. The proposed development is compatible with the surrounding residential uses in the area. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential up to 4 dwelling units per acre to residential up to 8 dwelling units per acre.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 289-290.

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ITEM NO. 9: ORDINANCE NO. 9596-Z, PETITION NO. 2018-127 BY BLUE AZELA-PROVIDENCE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.08 ACRES LOCATED AT THE INTERSECTION OF VERNON DRIVE AND PROVIDENCE DRIVE, NORTH OF WENDOVER ROAD AND EAST OF PROVIDENCE ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS.

The Zoning Committee voted 6-0 (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 consistent with the South District Plan recommendation for residential uses, and with the General Development Policies density recommendation based on the information from the post hearing staff analysis and the public hearing, and because The plan recommends residential uses up to three dwelling units per acre, and the General Development Policies support a density up to eight dwelling units per acre. (Therefore, we find) this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the proposed single-family development is located within an established single family detached neighborhood. The proposed development is adjacent to a single family attached development zoned R-8(CD). The R-8(CD) petition seeks to allow three single family detached dwellings, or two duplex dwellings on three individual lots, and the minimum setback and yards are compatible with the surrounding pattern of development. The proposed density is supported by the General Development Policies. The approval of this petition will revise the mapped adopted future land use as specified by the South District Plan, from single family residential at three dwellings per acre to residential at up to five dwellings per acre for the site.

Motion was made by Councilmember Bokhari and seconded by Councilmember Ajmera, to approve Petition No. 2018-127 by Blue Azela-Providence, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the South District Plan recommendation for residential uses, and with the General Development Policies density recommendation based on the information from the final staff analysis and the public hearing, and because The plan recommends residential uses up to three dwelling units per acre, and the General Development Policies support a density up to eight dwelling units per acre. (Therefore, we find) this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed single-family development is located within an established single family detached neighborhood. The proposed development is adjacent to a single family attached development zoned R-8(CD). The R-8(CD) petition seeks to allow three single family detached dwellings, or two duplex dwellings on three individual lots, and the minimum setback and yards are compatible with the surrounding pattern of development. The proposed density is supported by the General Development Policies. The approval of this petition will revise the mapped adopted future land use as specified by the South District Plan, from single family residential at three dwellings per acre to residential at up to five dwellings per acre for the site.

Councilmember Bokhari said I would just like to highlight months and months of hard work. Many of you will remember several months ago the petitioner and the neighborhood couldn't have been farther apart on this rezoning. I would like to specially thank the leadership of Ambassador Mark Erwin who took a leadership role with the community and the neighborhood as well as the Blue Azela-Providence petitioner and the work they did. They threw good faith efforts and negotiation, reduced the total number of units to five, you see two duplexes and one single-family house; they maintained desired setbacks and locations of the building. They had extensive stormwater control measures agreed to and protecting that beautiful legacy tree that we saw even though it is not in the tree save area were all concessions that they came to so that we have a situation where both the petitioner and the neighborhood; in good faith are asking us to do the same thing which is to approve this tonight. I hope you all join me in that.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 291-292.

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ITEM NO. 10: ORDINANCE NO. 9597-Z, PETITION NO. 2018-151 BY EBA CRYSTAL REAL ESTATE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 20.56 ACRES LOCATED ON THE EAST SIDE OF J. W. CLAY BOULEVARD, NORTH OF WEST W. T. HARRIS BOULEVARD FROM CC (COMMERCIAL CENTER) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL), WITH FIVE-YEAR VESTED RIGHTS.

Motion was made by Councilmember Mayfield, seconded by Councilmember Egleston, and carried unanimously to recuse Councilmember Mitchell from Item No.10.

The Zoning Committee voted 7-0 (motion by Nwasike, 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 Blue Line Extension – University City Area Plan based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends residential/office/retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the petition is proposing to convert an existing, auto-oriented retail center into a mixed-use pedestrian oriented center. The proposed development would provide the range of uses and density desired in this area of University City and within close proximity to the JW Clay Boulevard Station. The proposed development will better activate the area along the lakefront with pedestrian connections, and plaza/public open space amenities. The proposed project will help facilitate the continued transition of the University City area to a more urban, walkable community.

Motion was made by Councilmember Phipps, seconded by Councilmember Newton, and carried unanimously to adopt Petition No. 2018-151 by EBA Crystal Real Estate, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Blue Line Extension – University City Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends residential/office/retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition is proposing to convert an existing, auto-oriented retail center into a mixed-use pedestrian oriented center. The proposed development would provide the range of uses and density desired in this area of University City and within close proximity to the JW Clay Boulevard Station. The proposed development will better activate the area along the lakefront with pedestrian connections, and plaza/public open space amenities. The proposed project will help facilitate the continued transition of the University City area to a more urban, walkable community.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 293-294.

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ITEM NO. 11: ORDINANCE NO. 9598-Z, PETITION NO. 2018-162 BY NRP PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.63 ACRES LOCATED AT THE INTERSECTION OF NORTH TRYON STREET AND WEST EASTWAY DRIVE FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-2 (motion by Ham, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Blue Line Extension Transit Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends Office/Retail uses for the site. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed land use is within the context of the overall area that has a mix of residential and retail/office zoning and/or uses with non-residential being concentrated along the North Tryon Street frontages. The proposed multi-family would provide a transition from office/retail uses along North Tryon to the school site and adjacent residential uses in the area. The proposal does not include the entire parcel that is recommended for office/retail and provides an opportunity for those uses to still be developed per the plan while providing transition in uses compatible with the school site and adjacent residential. The proposed project is committed to providing all units to maintain monthly rents that are income restricted to households earning on average 60% of the area median income for a period of not less than 15 years from the date of the issuance of the first certificate of occupancy for a new building constructed on the Site which facilitates goals of the City's affordable housing initiatives. The proposed development would provide a section of the Cross-Charlotte Trail within the project boundary which provides a public benefit. The approval of this petition will revise the adopted future land use as specified by the Blue Line Extension Transit Station Area Plan, from Office/Retail uses to Residential uses greater than 22 dwelling units per acre (DUA) for the site.

Motion was made by Councilmember Phipps and seconded by Councilmember Harlow, to approve Petition No. 2018-162 by NRP Properties and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Blue Line Extension Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends Office/Retail uses for the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed land use is within the context of the overall area that has a mix of residential and retail/office zoning and/or uses with non-residential being concentrated along the North Tryon Street frontages. The proposed multi-family would provide a transition from office/retail uses along North Tryon to the school site and adjacent residential uses in the area. The proposal does not include the entire parcel that is recommended for office/retail and provides an opportunity for those uses to still be developed per the plan while providing transition in uses compatible with the school site and adjacent residential. The proposed project is committed to providing all units to maintain monthly rents that are income restricted to households earning on average 60% of the area median income for a period of not less than 15 years from the date of the issuance of the first certificate of occupancy for a new building constructed on the Site which facilitates goals of the City's affordable housing initiatives. The proposed development would provide a section of the Cross Charlotte Trail within the project boundary which provides a public benefit. The approval of this petition will revise the adopted future land use as specified by the Blue Line Extension Transit Station Area Plan, from Office/Retail uses to Residential uses greater than 22 dwelling units per acre (DUA) for the site.

Councilmember Winston said I would just like to point out there is affordable housing in here without a Housing Trust Fund ask, so to the community that asked can developers build affordable housing on their own, the answer is yes, they can. I would also point out in the notes from the Zoning Committee, they have been listening to some of the things

we've been saying. There is not enough information here to determine the impact on the schools, but I wanted to highlight the importance of finding a way to get CMS involved in some of these land use decision discussions.

Councilmember Phipps said continuing on the tone that Mr. Winston has set, I did read with interest in the comments of the Zoning Committee, and I don't know if you can call this an admonishment or not, but I was concerned that there was a minority opinion that thought there was too much affordable housing along the Blue Line Extension, that it was a concentration, which I think nothing can be further from the truth. Most of the projects that we have along that corridor, especially in District 4 are market rate. Some of them are still in planning phases and in the process of being constructed; so, the few units that we have along the corridor in District 4, I can't speak for District 1, but I totally disagree that there is a concentration and a saturation of affordable housing units along that corridor. I just wanted to let the record reflect that I disagree with that statement profusely.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 295-296.

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ITEM NO. 13: ORDINANCE NO. 9599-Z, PETITION NO. 2019-005 BY ARDENT ACQUISITIONS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO REFLECT A CHANGE IN ZONING FOR APPROXIMATELY 5.58 ACRES LOCATED ON THE SOUTH SIDE OF WEST TREMONT AVENUE, WEST OF SOUTH TRYON STREET FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Watkins, second my Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the New Bern Transit Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential land uses at up to 22 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 subject site is just outside of the 1/2 mile walk from the East/ West Transit station on the Lynx Blue Line. The urban district will provide transit supportive residential development in an urban form and at a scale that is appropriate in an urban development. The proposal supports pedestrian and streetscape design by placing units that front along West Tremont Avenue and adding an eight-foot planting strip and eight-foot sidewalk. This petition will help support the transition of the area to a more walkable transit district.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2019-005 by Ardent Acquisitions, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the New Bern Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential land uses at up to 22 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 subject site is just outside of the 1/2 mile walk from the East/ West Transit station on the Lynx Blue Line. The urban district will provide transit supportive residential development in an urban form and at a scale that is appropriate in an urban development. The proposal supports pedestrian and streetscape design by placing units that front along West Tremont Avenue and adding an eight-foot planting strip and eight-foot sidewalk. This petition will help support the transition of the area to a more walkable transit district.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 297-298.

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ITEM NO. 16: ORDINANCE NO. 9600-Z, PETITION NO. 2019-018 BY CANOPY CLT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.10 ACRES LOCATED ON THE SOUTH SIDE OF RALEIGH STREET, WEST OF SUGAR CREEK ROAD, SOUTH OF NORTH TRYON STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).

The Zoning Committee voted 7-0 (motion by Gussman, second by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Blue Line Extension Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends Transit Supportive Land Uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is within ¼ mile walk distance of the Sugar Creek Transit Station. The proposed transit-oriented development zoning is more consistent with the area plan recommendation than the current industrial zoning. The structure map does not recommend any additional height limitations than what the ordinance allows. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Egleston, seconded by Councilmember Harlow, and carried unanimously to approve Petition No. 2019-018 by Canopy CLT and adopt the following Statement of Consistency: This petition is found to be consistent with the Blue Line Extension Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends Transit Supportive Land Uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is within ¼ mile walk distance of the Sugar Creek Transit Station. The proposed transit oriented development zoning is more consistent with the area plan recommendation than the current industrial zoning. The structure map does not recommend any additional height limitations than what the ordinance allows. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 299-300.

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ITEM NO. 17: ORDINANCE NO. 9601-Z, PETITION NO. 2019-019 BY STANCHION ASSET PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE AFFECTING A CHANGE IN ZONING FOR APPROXIMATELY 4.64 ACRES LOCATED AT THE SOUTHWEST CORNER OF WEST MALLARD CREEK CHURCH ROAD AND DAVID TAYLOR ROAD, EAST OF MALLARD CREEK ROAD FROM RE-2 (RESEARCH) TO RE-3(O) (RESEARCH, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Wiggins, second by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the University Research Park Area Plan based on the information from the post hearing staff analysis and the public hearing and because the plan recommends office uses on this site. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the petition retains existing office uses and complements existing office uses with infill office/retail development. The petition meets the demands of various users. The petition includes strong internal pedestrian connections between existing and proposed development. The petition includes privately owned public space with amenities such as seating, landscaping, and public art. The petition's orientation towards West Mallard Creek Church Road and commitment to a 12-foot multi-use path

increases the walkability of the area. The approval of this petition will revise the adopted future land use as specified by the University Research Park Area Plan, from Office to Office/Retail for the site.

Motion was made by Councilmember Phipps, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-019 by Stanchion Asset Partners and adopt the following Statement of Consistency: This petition is found to be inconsistent with the University Research Park Area Plan based on the information from the final staff analysis and the public hearing and because the plan recommends office uses on this site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition retains existing office uses and complements existing office uses with infill office/retail development. The petition meets the demands of various users. The petition includes strong internal pedestrian connections between existing and proposed development. The petition includes privately owned public space with amenities such as seating, landscaping, and public art. The petition's orientation towards West Mallard Creek Church Road and commitment to a 12-foot multi-use path increases the walkability of the area. The approval of this petition will revise the adopted future land use as specified by the University Research Park Area Plan, from Office to Office/Retail for the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 301-302.

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ITEM NO. 18: ORDINANCE NO. 9602-Z, PETITION NO. 2018-021 BY MCKINNEY HOLDINGS, NC II, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 23.2 ACRES SOUTHEAST INTERSECTION OF NORTH TRYON STREET AND LIBBY WAY FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO TOD-M(CD) (TRANSIT ORIENTED DEVELOPMENT-MIXED USE, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Watkins, second by Nwasike) 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 recommends transit oriented development organized on a new network of streets and blocks designed to maximize access to the station, support walkability, and interconnect to adjacent surrounding development. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the subject site is located within a ½ mile walk of the University City Boulevard Transit Station on the LYNX Blue Line Extension. The University City Area Plan recommends transit-oriented development for the site. A mix of residential and office uses are appropriate, and retail could be considered within a vertically mixed-use building. The TOD-M (transit oriented – mixed-use) zoning will allow these uses. The University City Area Plan also recommends a new network of streets and blocks to support transit-oriented development around the station including the alignment and design of a new “Avenue” and “Local” streets parallel to North Tryon Street. These streets represent critical infrastructure necessary for the successful development of this unique station area which includes significant tracts of undeveloped land with no street connectivity. The request shows the recommended street network and commits to dedicate the streets as public right-of-way.

Motion was made by Councilmember Phipps, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-021 by McKinney Holdings NC II, LLC 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 recommends transit oriented development organized on a new network of streets and blocks designed to

maximize access to the station, support walkability, and interconnect to adjacent surrounding development. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the subject site is located within a ½ mile walk of the University City Boulevard Transit Station on the LYNX Blue Line Extension. The University City Area Plan recommends transit oriented development for the site. A mix of residential and office uses are appropriate and retail could be considered within a vertically mixed-use building. The TOD-M (transit oriented – mixed-use) zoning will allow these uses. The University City Area Plan also recommends a new network of streets and blocks to support transit-oriented development around the station including the alignment and design of a new “Avenue” and “Local” streets parallel to North Tryon Street. These streets represent critical infrastructure necessary for the successful development of this unique station area which includes significant tracts of undeveloped land with no street connectivity. The request shows the recommended street network and commits to dedicate the streets as public right-of-way.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 303-304.

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ITEM NO. 19: ORDINANCE NO. 9603-Z, PETITION NO. 2019-023 BY SINACORI BUILDERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.12 ACRES LOCATED ON THE SOUTHEAST SIDE OF CARMEL ROAD, NORTH OF CARMEL VISTA LANE AND SOUTH OF QUAIL VIEW ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by McClung, second by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: While this petition provides residential use as recommended by the South District Plan, the proposed density is inconsistent with the plan, and is not supported by the General Development Policies based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends residential uses up to 3 dwelling units per acre (DUA). The General Development Policies support up to 4 DUA. 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 although the density increase is not supported by the South District Plan and the General Development Policies, the proposed density of 5.07 DUA is consistent with other townhome developments east of the site. The density of these other townhomes ranges from 3.68 to 5.22 DUA. The petition includes a mixture of housing types with 2 single family detached lots and a maximum of 24 townhomes. The site plan provides setbacks and side and rear yards abutting single family residential that are sensitive to and compatible with the existing residential context. The site plan also limits the height of the proposed units to 40 feet, which is the same height allowed for single family homes. The site plan provides a 31-foot Class C buffer abutting single family use and zoning. The site is located along and accessed from Carmel Road and is not internal to established subdivisions. Along this section of Carmel Road there are a variety of uses including single family homes, townhomes, institutional uses and a commercial use. The proposed development is compatible with the type and form of existing development in the area. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential at 3 dwelling units per acre to residential less than or equal to 6 DUA for the site.

Motion was made by Councilmember Bokhari and seconded by Councilmember Harlow, to approve Petition no. 2019-023 by Sinacori Builders and adopt the following Statement of Consistency: While this petition provides residential use as recommended by the South District Plan, the proposed density is inconsistent with the plan, and is not supported by the General Development Policies based on the information from the final staff analysis and the public hearing, and because the plan recommends residential uses up to 3 dwelling units per acre (DUA). The General Development Policies support up to 4 DUA. 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 although the density increase is not supported by the South District Plan and the General Development Policies, the proposed density of 5.07 DUA is consistent with other townhome developments east of the site. The density of these other townhomes ranges from 3.68 to 5.22 DUA. The petition includes a mixture of housing types with 2 single family detached lots and a maximum of 24 townhomes. The site plan provides setbacks and side and rear yards abutting single family residential that are sensitive to and compatible with the existing residential context. The site plan also limits the height of the proposed units to 40 feet, which is the same height allowed for single family homes. The site plan provides a 31-foot Class C buffer abutting single family use and zoning. The site is located along and accessed from Carmel Road and is not internal to established subdivisions. Along this section of Carmel Road there are a variety of uses including single family homes, townhomes, institutional uses and a commercial use. The proposed development is compatible with the type and form of existing development in the area. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential at 3 dwelling units per acre to residential less than or equal to 6 DUA

Councilmember Bokhari said this was one of my several difficult ones over the last couple months. I'll start by saying that whether you are impacted by this or you are just looking on from other parts of the community from a distance at this, you would respect the way I've decided to govern when I decided to run for office and that was going to be that I was going to be as transparent as possible. I was going to look at the book of ordinances and policies that made up how this City is set up, and what the rules are and if people came forward to do business within those rules then they were going to know ahead of time where I stood, and if they wanted to do something over and above then they would negotiate in good faith with the community to give as many concessions while deferring to the community to say can you guys find agreement and if not then you will side with the community and if so, and people are doing that you want the business community to know that we are open for business here, and we are transparent as it relates to how we are going to end up adjudicating these things. So, when you look at this which was a bit more controversial than most, the density is consist with other nearby townhomes. It warrants this type of zoning classification.

When you look at the things the neighbors have raised, grading concerns, this is engineering design, not a land use concern; the tree saves this is not an optional item, they are strictly enforced during design, and they can't not do that. Stormwater again, during design, it's macro view, can our macro infrastructure support the details of this case? The greater details then go after zoning into the design phase.

So, folks have requested more detailed views, they want to see more things and have us delay. I have confirmed with staff, with Zoning Committee, with several other folks that the things they've requested detailed grading plans, stormwater designs are not things that are done at this stage almost at all, almost in any circumstance, very rarely, so that is not something that we normally do. In the end, staff supports this; Zoning Committee voted on this unanimously. I know this is not what every single member of the community wants there, but it is my role to not necessarily do the popular things, but do the right thing based on our rules, so I hope you will join me in supporting this.

Councilmember Ajmera said while I agree with Mr. Bokhari's detailed report on this. I do have some concerns around stormwater issues on this site. Usually, we don't look at the details, we are looking at the rezoning at a very high level, especially for any site, but

this site is a little bit unique because having the report that was sent to the Council by the neighborhood, and that report had cited very concerns around stormwater issues, and I had talked to David about this, and even though the report is very much in detail, which is at the second and third phase of the rezoning, I am quite concerned about our stormwater system in general.

We as a City continue to have stormwater issues and that problem is continuing to increase over the years; we have a huge backlog of existing stormwater issues that are high priority items, so I wonder when we approve this rezoning, are sending a message out there that yes, the growth is always a good thing, but does it have to come at the cost of having other issues such as stormwater? This one I do not feel comfortable at this time voting for this considering the report that has been done by an independent party that cites stormwater issues. I would like to hear from our staff around the later part of the project where we will be looking at details around stormwater ordinance and how that would apply, and if those requirements are not met in the stormwater ordinance what happens to this rezoning?

David Pettine, Planning the entitlement process gives the petitioner an opportunity to pursue the project as they proposed; so, right now they've got 23 townhomes and two single-family homes on the site. As they go through the entitlement process, they get their approvals, they then move into the plan review/permitting phase where they do those detailed engineering drawings for grading, stormwater and other infrastructure plans. If they get into those plans and the stormwater infrastructure they are proposing doesn't work for exactly what they proposed on site and they can only do 20 units and one single-family house, then that is what the outcome generally is. So, entitlement process really just gives them the opportunity to pursue the project, but the outcome of the project may have some differences, because when they get into that level of detail, they may have to change how they maybe foresaw the site when they came through this review because they've gotten into a little bit more detailed analysis. This again, just gives them the opportunity to pursue it. If the ordinances when they get applied through the plan/review process change how they might have to design some of that site the ordinance allows for some minor deviations from what would be approved potentially this evening and then they work from there and again the outcome may not be exactly the same unit count but overall it should be generally the same project, but if they can't do the project as proposed and it is a radical change then there may be another rezoning required. If they reduce it to 18 townhomes and two single family they could certainly do that, because they are entitled up to 23 units, so that up to really is just a cap. They can always do less than that if stormwater and other engineering provides that they can't get all 23 units. Again, this is just kind of the opportunity for them to move forward into that next part of the process.

Ms. Ajmera said while I understand this will be in the later part of the process, when there is a report that is already out there, which cites concern around storm water and obviously the developer has provided their own report. I'm really puzzled at this point like, which report do we move forward with because there is one report that the neighborhood had purchased and had paid for that shows severe stormwater concerns? I would like to think that is probably an independent report and then there is another report that I have seen that was provided by the developer. So, is there a standard guideline around stormwater?

Mr. Pettine said yes, there are standard guidelines; the ordinance would then govern what they have to adhere to. There are not many alternatives that they can provide unless it is an alternative form to manage stormwater on the site, but as far as when they get to that process should they get approved this evening, they would have to adhere to those engineering details and requirements in the ordinance whether they are designing it for townhomes or whether it is being engineered for single-family homes. It becomes the standard once they move forward through this process that the ordinance gets applied, and they have to adhere that based on the same way any other project in the City would have to adhere to stormwater requirements.

Ms. Ajmera said if there are two conflicting reports that are sent to the staff which report would you actually look at?

Mr. Pettine said we would look at both reports. I don't think it is our position to get in between two engineering firms that may have a disagreement about a site and how it is engineered. Those are folks that do that for a daily practice from a rezoning standpoint. We don't have the engineers on staff to look at both and weigh one versus the other. So, we are really not going to get in the middle of two professional firms that may have a difference of opinion on how the site is engineered. We will be happy to listen to both sides and weigh the differences, but they are going to adhere to the ordinance upon approval and that is really what would govern them regardless of how they would want to design the site.

It is an interesting scenario when we get to conflicting reports like that, but again, it is something that we need to be somewhat of a neutral party and just facilitate that information to the folks that are considering it for decision. From our standpoint, we value the petitioner's information as well. So, again, it somewhat unique to this petition; it is the first I've seen that come since I've been here, so at this point we made our recommendation based on what they provided, and we are comfortable and standby that recommendation from a standpoint. The ordinance would then take over should the project be approved, and they move forward.

Ms. Ajmera said would ordinance going back as much that the report provides?

Mr. Pettine said the engineering that they provide for that is based on what the requirements are in the ordinance, so they have to engineer the site based on the ordinance requirement.

Ms. Ajmera said okay, so as they go into the next phase there could be an opportunity where they do not meet ordinance requirements and even though the rezoning is approved, if the ordinance requirements are not met they may not be able to build.

Mr. Pettine said yes.

Ms. Ajmera said I think that does answer my concerns and questions, and I think I do feel comfortable that the ordinance review will find if there are concerns that does agree with neighborhood support. With that, I will support it.

The vote was taken on the motion to approved and recorded as follows;

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Harlow, Mitchell, Newton, Phipps and Winston.

NAYS: Councilmember Mayfield.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 305-306.

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ITEM NO. 20: ORDINANCE NO. 9604-Z, PETITION NO. 2019-033 BY HK CEDARVALE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE AFFECTING A CHANGE IN ZONING FOR APPROXIMATELY 9.89 ACES LOCATED ON THE WEST SIDE OF CEDARVALE ROAD NORTH OF PERFORMANCE ROAD, EAST OF MOORES CHAPEL ROAD FROM R-MH LWPA (RESIDENTIAL MANUFACTURED HOUSING, LAKE WYLIE PROTECTED AREA) TO I-2(CD) LWPA (GENERAL INDUSTRIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 6-1 (motion by Wiggins, second by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Catawba Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential land use for this site. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff

analysis and the public hearing and because the proposed industrial land use is consistent with continued pattern of industrial development in this area. The industrial land uses are restricted to I-1 uses and a contractor's storage area under I-2 which limits incompatibility with adjacent residential uses. The proposed development provides adequate buffers to adjacent residential uses through retention of existing tree canopy, and screening along Cedarvale Rd. The project proposes limiting left turn movements onto Cedarvale Rd. to limit impacts of traffic on the adjacent community. Cedarvale Road will be improved along the site's frontage to better accommodate additional traffic generated by the site. The approval of this petition will revise the adopted future land use as specified by the Catawba Area Plan, from residential up to 6 dwelling units per acre to industrial land use for the site.

Motion was made by Councilmember Mitchell and seconded by Councilmember Harlow, to approve Petition No. 2019-033 by HK Cedarvale, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Catawba Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential land use for this site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed industrial land use is consistent with continued pattern of industrial development in this area. The industrial land uses are restricted to I-1 uses and a contractor's storage area under I-2 which limits incompatibility with adjacent residential uses. The proposed development provides adequate buffers to adjacent residential uses through retention of existing tree canopy, and screening along Cedarvale Rd. The project proposes limiting left turn movements onto Cedarvale Rd. to limit impacts of traffic on the adjacent community. Cedarvale Road will be improved along the site's frontage to better accommodate additional traffic generated by the site. The approval of this petition will revise the adopted future land use as specified by the Catawba Area Plan, from residential up to 6 dwelling units per acre to industrial land use for the site.

Councilmember Winston said I won't be voting in support of this. My vote echoes something Commissioner Spencer said in the Zoning Committee Report about placement of industrial uses next to residential as being inappropriate. I don't necessarily think it is inappropriate, but I go back to a vote that this Council made several months back regarding rezoning multifamily near industrial zoning across the street, very light industrial, and we decided to go against all our principles in terms of our priorities around affordable housing to not do that rezoning and to even consider it. There was a bit of discussion about how we should approach industrial zoning, especially as it relates to residential neighborhood, and its adjacency, specifically around affordable housing, lower price points of housing which this zoning would do. For consistency sake, I'm going to vote no, but I think we really need to come up with some guidance to make some consistent decisions and for the development community to understand where we stand in putting industrial and residential uses close together.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Harlow, Mayfield, Mitchell, Newton and Phipps.

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 307-308.

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ITEM NO. 21: ORDINANCE NO. 9605-Z, PETITION NO. 2019-034 BY UNITED COMMUNITY SCHOOL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE AFFECTING A CHANGE IN ZONING FOR APPROXIMATELY 10.0 ACRES LOCATED ON THE WEST OF SUTHER ROAD, BETWEEN UNIVERSITY BOULEVARD AND OLD CONCORD ROAD FROM INST(CD) (INSTITUTIONAL CONDITIONAL) TO INST(CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by McClung second 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 District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends institutional land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the plan recommends institutional development on the site. The site has had institutional zoning and use since 1995 when Saint Thomas Aquinas Church located to and rezoned the site (petition 1995-029). The site was then rezoned in 2014 to include an additional building. The petitioner's request to add Elementary and Secondary School facilities as permitted uses on the site, and to add an existing and proposed building to the adopted site plan, is consistent with adopted policy. The site abuts single family residential development, religious, and educational institutional uses which are considered compatible with single family.

Motion was made by Councilmember Phipps, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-034 by United Community School and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends institutional land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the plan recommends institutional development on the site. The site has had institutional zoning and use since 1995 when Saint Thomas Aquinas Church located to and rezoned the site (petition 1995-029). The site was then rezoned in 2014 to include an additional building. The petitioner's request to add Elementary and Secondary School facilities as permitted uses on the site, and to add an existing and proposed building to the adopted site plan, is consistent with adopted policy. The site abuts single family residential development, religious, and educational institutional uses which are considered compatible with single family.

The ordinance is recorded in full in Ordinance Book 62 at Page(s) 309-310.

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ITEM NO. 22: ORDINANCE NO. 9606-Z, PETITION ON. 2019-040 BY ALDRSGATE AT SHALOM PARK INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A ZONING FOR APPROXIMATELY 17.17 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD, SOUTH OF JEFFERSON DRIVE, SOUTH OF FAIRVIEW ROAD/SARDIS ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND R-1 (RELIGIOUS INSTITUTE) TO INST (INSTITUTIONAL) AND INST(CD) (INSTITUTIONAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Watkins, second by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be to be consistent with the South District Plan recommendation for institutional use for a portion of site and inconsistent with the plan recommendation for single family residential for a portion of the site based on the information from the post hearing staff analysis and the public hearing, and because he plan recommends institutional use for the portion of the site currently zoned R-1 and a small portion currently zoned R-3 next to Shalom Park Drive. The plan recommends single family residential for the 7 parcels currently zoned R-3 on Providence Road and Jefferson Drive. However, we find this

petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the South District Plan recognized the existing institutional uses on the site and abutting to the south and southeast. Area plans do not typically recommend locations for future institutional uses. The proposed senior care/ living community is proposed to integrate, as a unified development, with the adjacent institutional uses (Temple Israel, Levine Jewish Community Center, and Temple Bethel). Petition provides commitments that address compatibility with surrounding single family uses along Jefferson Drive through the following: Limits Height - Buildings 4 & 5 limited to 3 stories over parking, up to 48 feet to account for sloping grade and parking entrances. Buildings 2 & 3 limited to 3 & 4 stories over parking, up to 38 feet at 40-foot setback line and 60-foot maximum to account for sloping grade and parking entrances. Assisted living/ memory care and commons building to 2 stories, up to 35 feet for assisted living/ memory care building and 40 feet for commons building. Provides Buffers and Landscaping - 50-foot buffer along northeast corner of site abutting single family. Additional plantings within setback along Jefferson Drive. Access Provisions - Access to site through existing driveways and access points. No new curb cuts on Providence Road and Jefferson Drive. Multi-use path on Providence Road and meandering planting strip and sidewalk along Jefferson Drive and extension of sidewalk beyond the site to Armstrong Drive. Evaluate Jefferson Park's street network to identify opportunities for traffic calming during permitting. The approval of this petition will revise the adopted future land use, for the 7 parcels currently zoned R-3, as specified by the South District Plan, from current single family residential up to 3 dwelling units per acre to institutional use.

Motion was made by Councilmember Bokhari and seconded by Councilmember Egleston, to approve Petition No. 2019-040 by Aldersgate at Shalom Park, Inc. and adopt the following Statement of Consistency: This petition is found to be to be consistent with the South District Plan recommendation for institutional use for a portion of site and inconsistent with the plan recommendation for single family residential for a portion of the site based on the information from the final staff analysis and the public hearing, and because he plan recommends institutional use for the portion of the site currently zoned R-1 and a small portion currently zoned R-3 next to Shalom Park Drive. The plan recommends single family residential for the 7 parcels currently zoned R-3 on Providence Road and Jefferson Drive. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the South District Plan recognized the existing institutional uses on the site and abutting to the south and southeast. Area plans do not typically recommend locations for future institutional uses. The proposed senior care/ living community is proposed to integrate, as a unified development, with the adjacent institutional uses. (Temple Israel, Levine Jewish Community Center, and Temple Bethel). Petition provides commitments that address compatibility with surrounding single family uses along Jefferson Drive through the following: Limits Height Buildings 4 & 5 limited to 3 stories over parking, up to 48 feet to account for sloping grade and parking entrances. Buildings 2 & 3 limited to 3 & 4 stories over parking, up to 38 feet at 40-foot setback line and 60-foot maximum to account for sloping grade and parking entrances. Assisted living/ memory care and commons building to 2 stories, up to 35 feet for assisted living/ memory care building and 40 feet for commons building. Provides Buffers and Landscaping 50-foot buffer along northeast corner of site abutting single family. Additional plantings within setback along Jefferson Drive. Access Provisions Access to site through existing driveways and access points. No new curb cuts on Providence Road and Jefferson Drive. Multi-use path on Providence Road and meandering planting strip and sidewalk along Jefferson Drive and extension of sidewalk beyond the site to Armstrong Drive. Evaluate Jefferson Park's street network to identify opportunities for traffic calming during permitting. The approval of this petition will revise the adopted future land use, for the 7 parcels currently zoned R-3, as specified by the South District Plan, from current single family residential up to 3 dwelling units per acre to institutional use.

Councilmember Bokhari said first, thank you guys for coming out in support of that. It has been a long journey as everyone knows and people have been very passionate about this. I think the crux and I said this to you guys the last time we talked about this, the crux of the challenge has been that the neighborhood is divided into both kind of formalized homeowner's groups and neighborhood associations and then some unorganized areas, which those directly impacted were unorganized. I knew from the beginning it was going to be very challenging for us to speak with one voice with that group.

So, I will tell you this has been a case, while there are a couple folks that still are not on the same page as the whole. I definitely want to denote that there are a few out there in this unorganized area and there is a large group of support of folks that came around the table the last months and worked with a great petitioner who really approached it and it was a challenging topic but with good faith intentions of finding concessions and through all of these concessions, reduction of the height of all five buildings, moving buildings away from the neighbor area, reduction of density, removing access road of Jefferson, adding landscaping, extending sidewalks, adding curb and gutter and then most recently over the weekend as we were trying to get the last concessions in place that we could, committing to \$25,000 for the neighborhood groups around the area to add to the amenities and the ability to kind of absorb this.

I think it is a job well done by all parties, and the letter of support I got from Tammy Baker, head of the Lansdowne Civic League, representing 280 households, also Leah Sanders is part of that; the folks from Jefferson Park, Mary Chitty, Austin Combs, Jesse Essex who put in a ton of work on this, Linsey Lyndhurst, Michael McCue and then from the Mammoth Oaks Neighborhood Becca [inaudible] I appreciate all of that work and coming through a very significant rezoning and a very controversial topic to get us to the point where I would request you all join me in supporting this petition.

Councilmember Winston said Mr. Bokhari said, there was a lot of back and forth on either side of this, and I spoke in favor of this, and I will be supporting this, but there are two points I did want to address in some of the opposition. I hear what you are saying about the traffic and infrastructure changes that might need to happen within the neighborhood. You need to stay on us to have a different type of discussion around transportation and streets citywide, relevant conversation, just not necessarily a land use issue in this matter.

One of the other things I wanted to dispel, I heard a couple of times that there are several senior living facilities all over the City that we don't need one here. That is just untrue. The demographic of 50 and over is the largest growth demographic that we are going to have to deal with in the next 20 to 25-years, and we are woefully inadequately prepared to deal with that, whether it be communities, whether it be some of those transportation infrastructure issues, amenities near places to live; so, we need to work overtime to make sure that we are taking care of those that are aging in our City as we want this to be a City for all regardless of how old you are.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 311-312.

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ITEM NO. 23: ORDINANCE NO. 9607-Z, PETITION NO. 2019-042 BY SANCTUARY DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.52 ACRES LOCATED ON THE SOUTHEAST SIDE OF THE INTERSECTION OF NORTH TRYON STREET AND UNIVERSITY CITY BOULEVARD FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER) AND TOD-TR (TRANSIT ORIENTED DEVELOPMENT – TRANSITION).

The Zoning Committee voted 7-0 (motion by McClung, second by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Blue Line Extension Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends Transit Supportive Land Uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the area plan recommends Transit Oriented Development for the parcels to the west of Rocky River Road. The plan recommends Residential/Office use for the parcels to the east of Rocky River Road. As written, TOD-CC is applicable at any site less than a ½ mile of a transit station. The site is within a ½ walk of the Sugar Creek Transit Station. The easternmost parcel is adjacent to single family zoning and therefore is appropriate to utilize the TOD-TR district. Use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

Motion was made by Councilmember Phipps, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-042 by Sanctuary Development, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Blue Line Extension Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends Transit Supportive Land Uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the area plan recommends Transit Oriented Development for the parcels to the west of Rocky River Road. The plan recommends Residential/Office use for the parcels to the east of Rocky River Road. As written, TOD-CC is applicable at any site less than a ½ mile of a transit station. The site is within a ½ walk of the Sugar Creek Transit Station. The easternmost parcel is adjacent to single family zoning and therefore is appropriate to utilize the TOD-TR district. Use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 313-314.

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ITEM NO. 24: ORDINANCE NO. 9608-Z, PETITION NO. 2019-043 BY DIAMONDBACK ACQUISITIONS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 43.58 ACRES LOCATED ON THE SOUTHWEST SIDE OF BELMEADE DRIVE, NORTHWEST OF RHYNE ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO MX-2 LWPA (MIXED USE, LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 6-1 (motion by Wiggins, second by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Catawba Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends up to 4 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 petition is consistent with the land use and density recommendation for the site as per the Catawba Area Plan. The proposed development provides transportation improvements, including providing needed right-of-way for construction of the Sam Wilson Road extension. The proposed development will provide a mix of housing types within the project area. The proposed development provides a reasonable buffer between the attached single family and the existing single family on adjacent properties.

Motion was made by Councilmember Mayfield and seconded by Councilmember Driggs, to approve Petition No. 2019-043 by Diamondback acquisitions and adopt the following Statement of Consistency: This petition is found to be consistent with the Catawba Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends up to 4 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 petition is consistent with the land use and density recommendation for the site as per the Catawba Area Plan. The proposed development provides transportation improvements, including providing needed right-of-way for construction of the Sam Wilson Road extension. The proposed development will provide a mix of housing types within the project area. The proposed development provides a reasonable buffer between the attached single family and the existing single family on adjacent properties.

Councilmember Winston said again, just wanted to point out that the Zoning Committee pointed out the need to have schools at the table. This was another petition where concerns were there. It would be very helpful to have CMS present to answer questions during this zoning process.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 315-316.

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ITEM NO. 25: ORDINANCE NO. 9609-Z, PETITION NO. 2019-044 BY PANTHERS STADIUM AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.60 ACRES LOCATED ON THE SOUTHEAST SIDE OF SOUTH CEDAR STREET BETWEEN WEST 4TH STREET AND WEST MOREHEAD STREET FROM UR-3 (URBAN RESIDENTIAL) AND MUDD (MIXED USE DEVELOPMENT) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Watkins, second by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Charlotte Center City 2020 Vision Plan, based on the information from the post hearing staff analysis and the public hearing and because While this plan does not make a specific land use recommendation for the site, the plan encourages future development that contributes to the overall viability and livability of Center City. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the petition proposes to increase the allowed signage for the practice facility for the Carolina Panthers. The impact to surrounding developments will be minimal. The street trees and street create a buffer from the nearby multi-family. The impact to adjacent institutional is minimal as the signs will face the back of the institutional building and the commercial use is separated by surface parking. All other signage will conform to the MUDD zoning district standards.

Motion was made by Councilmember Harlow, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2019-044 by Panthers Stadium and adopt the following Statement of Consistency: This petition is found to be consistent with the Charlotte Center City 2020 Vision Plan, based on the information from the final staff analysis and the public hearing and because While this plan does not make a specific land use recommendation for the site, the plan encourages future development that contributes to the overall viability and livability of Center City. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition proposes to increase the allowed signage for the practice facility for the Carolina Panthers. The impact to surrounding developments will be minimal. The street trees and street create a buffer from the nearby multi-family. The impact to adjacent institutional is minimal as the signs will face the back of the institutional building and the commercial use is separated by surface parking. All other signage will conform to the MUDD zoning

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 317-318.

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ITEM NO. 26: ORDINANCE NO. 9610-Z, PETITION NO. 2019-045 BY MOORES CHAPEL HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 29.08 ACRES LOCATED OFF OF SPRINGHILL ROAD, ROCKWOOD DRIVE, SOUTH OF MOUNT HOLLY ROAD, EAST OF I-485 FROM MX-2 LWPA (MIXED USE, LAKE WYLIE PROTECTED AREA) TO MIX-2 LWPA SPA (MIXED USE, LAKE WYLIE PROTECTED AREA, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Watkins, second by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Mt. Holly Road Special Project Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends up to 8 dwelling units per acre as amended by rezoning petition 2005-150. 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 current zoning for the subject site allows for multi-family residential uses. The proposed site plan amendment will allow up to 152 single family attached residential units. The proposal does not increase the land use entitlements approved with the original rezoning plan. The petition provides architectural standards for the proposed homes. The proposed project maintains connectivity previously approved to adjacent existing and proposed roads to enhance the road network in this area.

There were changes to this petition after the Zoning Committee vote; therefore, City Council is required to determine by $\frac{3}{4}$ of members present if the changes are significant. The following changes were made to this petition after the Zoning Committee vote:

In the common open spaced areas located outside of the Catawba River/Lake Wylie Watershed District the petitioner will install any combination of selected improvements from a list that includes: sidewalks, playground, tot lot, pedestrian lighting, benches, tables and chairs, foundation of additional hardscape materials, trash receptacles and any other site amenity allowed by the ordinance. Additional amenities that will be available to the residents of the townhome community will also be installed as a part of the Creedmoor Hills Community being constructed on the adjacent tract and common open space areas located within the Catawba River/Lake Wylie Watershed District improvements by the petitioner as restricted under Chapter 10, Part 6 of the ordinance.

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

Motion was made by Councilmember Mayfield and seconded by Councilmember Newton, to approve Petition No. 2019-045 by Moores Chapel Holdings, LLC, as modified and adopt the following Statement of Consistency: This petition is found to be consistent with the Mt. Holly Road Special Project Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends up to 8 dwelling units per acre as amended by rezoning petition 2005-150. 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 current zoning for the subject site allows for multi-family residential uses. The proposed site plan amendment will allow up to 152 single family attached residential units. The proposal does not increase the land use entitlements approved with the original rezoning plan. The petition provides architectural standards for the proposed homes. The proposed project maintains connectivity previously approved to adjacent existing and proposed roads to enhance the road network in this area.

Councilmember Mayfield said I would like to highlight one of the challenges, because I attended the neighborhood meeting as well as we have received correspondence. The placemaking and what was going to be addressed, so you read what was in the changes and that is why I moved for it not to go back to the Zoning Committee because actually the changes were addressing a lot of the concerns and the comments that came from community that were able to attend the meeting as well as those that e-mailed. I do want to take a moment to thank the petitioner for listening to the concerns of the community and making adjustments.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 319-320.

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ITEM NO. 27: ORDINANCE NO. 9611-Z, PETITION NO. 2019-046 BY SPECTRUM DEVELOPMENT COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.16 ACRES LOCATED ON THE SOUTHEAST SIDE OF SOUTH MINT STREET, SOUTHWEST OF WEST CARSON BOULEVARD AND NORTHEAST OF WEST PALMER STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT-URBAN CENTER).

The Zoning Committee voted 7-0 (motion by Watkins, second by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area Plan and the South End Vision Plan based on the information from the post hearing staff analysis and the public hearing, and because the plans recommend transit supportive development. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is within 0.25-mile walk of the Carson Boulevard Station on the LYNX Blue Line. The proposal permits a site previously used for industrial uses to convert to transit supportive land uses. Use of conventional TOD-UC (transit-oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Mayfield, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-046 by Spectrum Development Company and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area Plan and the South End Vision Plan based on the information from the final staff analysis and the public hearing, and because the plans recommend transit supportive development. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within 0.25-mile walk of the Carson Boulevard Station on the LYNX Blue Line. The proposal permits a site previously used for industrial uses to convert to transit supportive land uses. Use of conventional TOD-UC (transit oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 321-322.

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ITEM NO. 28: ORDINANCE NO. 9612-X, PETITION NO. 2019-052 BY BEAVER CREEK CRE LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.11 ACRES LOCATED ON THE NORTH SIDE OF EAST INDEPENDENCE BOULEVARD, PIERSON DRIVE, BAMBOO STREET AND WILSHIRE PLACE 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 Watkins, second by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Independence Boulevard Area Plan as amended by the previous rezoning based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends mixed non-residential (office, retail uses) per the recently approved rezoning petition 2017-167. 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 site plan amendment does not change the proposed uses for the site. The proposal changes the location of proposed signage and removes the previously approved proposal for a building addition to the existing building within Development Area A and transfers the square footage to Development Area B. The proposal maintains restrictions from the previously approved petition related to the specialty signage. Removing the proposed addition allows the opportunity for the existing building in Area A to be designated as historic for tax credit purposes. Change creates a better pedestrian realm in front of the existing building in Area A.

Motion was made by Councilmember Newton, seconded by Councilmember Egleston, to approve Petition No. 2019-052 by Beaver Creek CRE LL and adopt the following Statement of Consistency: This petition is found to be consistent with the Independence Boulevard Area Plan as amended by the previous rezoning based on the information from the final staff analysis and the public hearing, and because the plan recommends mixed non-residential (office, retail uses) per the recently approved rezoning petition 2017-167. 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 site plan amendment does not change the proposed uses for the site. The proposal changes the location of proposed signage and removes the previously approved proposal for a building addition to the existing building within Development Area A and transfers the square footage to Development Area B. The proposal maintains restrictions from the previously approved petition related to the specialty signage. Removing the proposed addition allows the opportunity for the

existing building in Area A to be designated as historic for tax credit purposes. Change creates a better pedestrian realm in front of the existing building in Area A.

Councilmember Newton said this is Varner Door Project; I've been assured that this is the last rezoning and that they will be able to break ground as soon as we approve this. I am in full support of this.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 323-324.

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ITEM NO. 29: ORDINANCE NO. 9613-Z, PETITION NO. 2019-059 BY WIN DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.34 ACRES LOCATED ON THE EAST SIDE OF NORTH GRAHAM STREET, SOUTH OF CANNON AVENUE, NORTH OF I-85 FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (GENERAL INDUSTRIAL).

The Zoning Committee voted 7-0 (motion by Wiggins, second by Spencer) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan (1996) based on the information from the post hearing staff analysis and the public hearing and because the plan recommends industrial uses on this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the plan recommends industrial development on this site. The petition would expand the existing I-2 zoning from the neighboring northwest and southwest parcels. The parcels to the northeast and southeast of the site are zoned I-1 with a mix of existing single-family homes and light industrial uses.

Motion was made by Councilmember Phipps, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-059 by Win Development, LLC and adopt the following statement of Consistency: This petition is found to be consistent with the Northeast District Plan (1996) based on the information from the final staff analysis and the public hearing and because the plan recommends industrial uses on this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the plan recommends industrial development on this site. The petition would expand the existing I-2 zoning from the neighboring northwest and southwest parcels. The parcels to the northeast and southeast of the site are zoned I-1 with a mix of existing single-family homes and light industrial uses.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 325-326.

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HEARINGS

ITEM NO. 30: HEARING ON PETITION NO. 2019-038 BY DAVE HEGNAUER FOR A TEXT AMENDMENT TO ADD NEW DEFINITIONS FOR COMMISSARY KITCHEN; ALLOW THE USE IN THE CC, B-2, B-D, U-1, I-1 AND I-2 ZONING DISTRICTS; AND ALLOW PARKING OF FOOD TRUCKS AND TRAILERS ASSOCIATED WITH COMMISSARY KITCHEN AS AN ALLOWED ACCESSORY USE IN THE CCB-2 AND B-D DISTRICTS.

Mayor Lyles declared the hearing open.

Sandy Montgomery, Planning said we are going to start off the hearings today with this Text Amendment submitted by Dave Hegnauer, who is here as well as his representative agent, Keith Merritt. This Text Amendment proposes to add a definition for commercial kitchens and would allow that use, which is currently not in the Zoning Ordinance of the use per se, in a variety of zoning districts, and it would also allow outdoor storage of an accessory use, the outdoor storage being the parking of the mobile food trucks and trailers.

First of all, I'm going to go over what is a commercial kitchen. Sometimes it is known as a commissary kitchen; it is a shared use kitchen used on a contractual basis by food service providers to prepare, fabricate, package and store food, food products and equipment. It is typically used by mobile food truck vendors, caterers, chefs and other types of food producers. The Text Amendment proposes to allow commercial kitchens in the following districts by right: the commercial center district, two business districts, B-2 and B-D and three industrial districts: urban industrial, light industrial and general industrial. It also proposes to allow the accessory uses of outdoor storage, which is the parking of the mobile food trucks and trailers in the same zoning districts by right. Staff does recommend approval of this Text Amendment upon resolution of one outstanding issue related to outdoor storage which again, is the parking of the mobile food trucks and trailers. The petition is consistent with the Centers, Corridors, and Wedges growth framework recommendation to broaden the economy to include emerging industries. The rationale is that there is a growing need for commercial kitchens due to the growth of both mobile food trucks and trailers and catering business. Staff does support the use in the B-2, B-D, CC, U-I and the two industrial districts, I-1 and I-2. The use is consistent with other typical retail-based uses allowed in those districts and it does allow accessory outdoor storage, the parking of those trucks and trailers and the three industrial districts consistent with other heavier commercial and industrial uses which allow outdoor storage, also allowing it in B-2 and B-D with prescribed conditions; however, the outdoor storage of third party trucks and trailers in the commercial center district is more appropriate in heavier commercial or industrial areas and is not compatible with other commercial center uses, especially residential. Outdoor storage of any type is not permitted in the commercial center zoning district and it is not consistent with the development context in commercial center. All the other uses in commercial center do not have outdoor storage and that is why staff proposes that the outstanding issue be resolved.

Keith Merritt, 525 North Tryon Street Suite 1400 said I am with Hamilton, Stevens, Steele and Martin here in Charlotte representing Mr. Hagnauer and he operates a commissary kitchen called the City Kitch, and as staff presented to you, it is a kitchen that is shared by many users, and in this particular case it is the home base for about 26 food trucks that operate in and around the Charlotte area. It is the place where the food trucks have a home base where they can prepare food, store their inventory, and they also clean, replenish and operate their food trucks. In fact, in North Carolina, it is required pursuant to state law that a food truck visit a commissary kitchen and have a relation with one at least once every day for the purpose of supplies, cleaning and services. Mr. Hagnauer has been operating in his commissary kitchen for over five-years and in November he received a notice of violation that the zoning for the property did not allow commercial kitchens. He is in the commercial center, the CC zoning district, and the problem was in part, the current zoning ordinance doesn't contain any provisions whatsoever with respect to commercial or commissary kitchens. Rather than immediately fight the City's interpretation of the zoning ordinance we decided it would be more productive to engage in a process with the City to create a Text Amendment that would specifically address commercial kitchens and what before you is the Text Amendment that we worked with the City to create with the staff, and we do appreciate the work that the staff has put into this. At this point, as staff stated, the only real point of disagreement is allowing the food trucks to park at the actual location that Mr. Hagnauer has been using for five-years, because he is in the CC zoning district. The City does not want to allow that parking because they define outdoor storage or define these food trucks as outdoor storage and the point of disagreement is we just don't agree that parking a food truck, which is a licensed regulated vehicle that is out on the road everyday constitutes outdoor storage so, that is where the point of disagreement is. The best analogy that I can come up with is, it is kind of like the City saying we will allow you to build an airport, but we are not going

to allow airplanes to land or take off or use the terminal. He has a facility there and the City is saying we will allow you to build that in CC, but we are not going to allow the trucks to go there and park, which means it is useless and pointless.

Again, we are seeking to try to resolve this issue with the City. We do not believe that the food trucks are in anyway constituting outdoor storage. We will continue to work with the City to see if we can find a resolution, but the bottom line is unless the food trucks can park at his establishment, you are putting 26 food trucks out of business as well about other businesses that use this facility.

Mayor Lyles said you remind me of former Mayor John Belk; someone said why is the Airport where it is? He said that is where the planes land.

Councilmember Egleston said I know this is a Text Amendment, so I don't want to get too in the weeds on the specific parcel that prompted it, but the parking that is currently used for the food trucks, is it completely private property or is it shared with other commercial neighbors?

Mr. Merritt said this is a business that is part of a larger development. There are a number of businesses that are there, including some office uses, some restaurant uses so there is parking that is shared parking. There is more than adequate parking at this location, again, the trucks have been parking there for five-years without an issue, but there are spaces that are specifically blocked out for these trucks because they are larger vehicles. I believe they go up to 22-feet long.

Mr. Egleston said do you have or could you get letters of support from the neighbors of that shared parking that would indicate that they are comfortable with that?

Mr. Merritt said I think we can for this site, but again, this is a Text Amendment that applies City wide.

Mr. Egleston said my questions for staff, if this were, for instance a one-off catering company and they had delivery vans, which most catering companies do, would that be outside of compliance currently. Is there something unique about the food truck from a delivery van that a catering company might have?

Mr. Montgomery said the mobile food trucks and trailers are stored overnight and that is where the overnight outdoor storage comes in, because they are not just there during the day to pick-up and change; they are stored there overnight. This zoning on this property was a conditional district, and the uses that were allowed on the site plan were restaurant, office, retail and a climate-controlled storage. A change of use permit was not obtained.

Mr. Egleston said so, overnight parking of other types of vehicles owned by and used by the business wouldn't be allowed either; it is not unique to food trucks. It is the overnight storage of any vehicles that the business has for the purposes of that business.

Mr. Montgomery said the determination by the Zoning Administrator was that the commercial kitchen was more closely related to a wholesale bakery, which doesn't sell products from the site. That is where the outdoor storage comes in because it is zoned CC, and that is not allowed for any use in CC right now.

Councilmember Mayfield said we have rezoned a lot of residential to industrial and different listings that inside here. We have rezoned quite a bit of land to I-1, I-2, CC that is very close to or even connected to residential. What other potential impact, if we were to create this new Text Amendment, on residential areas, because we are already having challenges in some parts of the community where trucks are being parked in neighborhoods. So, what are the potential challenges with this Text Amendment?

Laura Harmon, Assistant Planning Director said the industrial districts already allow some outdoor storage so that wouldn't really be a change in parking of the trucks, and we have prescribed conditions designed to protect the neighborhoods in the B-2 and B-D

districts. B-D is also a little bit more of a business distribution district; so, it is very common to have large trucks on site. Our challenge with the CC district is that they are very integrated in the neighborhood and we do have, as you said, some other conditions in these other districts where we would have some better screening or separation than we might have in CC where residential is likely to be integrated on the site.

Ms. Mayfield said that really doesn't answer my questions in laymen's terms. What is the potential impact on residential neighborhoods? Because right now we don't have language that is strong enough to actually address on the ground issues we have today with business food trucks, other types of food service type vehicles parking in residential neighborhoods, so I want to have a clear understanding, not only for myself but for me to be able to share with others how could this negatively impact residential, knowing that we do not have language now that is addressing the issues that is happening in residential areas?

Ms. Harmon said what this would do would have buffers and screening and separation and the food trucks would have to be parked on the site where the commissary kitchen is, not in the neighborhood.

Ms. Mayfield said that helps me a lot.

Councilmember Winston said I know overtime we have been playing catch-up with this whole food truck industry. I just wanted to recognize that you saw a problem or something that is lacking within a regulation or the way we are enforcing government, and it seems like instead of kicking and screaming for somebody else to fix it you are stepping up to the plate to work with us and figure out a solution, not just for yourselves, but for the City to move forward. That is what I like to see, so I look forward to going through this a little deeper over the next month. Thank you for taking the first step.

Councilmember Phipps said on any given night how many food trucks would you say would park overnight at your facility?

David Hegnauer, 9545 Pinnacle Drive said there is space for 26 separated by lines and markings. They are assigned parking, so the maximum would be 26. At any point some are out serving. For instance, today when I left the Kitch to come here there were only about six or seven trucks that were still parked there, because everyone was out serving.

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. 2019-028 BY HHHUNT FOR A CHANGE IN ZONING FOR APPROXIMATELY 26.71 ACRES LOCATED ON THE NORTH SIDE OF SAM DEE ROAD, WEST OF HARRISBURG ROAD AND SOUTH OF I-485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND O-15(CD) (OFFICE, CONDITIONAL) TO R-12MF (MULTIFAMILY RESIDENTIAL) AND R-12MF(CD) MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is approximately 26.71 acres located on Harrisburg Road between Sam Dee Road and Cambridge Commons. Just to give you a little context of the site we are at the intersection of Harrisburg Road, Robin Woods across the way, and we do have the interchange of I-485 to the north of the site again, bounded between Sam Dee Road and Cambridge Commons Drive. The existing zoning is R-15; there is a portion of the site zoned O-15(CD) in the top northern corner. The proposed future land use is residential at eight dwelling units per acre, and the office component supports multifamily uses within an office zoning district up to 22 units per acre. This proposal comes in at 308 multifamily units, which is a density of about 11.5 dwelling units per acre

so, slightly over the eight recommended on the residential portion, but again consistent with the portion that was in the office area. As staff reviewed this petition we looked at it as a holistic site whether we concentrated those densities up in the top corner to get more density in this area to equal out to eight units through here. We felt that the overall 11.5 acres as a unified site was an appropriate density to be recommended. There is density of 12 DUA across the road on Harrisburg Road, so again, not inconsistent overall with what some of the recommendations are across the way.

They have a street connection between Cambridge Commons Drive and Sam Dee Road, other road improvements on Harrisburg Road include a turn lane onto Sam Dee Road. There are some pedestrian improvements, including a multiuse path, sidewalks both along Sam Dee Road and Cambridge Commons Drive as well as interior to the site. Buffering to existing single-family homes, architectural standards for the buildings as well as open space amenities.

Staff does recommend approval of this petition and there are no outstanding issues at this time. It is inconsistent with the Rocky River Area Plan but again, as staff evaluated as a whole site with those recommendations and densities in the office component versus the R-8 component, we felt that the 11.5 DUA was not inconsistent as a site overall and staff is recommending approval.

Keith MacVean, 100 North Tryon Street said I am with Moore and Van Allen; Jeff Brown of our firm and I are assisting HHHunt with this rezoning petition. With me representing HHHunt is Ashleigh Peace and Jim Guyton, the Design Engineer. We want to thank the Planning staff and C-DOT for their assistance on this petition. We also want to thank the Board of the Cambridge Homeowners Association, Bradfield Farms and Brawley Farms Association for giving us a lot of their time and willingness to meet with us. We also had several meetings with Councilmember Newton, and we appreciate their willingness to meet with us and we appreciate their input.

A little bit about HHHunt, it is a company that has been in operation for over 50-years, based in Raleigh and Richmond, develops and holds residential communities, like the one proposed, currently has over 8,600 multifamily units in operation or under construction. As you can see from these images of other similar developments that HHHunt has done throughout the southeast, it is a quality development, luxury Class A apartments, quality materials, quality amenities, in terms of amenities, typical fitness studios, demonstration kitchens, conference areas, dog parks, pet spas, pools with walking, seating, playground for children when appropriate and improved paths and open space areas. These are images of the type of buildings that would be constructed on the site. As Mr. Pettine has explained, this petition is proposing to develop 26.7 acres with a high-quality residential community with up to 308 multi-family units. The proposed residential community will help meet the housing needs of the community and the area. As you can see from the marketing study that HHHunt commissioned there have not been any new multifamily communities in this sub-market of the City for the last six-years and most of the product in the area is over 30-years old, 69% of the product. The vacancy rates in this area are very low at 3.3% versus 6% throughout Charlotte and again, we feel this community will help meet the housing needs of the area and also add housing diversity to an area where there are not many multifamily housing units in existence at this time.

In terms of the Rocky River Area Plan, Mr. Pettine mentioned some of the requests of that; it does recognize this area as a retail mixed-use center; it does call for residential at higher density. It also calls for supporting office. This plan meets many of the goals of the area plan by creating streetscapes, utilizing architecture that is consistent with the area, offers a variety of housing types and preserves and creates open spaces throughout the area. The site is adjacent to an existing neighborhood shopping center, part of that mixed-use center the Rocky River Area Plan mentions, the residents of this new community will have easy access to that location that will support those retail services. They will also help attract more retail services by strengthening the market for additional retail services. This site is also served by CATS; there is an existing bus route that comes to the existing shopping center and drops off and picks up here; it is Route 63-X.

Some of the additional community benefits; we are building a multiuse path along Harrisburg Road, improving sidewalk along Cambridge Commons Drive, adding pedestrian refuge islands, a new product that will enhance the area. We are providing a 50-foot buffer adjacent to the single-family homes in Cambridge, adds additional housing units that will help support the area, quality materials, quality buildings. The buildings will be three-story, not taller than that. There are a couple change we are proposing as part of this petition that we are offering tonight. One is to continue to work with Cambridge Homeowner's Association to extend the public street through a piece of property that the HOA owns to allow for greater connectivity. We would add a note that would continue to work with them to do that and purchase that property if they are able to vote to accept that. We are also offering to provide five percent of the units as workforce housing units for a minimum term of 15-years at 80% of AMI.

In terms of traffic I do want to point out that this proposed development compared to the existing trips of the by-right development actually lowers traffic in the a.m. and p.m. peak and we are making several roadway improvements, left-turn lane on Cambridge Commons Drive, left-turn lane on Harrisburg Road, improvements to Sam Dee Road in terms of sidewalk, curb and gutter and also pedestrian improvements along Harrisburg Road. We also commissioned a traffic study to look at the operation of the adjacent round-about; it found that with or without this development and the main point being with the development the operation of the round-about would not be severely affected and would continue to operate in an acceptable level of service.

James Lee, 3501 East Independence Boulevard said I'm going to come at you at a more personal level and remind you that according to your numbers that in the next 20-years there is going to be 325,000 people moving to Charlotte. That is almost equal to 130,000 homes and hopefully you will be doing over 200,000 jobs; so, while I empathize with the community that is opposing this, I just want to remind you that when communities say not in my back yard- You guys know I work in housing and I work to make sure there is affordable housing for everybody. So, when people come to you and say not in my back yard you are going to be the ones that have to make that hard decision to let the communities know either we do this now at a density at 11 or we do it later at a density of 20. The people that are moving to Charlotte in the next 20-years are going to have to live somewhere. They all can't live downtown, and it is going to be up to you to decide where they are going to live, and you have to make some hard decisions, and everybody is not going to be happy with those decisions that you make and we understand that. Whether you make the decision today or five to 10-years down the road what is going to be best for this City? What is going to be best for the communities, and what is going to be best for the family that owns this property that these developers are going to use? I know you are going to have people come behind us to say they don't want it, but it is like where are you going to build it if everybody is saying not in my back yard. Whose back yard can we build affordable housing?

Lastly, you guys know I'm always saying Shanaynay and her five kids are not going to be able to afford to live out here; so, the fear that the community is coming back at the developer saying don't build it out here.

Jan Wringeling, 6201 Fairview Road said I want to say thank you to each of you, because I know your jobs are incredibly hard, and I represent about 36 land owners in Charlotte on these five acres of property. We have office that is already a by-right use in the back, and we have R-3 in the front. So, as it was explained earlier, we are just switching some of the density from the rear of the property to spread throughout the 11 or 12 acres, and we are trying to do something that is close to what is already being zoned as R-12 in front of us and we have those kind of density levels around us. We have the family that has owned this land for 80-years, and I've had this listed for seven years and we've had all different kinds of little mom and pop people that wanted to come and get the frontage and it would absolutely make and render that rear property useless and this is an opportunity, like a perfect storm for everybody to come together and have something that we feel would be great in the community, because we heard there is one percent of

multifamily options for people that are trying to live in this area. We have the CATS station close by, we have close proximity to the interstate.

So, I would like to say on behalf of the family that we appreciate you looking and seeing how hard, not only our buyers have worked but each of us have come together trying to assuage the needs of the community and get this before you all today. Please allow us to do this project. We love the community, Cambridge Commons, this was a farm and we've actually adjusted, as the community grew we lost some land to Harrisburg Road, the family did, so we would like to have a say in the destination as being benefactors to this land.

Ann Marie Holden, 8639 Warwick Crest Lane said I am a proud resident and HOA member of Cambridge Commons, which is the property that is adjacent to this rezoning petition that is on the table. I wanted to share with you that I moved to this area only three years ago, because it was a refuge from all of the City life and where I work and the hustle and bustle. I love the trees. I love the privacy. I feel comfortable and safe, but if I knew this was going to come in the future, I never would have moved here. The nearest R-12 housing is located approximately four-miles away off of Albemarle Road. Yes, HHHunt has met with us at Cambridge HOA a few times; they've discussed their plans with us. We went back at them with things that we wanted, what we preferred to see, what the land use plan has called for and they have not been willing to work with us. The only concession we had was a comment that I actually made to have a left turn lane from Harrisburg Road onto Sam Dee Road. I'm deeply disappointed that all the conversations we've had they have not come back to give us anything that we wanted; lower density, something that is more in character with the neighborhood is totally off the table, not even negotiated.

I understand that this property is zoned for R-8 and it has office zoning included in it, but what I'm seeing is that these two figures are being combined for some reason to increase the density and I don't see how they are both the same. Office use is different than residential use. Residential use is people that stay there all the time; you live there. You use more water; there is more traffic. Office, people come and go all the time, so I don't understand how this is being considered as a package deal per se. Like I said, I'm just deeply disappointed that a lot of the conversations we've had, nothing has come back to us for what we want to see. I also want to point out that if you are not from that area, we are approximately three-miles from Albemarle Road and there are upwards of nine developments going in that three-mile radius of where we are, one in our own very back yard and this is going to be over 1,250 new families and homes in the area. This is going to have a huge impact on traffic, on schools, on pollution, on everything in the area and Harrisburg Road is a two-lane road, no sidewalks, very unsafe, full of traffic now. We have a round-about that can't be managed even when the City has tried to manage it. The infrastructure is just not there. The 46-X bus runs two or three times in the morning and in the evening five-days a week. It is very, very limited service. I don't see how we could entertain R-12 coming into a congested area with limited transportation. We've been told that this will enhance our area, it is not going to compete with home ownership but a lot of people that hear about this, they already want to leave the area. The rooftops are bringing retail, we have 1,250 rooftops coming in. That should bring in retail instead of multifamily into that area. There is no need for multifamily there because there is not enough retail available to sustain that.

Let me just say a quote, sprawl has been correlated with increased energy use, pollution and traffic congestion as well as a decline in community distinctiveness and cohesiveness. In addition, by increasing the physical and environmental footprint of metropolitan areas the phenomena leads to destruction of wildlife habitat and the fragmentation of remaining natural areas. City Council is supposed to be the voice of our communities, and it is people like us, not HHHunt, that have voted you in, so please take this into consideration when you make your choice to go against.

Michael Ballard, 12507 Rolling Rock Court said I am representing the Bradfield Farms Homeowners Association, a community of 967 single family homes just outside the Charlotte City Limits. We are in the Charlotte ETJ, and you determine our land use and

we are next door neighbors to District 5, Councilmember Matt Newton. The opportunity to speak on this rezoning request 2019-028 is appreciated. Copies of materials and supporting documents utilized for this presentation have been provided for your information and reference.

The Bradfield Farms Homeowners Association Board of Directors has passed a unanimous resolution opposing Rezoning Petition 2019-028. A copy of this resolution is included in our presentation documents. This issue was discussed at our Homeowners annual meeting held May 1st and our passed monthly Board Meeting, May 20th. The petitioner, HHHunt had requested an opportunity to make a presentation to the Bradfield Farms homeowners and the Board approved this as an agenda item. The presentation along with the question and answer session was held following the presentation. At these meetings, after a lengthy discussion all attending were opposed to the 2019-028 Rezoning Petition. A copy of this resolution may be found in your packet. This rezoning request is inconsistent with the Albemarle Road/I-485 Interchange Study adopted by the Charlotte City Council, General Development Policies, Charlotte Zoning Ordinance Policy and the Centers, Corridors and Wedges Growth Framework.

When searching for the nearest complex that includes a three-story building it was determined to be over eight-miles away. This developer is proposing 16 such structures on this rezoning site. The Charlotte Mecklenburg School's response to the 2019-028 Rezoning Petition indicates that if approved that the impact on schools, Reedy Creek Elementary would be at 120% and North Ridge Middle would be 128% of utilization. Note that this report does not indicate the Reedy Creek Elementary presenting having 12 mobile classrooms. May I call your attention to the statement that the total estimated capital cost of providing the additional school capacity for this new development is \$745,000. A copy of the CMS as found under staff department's comments is included as this is the most critical document. The Charlotte Rezoning Transportation Analysis they are reviewing included vehicle trips day presently 10 when increased to 2,290.

Nikki Howell, 7219 Duchamp Drive said I have the honor of being President of the Bradfield Farms HOA. We are a community of 967 single-family homes on the other side of I-485. This rezoning issue is of great concern to our neighborhood. Our residents travel by this site, we use Harrisburg Road; we travel through the round-about, and we frequent the stores at Cambridge Commons. The multifamily units being proposed will most definitely add to the congestion in that area, and Harrisburg Road, it not equipped to handle any additional traffic. Between Sam Dee and Pence Road, including Brockhaven there are presently 725 homes either in the first stages, under construction or recently built. They are all single family by nature. I'm here to tell you tonight that Bradfield Farms objects; we object to 16 three-story apartment buildings. We object to 308 apartments. We object to more overcrowding in our schools. We object to more traffic congesting the roads. We object to the decrease in our home values that will surely happen if this rezoning is approved. We object to Petition No. 2019-028.

Nancy Hough, 10029 Fireside Lane said I represent the Winter Wood Community. Our neighborhood is right at Camp Stewart Road and Harrisburg Road. We are objecting to the new 308-unit apartment complex for the following reasons: three-hundred and eight units with a minimum of two-car household would yield at least 616 new vehicles. We are also under siege with a new housing development on Camp Stewart Road which when completed will have 825 homes. When we look at the 825 homes that would garnet approximately 1,650 new cars. We are also having new buildings on Harrisburg Road of Evanswood, Mirrowfield, Brentwood, Cedarwood, and there is also another housing community and I could not get the name, an estimated increase of vehicles would be 5,941 just using two cars per household. We are also losing the tree canopy as well which I believe I heard on the news said that we need to have the trees, and the plan in place is not working for us. We are also told to be good stewards for also two-legged and four-legged people.

In rebuttal Mr. MacVean said I appreciate the neighbor's concerns and we have heard those concerns and we have tried as part of our responses to the concerns, analyze the traffic agreed to C-DOT's analysis of the traffic circle by commissioning a traffic impact

study that found the additional development would not have an adverse impact on the operation of the round-about. When you look at the trip generation number and C-DOT's number, I think was mentioned by one of the speakers, over 2,000 trips per day, that is actually an error. They analyzed the proposal residential units as low-rise multifamily, that is two-story or less, these are actually 13 three-story buildings. They will generate less trips than that. It is actually 1,600 trips per day when you compare that to the by-right office and the by-right R-3 of 65 homes it actually generates less traffic in the a.m. and p.m. peak, the two critical hours of the day.

In terms of schools, there is an error in CMS memo in terms of the impact on Reedy Creek Elementary; it is less of an impact than they indicated in their memo. Their map is wrong. HHHunt went out and looked at other communities they had built in the area and looked at the student yield there and their typical student yield per unit is about 1.5. We would estimate that this community would generate about 46 school age children versus CMS's estimate of 84. We are doing a number of improvements to the area roadway. Some of those improvements would not necessarily come by by-right development. In terms of density, we did discuss density. We did talk about lowering the density, but the amount of density decreases that were suggested were more than the petitioner could afford to do on this site and develop it with a quality multifamily development.

Councilmember Egleston said just to note, I had a quick conversation with Mr. Jaiyeoba, and I think something that would be useful on this one, and he says they can get it done before it goes to the Zoning Committee, but then would be useful in the future. First, thanking the petitioner for their voluntarily including five percent of this project, if it moves forward, for affordable units. We need as many hands on deck with that as possible, but anytime we have something that is proposing to incorporate affordable units I think, not just necessarily as a decision maker, but as something to inform our thinking as we decided whether something is in the best interest of the public or not, it would be helpful when there is a proposal to incorporate affordability into a petition that we get the same score that we get on a lot of the affordable petitions that we just have been looking at in the last couple weeks. Mr. Jaiyeoba said that would not be a huge burden on staff and he thinks that is something that could be done and would be useful, could be done pretty easily. Just as a note, if Council agrees with me I think that would be helpful. In this case we are looking at something that is close to a grocery store, close to a bus stop, and I think it would be a useful metric for us to consider as we look at these types of petitions.

Councilmember Newton said for full disclosure here, I do live beside this proposed development. I noticed that when I looked at the names on the list of speakers, we have a bit of pot luck of addresses. I look out in the crowd, and I see a lot of folks that are for this and a lot of folks that are against this. I just wanted to get maybe a loose poll of folks that live within a half-mile of this proposal. Please just raise your hands. I also wanted to ask before I get into some other questions. I fully agree that from the standpoint of density, from the standpoint of affordability, we have a need for that throughout the City. My concern of course, as always, whether or not the amenities in the specific location exist to support that. I think what we've heard from the community, certainly on the opposition side of this is that there are infrastructure transportation needs. I can tell you that the retail across the street literally is on an island. We are talking about the outskirts of town.

I wanted to ask Mr. Lee; certainly, you are an advocate for affordable housing and having said that do you have another interest here? It is my understanding your family owns some of this property.

Mr. Lee said yes, for full disclosure, my grandfather bought the land after WWII. He worked hard to own it and even in our family we have some who want to sell it and some who want to keep it.

Mr. Newton said would you like to see it sold?

Mr. Lee said because the Bible says a good man leaves his children's children an inheritance, here is an opportunity for my family with the upward mobility thing, here is an opportunity for my family to have some upward mobility and most African American

families don't own property, and that has always been the issue with it in my community, but here is an opportunity for a family that does have land to have some kind of upward mobility in their own family. If you are saying my family doesn't deserve to have any upward mobility –

Mr. Newton said no, I'm just asking you if you own property.

Mr. Lee said yes, if that is what you are asking me, I do have a stake in it.

Mayor Lyles said there is a certain amount of decorum in this process, and I would encourage both of you to respect that.

Mr. Newton said James and I are good friends, and the point I'm making is there is a financial interest in this property. I have some questions for staff members. What we heard was that three-story structures do not exist anywhere in this vicinity; frankly, I heard the distance of eight miles away. I think when we looked at the map earlier within our packet, you can see that. Although I think you point this out Mr. Pettine that the land use plan calls for R-12 across the street. There doesn't appear to be any other higher density anywhere and that doesn't currently exist, and I'm trying to wrap my head around how this fits within the character of the community here.

Mr. Pettine said in terms of the existing character, correct; there is not any existing multifamily within that general vicinity that we are looking at on the map. What we look at when we look at petitions like this, sometimes we have these first in the door type of scenarios where you've got a petition coming in that is looking to do a project that may be out of the existing character but is in general context with the recommendations that are adopted in the area plans. In this case, you've got a residential density of at least eight dwelling units per acre on portions on the site, higher densities allowed in some of the office areas on the site and then the recommended densities of 12 DUA both on each side of I-485. Also looking at it from the standpoint of supporting somewhat of a mixed use note around the interchange with commercial, residential, transit, that is something else that staff takes into account when we see these petitions where there not be this type of existing development now, but the plan certainly called for it and looked for those types of densities moving forward so that is where we get some of the analysis that comes from staff when we look at these types of petitions.

Mr. Newton said during the Lunch Briefing we had earlier, you had explained kind of the master development plan and how office designation includes multifamily. From that standpoint, if we are looking at O-15 or even a land use plan of O-22, would you say that specific piece of land by itself would by-right allow for something like an R-15 or an R-22?

Mr. Pettine said without looking at a proposal I wouldn't be able to say one way or the other for sure, but you certainly see there is a decent amount of acreage that would be that could support a higher density than just eight dwelling units per acre if it were zoned just to an office and multifamily would develop. Of course, there could be some constraints in terms of the size of the site but overall in terms of could it support those types of densities higher than eight DUA, certainly the opportunity is there, and that is when staff again looked at the opportunities that could potentially be there on that portion and what they are proposing over on the balance of the site and felt that the increase just over about 3.5 units per acre over the recommendation of the plan wasn't generally out of character with what we would see on that other side where we get that 12 DUA right around I-485 and Harrisburg Road.

Mr. Newton said whatever happens here would be a permanent change to the plan.

Mr. Pettine said for this particular parcel yes.

Mr. Newton said we talked earlier about any planning for widening of Harrisburg Road; I think we heard some speeches earlier that commented on the fact that it is two-lanes, no sidewalks whatsoever on the three-mile stretch. You had actually provided me some information as well pertaining to the lack of any plans particularly from Robinson Church

Road up to I-485. We had spoken earlier, and I had asked about any sort of assessment from the standpoint of traffic and the numbers of developments yet to be completed on the corridor which I think we've heard are even more than seven or eight. Have you been able to make any of those sort of analysis and evaluations?

Felix Obregon, Transportation said as far as the existing developments out here, they are providing infrastructure mitigation based on current policy and ordinances that we have within the City. They are going to be widening Harrisburg Road to provide left turn lanes at their access points. As far as long-term for Harrisburg Road, Harrisburg Road is a state-maintained road, and we have determined, based on the classification, that in the future it will have to be widened to a four-lane road and it will have sidewalks in the future. Currently, it is not funded.

Mr. Newton said are there plans for that? Because this is news to me. If you are saying there are plans for this, I haven't heard it.

Mr. Obregon said Harrisburg Road is based on its classification, it is a thoroughfare and most thoroughfares, we can expect in the future they are going to be widened. There is not a specific plan per se that has been laid out, but we do know that certain major roads will have to be widened in the future. We know in this particular case that Harrisburg Road will have to be widened in the future and working with NC-DOT and the Charlotte Regional Transportation Planning Organization we work with them to determine what roads need to be ranked so we can provide that infrastructure phased with development that is happening.

Mr. Newton said so I have this straight; we acknowledge the fact that there is going to be a significant increase in traffic and a need for a widened road even the need for sidewalks, but there is no plan at the current moment other than our aspiration that it happens in the future. There is no plan in the current moment that exist to address that.

Mr. Obregon said we do have certain knowledge that we will have a plan in the future, and we work with NC-DOT to bring Harrisburg Road and certain other thoroughfares, so they can be ranked and be funded for widening in the future.

Mr. Newton said in my packet that I received from the petitioner and in their presentation, there was the suggestion that there was going to be actually granted right now by right, I think we are looking at 64 units, 12,500 square feet of office space, and I think the suggestion was that there would be a lower trip generation with 308 multifamily units and that doesn't seem to be supported by staff analysis. Has the staff done a traffic study here and are we relying on the numbers of the petitioner inasmuch as any traffic study pertaining to this site is concerned?

Mr. Obregon said we require the developer to provide a traffic impact study and anything that is provided to City staff we will review it to make sure that it is accurate. For this particular traffic impact study, Harrisburg Road is a state-maintained road, so the traffic study was actually reviewed by NC-DOT as well as the City of Charlotte and based on the traffic study we reviewed it, and the improvements that came about were both reviewed and approved by both agencies.

Mr. Newton said I guess what is a little illogical for me is to think that we are going up significantly in the number of units and the proposition is that traffic would lower in that particular instance, and I feel like multifamily that certainly could be the case, and we often talk about locating density multifamily closer to the amenities such as transportation and the infrastructure. In this particular instance, we are talking about way off the beaten path here on the outskirts literally of town, and I'm wondering, and this is kind of building on the conversation we had earlier. There does seem to be a discrepancy between the reports from the standpoint, so what we are receiving in trip generation from the petitioner and what C-DOT is saying at the same time, is C-DOT taking into account the difference between maybe something more urban, something kind of more out on the outskirts and how that could significantly impact trip generation? People have to drive on the outskirts.

Mr. Obregon said we received some new information on the development itself and the information that we receive, we use national guidance that is used by all the municipalities and towns within the United States. Based on that information the number of trips that are being proposed will be lower than what we do have in our staff analysis. The traffic impact study that was submitted by the developer was based on the higher trip generation, so it took account the additional trips that really aren't going to happen based on the new information that staff was provided.

Mr. Newton said and to be clear that is just for this development with current trips as it stands now, not including all the other developments that are yet to be completed along the Harrisburg Road corridor, Camp Stewart Road and Robinson Church Road.

Mr. Obregon said the traffic impact studies take into consideration both what is being proposed and future developments. The other developments on Harrisburg Road provide infrastructure based on the number of trips they are going to generate, and those improvements are based on City policies and ordinances that we have in place.

Mr. Newton said seeing as how this is theoretically a public safety issue, I have to swerve to miss people that are walking on Harrisburg Road, because it is so narrow. There are no sidewalks. What can City staff do to do its own study and maybe even take into account what we are going to see in the future with upward of seven, eight or nine developments that are yet to be completed?

Mr. Obregon said we can definitely go back and look at the developments that are happening along Harrisburg Road. Part of developments have to provide widening to mitigate for their additional traffic. In addition, our City ordinance requires sidewalks along their entire frontage, so we definitely work with the developers to make sure they construct that sidewalk and work with our capital folks to make sure that if there is a gap in the sidewalk that can also be funded, so we can make that connection.

Mr. Newton said I would like that; I have been asking for attention to be given to this corridor for probably a year and a-half since I came on Council, and I've been told we need to do a traffic study, but there is no plan. It would be nice to get the ball rolling on that. Inasmuch as the left-hand turn off of Cambridge Commons Drive onto Sam Dee is concerned, would that have been required by City staff?

Mr. Obregon said yes, and also by NC-DOT.

Mr. Newton said I have some questions for the petitioner as well; I look at this and I know the location and I know that folks can go to the grocery store. Early in the morning and late in the afternoon there is an express bus, so folks can go to work Monday through Friday, it doesn't work on Saturday and Sunday, but beyond that immediate area there is a need to travel. Frankly, down an exit or two on I-485 all the way out to Albemarle Road, once again narrow street with no sidewalks. How much parking is on this site?

Mr. MacVean said typically developments like this would have at least 1.7 spaces per unit is the minimum, but typically the number of spaces provided is equal to one space per bedroom.

Mr. Newton said I thank the petitioner for meeting with the community; unfortunately, one of those meetings was on a Monday night and we have City Council meetings on Monday night and I thank everyone for being here tonight as well. [inaudible] for consistency from the community is pertaining to density and it sounds like the one concession which happened after the first meeting, the left-hand turn lane was going to be required. I'm wondering given that being the case and hearing now too there certainly is a need for affordability within the City, but we know that is more expensive. When we are talking about something that is a little bit more expensive, particularly in light of the fact that there has been no kind of concessions, multiple meetings, and I'm wondering what do we get when we have multiple meetings with the community but then there is no concession or no working frankly. Could you comment on that? I have a lot of trouble with that personally, because I'm wanting to see good faith here.

Mr. MacVean said I think we've tried to address as many concerns as we could. We did add some restrictions regarding the number of bedrooms; we did add improvements to the adjacent roadways as has been outlined, we did organize the site in such a way, so the large units are in the center of the site, they don't have a negative impact on the adjacent single family. We were willing to and are still willing to work with the Cambridge Homeowners Association to create some additional connectivity by extending one of the proposed public streets to Cambridge Commons Parkway to acquire some land in hopes that would add some connectivity and also allow the HOA to make improvements that they said the HOA would like to do to the common property of Cambridge. In terms of density, I know a number was thrown out in terms of trying to reduce; unfortunately, when that was looked at that was really a number that we could not bring the quality of development to the site and support the other requirements of development for the site. So, lowering the density to the number that was suggested was not possible. Is there a way to look at lower density, maybe, I would have to talk to the petitioner about that and see if they could lower the units by some amount, but it is not going to be a huge number of unit reduction in that there is a lot of cost associated with the development of the site and acquisition of the property?

Mr. Newton said it seems to me like a lot of the concessions and a lot of working with the community you are talking about are things that would have had to have been done anyway. From the standpoint of saying we are offering up a connection by taking a piece of your land it doesn't really seem like a concession or work with the community either. I'm encouraged to hear what you are saying now which is we will continue a conversation dialogue with the community and work with them, and it sounds to me, particularly from the standpoint of the community's fears and concerns regarding the increased traffic and lack of infrastructure on Harrisburg Road and beyond that lowering the density is something they would probably be willing to work with you on.

Mr. MacVean said we will look at that. In terms of multiuse path, pedestrian refuge island, those are concessions that are not required by the City but were requested, so there are improvements that are being made. There will be off-site right-of-way that will need to be acquired to implement the required improvements so there is additional expense in that, but we are willing to continue to discuss the request.

Councilmember Winston said a question about Sam Dee Road and Cambridge Commons Drive, if this goes through will they be responsible for creating sidewalks along those routes? What about this parcel of land that isn't part of the rezoning that is along Cambridge Commons Drive?

Mr. Pettine said the vacant piece here?

Mr. Winston said yes.

Mr. Pettine said they would be required to do those along their frontages that are a part of this petition on Sam Dee Road and Cambridge Commons Drive. We can't place a condition on a piece of property that is not include in their rezoning petition right now, to put a condition that they construct sidewalks on that. If they acquire some property to connect this road then we would have some there and certainly if they coordinate outside of this exercise that has gone through the entitlement process and can provide that on their own, that would be something certainly they could do, but we don't have the ability to condition sidewalk be extended on property that is not part of this rezoning.

Mr. Winston said this might be a question for CDOT. I know when we changed the Sidewalk Ordinance last year we put a focus on connectivity and not creating kind of stubs that start nowhere and end nowhere. Can you speak to this because it would be nice if this was a more walkable area overall?

Mr. Obregon said one of the things we request of the developer, and he actually agreed to provide a pedestrian refuge island on Cambridge Commons Drive so that it could help the residents of the area cross Cambridge Commons Drive to get down to the commercial

aspect out here. We don't have an ordinance that can require this developer to provide sidewalks on Cambridge Commons Drive. We can definitely request that, but we don't have the City policy where we can make this provide that sidewalk.

Mr. Winston said I see a potential kind of disconnect here. I understand the idea of putting it next to this retail area, this supermarket and our desires to make all of our neighborhoods, not just those that are close to the center City more walkable. This seems like an opportunity should this go forward to make a more suburban area a more walkable but how do we facilitate that, because I see for instance, buildings four and five really cut off from the amenities of the location being able to walk across the street to the supermarket. Maybe the petitioner can speak to this and making sure that the entire community is connected and making it more walkable for everybody.

Mr. MacVean said there is existing sidewalk on Cambridge Commons Drive; we are actually removing the portion along our frontage and making a six-foot sidewalk versus a four of five that is there and separating that further from the back of curb. We would be willing to talk to the Homeowners Association about improving this portion of sidewalk in a similar fashion. I would have to discuss that with the petitioner because there is additional expense in that. There is a network of sidewalks within the site so even though this street cannot be extended currently, there would be sidewalks that would get you here and then across to here and then we are doing the start of a multiuse path along Harrisburg Road so there is a sidewalk here and then a sidewalk along here. So, for the residents here there will be a network of sidewalks that lead to the retail center and among the buildings within the site and then as the City develops infrastructure along Harrisburg Road, the sidewalk is part of the future widening of Harrisburg Road. All those sidewalks will be interconnected, and the area becomes a better and more walkable area, but it does require the City to participate in the development of that additional infrastructure.

Mr. Winston said I would like to continue that conversation to figure that out.

Councilmember Driggs said Mr. Pettine, would you recommend this even if there was no affordable housing component?

Mr. Pettine said yes sir, we didn't learn about any commitment to that until sometime this afternoon I believe so, our recommendation was made well before we were made aware of that commitment and certainly it is a great opportunity for us to carry that forward, but we would have made the same recommendations whether that was included or not, and in fact, we did make the recommendation without that commitment being in the conditional notes.

Mr. Driggs said I guess we don't have to do this right now, but I would like to learn a little more about how this concept of the master plan development and how we arrived at the idea that the O-1 and O-2 zoning justifies 1,222 DUA in what is an R-12 redistricting proposal. Again, we can talk off line I raised the question, but the other thing I wanted to mention colleagues, if we are going to be influenced by the affordable-housing component, we need to be a little bit quantitative about it. Basically, as it stands we are looking at 100 more units than would be appropriate under an R-8. We are getting 15 units of affordable housing at 80% for 15-years. You can do some math and figure what that is actually worth in terms of the subsidy it represents. I wouldn't want us to be dazzled by the affordable housing component, as much as we all want to see that and make exceptions to our density or other guidance or the input we are getting from some of the neighbors and make sure there is a good value equation there.

Mayor Lyles said I know that Mr. Egleston suggested that we have this process where we look at what people are doing, but we look that as a part of what we are doing with tax dollars and that plays both ways, and we have places that people would say well if we are going to rank it then why should I be bothered. There are two sides to that story so let's think that through carefully please.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2019-029 BY CRESCENT COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.68 ACRES LOCATED AT THE INTERSECTION OF EAST 7TH STREET AND NORTH CASWELL ROAD FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-0 SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is approximately 1.68 acres located on the northwest corner of East 7th Street and North Caswell Road in the Elizabeth Community; a very prominent intersection in that community. You can see the site context we have some pre-existing buildings that had been since removed [inaudible], and those types of restaurants that had been there for a long time; redevelopment of the site is currently pending per this petition. You have a MUDD-O zoning with a MUDD-O site plan amendment that is being proposed. That site plan amendment is actually taking us from the previously approved residential development that was part of the previous petition to an office retail component. This is consistent with the adopted future land use in the Elizabeth Area Plan that calls for residential, office, retail uses for the site. Ground floor retail to serve the neighborhood which we see as part of this petition. Offices above which again are part of this petition, so we are consistent with the findings and recommendations in that Elizabeth Area Plan.

We've got about 103,000 plus square feet total for the building, no more than 23,000 of that dedicated to retail or eating and drinking establishments. The maximum building height is 65-feet, not to exceed 60 at that prominent corner of 7th Street and Caswell Road. We do have parking rates at a ratio of three per 1,000 square feet which exceeds the minimum parking requirements. That parking will also be accessible to the general public, which would help to solve a bit of a parking need in that area. They will have a plaza at the corner of 7th and Caswell, eight-foot sidewalk and planting strip along Caswell Road, a mid-block pedestrian crossing, ADA accessible ramps, architectural standards and then some optional provisions allow for some general encroachments into some setbacks for some of the architectural features and some other very minor optional provisions particular to a wall sign up to 200 square feet. Those optional provisions are fairly minimal for a site of this size and complexity. Over all staff does recommend approval of the petition upon resolution of some outstanding issues related mainly to technical revisions that transportation item actually was something that in reviewing the staff analysis again today realized it was not an issue, it was in the plan, we just hadn't had a chance to update the staff presentation. The only outstanding issue is technical revisions that are outstanding at this point. It is consistent with the Elizabeth Plan and staff does recommend approval.

Elizabeth McMillian, 227 West Trade Street Suite 100 said I am excited to be here today to speak on behalf of Crescent Communities with Paul Shipley, President of the Elizabeth Community Association. After six months of exploring the neighborhood, learning more about the neighborhood's history and area plan and meeting with various business owners, neighbors and member of the ECA we have developed a proposal that the community supports. There are updated plans in the packet that we have provided, and Bridget will provide some more details in a moment.

Paul Shipley, 2413 Kenmore Avenue said I am President of the Elizabeth Community Association. We are very supportive of this plan and are very grateful to the petitioner, developer and owners who have worked with us over the last six months to put what we think is a great plan together for that corner.

Bridget Grant, 100 North Tryon Street said I am with Moore and Van Allen, working with Jeff Brown assisting Crescent Communities on this plan with DRG, the transportation consultant, [inaudible] the architect and Land Design, Civil Engineers and Land Planners. As Elizabeth and Paul mentioned we worked probably through about 20 plus stakeholder

and community meetings to get to this point. Some of the highlights include commitments to public art, increased setbacks from what was originally approved, some setback from the buildings to provide some architectural relief, commitments to right in, right out at Caswell Road. This is a more detailed list that is in your packet of all of the changes that were made throughout those stakeholder and community meetings. I want to highlight, since our last submittal we have increased our parking ratio to 3.2 per 1,000, we've included additional limitations on medical office, fitness and gem uses, we have increased our contribution to the ECA, provided an additional egress lane to help with traffic out onto 7th Street. We made a minor increase on the amount of permitted compact spaces and we've provided restrictions on trash and recycling. We've got the detailed elevations in the overall site plan that we've submitted. I do want to share, these are some of the elevations that are not included in the rezoning package, but I did a good job to give you a flavor of the character and style that is intended for the elevations and for the character. It is the corner of 7th and Caswell. This is 7th and Caswell pedestrian experience, a great deal of emphasis was really placed on strengthening the presence on 7th Street, a commitment to pedestrian features and amenities, and architecture that was really symbolic of what the community was looking for. This is another image of the 7th Street pedestrian connection and a commitment to the eight-foot planting strip along the street with a wide pedestrian sidewalk.

Councilmember Egleston said I think that last picture you showed demonstrates better than anything in our packet, with the kind of flatiron look from the corner. I think we should be excited anytime somebody brings forward compelling architecture, and I've said that a couple times throughout the last year and a half, and I hope we see more of that. I think this is that, and I really want to thank the petitioner and the Elizabeth Community Association, because the best-case scenario we saw some of the decisions earlier tonight where even at the end where we have to take a vote on stuff, people haven't all gotten on the same page. So, when you can come to the public hearing and have already gotten on the same page it is because of the work of the neighborhood association and the petition and I appreciate you all finding that common ground before you even got here for the hearing. It makes our lives a lot easier, and I think it makes the projects a lot better.

Councilmember Phipps said is the former Jackalope Jack's site?

Ms. Grant said it is the former Jackalope Jack's site that was rezoned in 2015.

Mr. Phipps said does this mean you are keeping this iconic corner architecture here?

Ms. Grant said we are, similar to what was approved with an iconic corner in the previous rezoning. We have worked with the neighbors to develop another iconic image.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2019-030 BY CONTINENTAL 475 FUND, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 30.73 ACRES LOCATED ON THE NORTH SIDE OF SOUTH TRYON STREET, SOUTH OF ERWIN ROAD, EAST OF CHOATE CIRCLE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-12MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

Kent Main, Planning said this is a 30.73-acre tract, a very long narrow tract that runs from South Tryon Street through to Erwin Road, down very near Steele Creek Road. You can see the site here, undeveloped property at the corner, and this narrow strip right here extending through. The existing zoning is all R-3; the proposed zoning is UR-2 conditional; that is a multi-family residential conditional district. The adopted future land use and this is the Steele Creek Area Plan which is the 2012 Area Plan and it made

specific recommendations rather than general GDP recommendations as to density and was proposing eight units per acre along the edge of North Tryon Street and tapering back to four units per acre around the adjoining neighborhoods along Erwin Road behind there.

The proposal again, on this long narrow site that extends from South Tryon Street through is 312 multi-family units at a density of 10.15 units per acre compared to the eight and the four recommended. The building height is two-story, so it is a relatively low building, 40-foot height limit. There is a 50-foot buffer and a five-foot fence along the single-family neighborhood. There is also a significant wetland area toward the front of the property dividing it into two different development sections in the front; and in the back; so, that is about six areas. There are also common, open spaces along the way. It includes a new street that will extend all the way through the site from South Tryon Street onto Erwin Road and as to access to the property itself, it is through two gated entrances with a five-foot fence that separates the property from the road, so one way in and one way out of the front part; one way in and one way out with a second emergency exit at the back, all gated and all separated from the roadway. It does include some left turn lanes, it includes northbound left over and if warranted; it does propose a donation of up to \$75,000 for a future signal at Erwin Road, which was a neighborhood request as I understand it.

We do not recommend approval of this plan. The plan is not consistent with the Steele Creek Plan which calls for eight and four units per acre and we are at 10 units per acre. The density is not compatible with the single-family neighborhood. Going back here you can see three buildings lined up in a row right behind these single-family homes, which we don't think is quite the right idea. It does not transition as we talked about and also because of that wetlands, that 10 units per acre actually physically looks and feels much more tight than that because of the increased density to make up for that vacant land. The approval of this plan, if approved, would override the Steele Creek Area Plan, and its recommendations for eight and four units per acre and revise that to 12 units per acre for the site.

Colin Brown, 214 North Tryon Street said I am with K and L Gates on behalf of the petitioner Continental Properties. Bob McCaigue with Continental is here tonight, also the property owners, the Gordon Family are here. The Gordon Family are long time property owners of this property. Location of the property; this is not out in the hinter lands. This is Tryon Street, here is the Rivergate Shopping Center, here is a good employment area located along Carowinds, and we are kind of looking at one of the last undeveloped pieces in this part of Charlotte. I feel like I'm beating a drum about housing affordability, about the need for more housing, and this is a prime location for that. This is an almost 31-acre parcel in this fast-growing portion of Charlotte; this is some property owned by the Neely Family. You may hear from them tonight so their piece as well as this one is a large chunk of undeveloped property. There is a church at this location and I think AT&T has a facility here with a little industrial zoning.

The challenge for us and the problem frankly tonight is the Steele Creek Area Plan calls for eight dwelling units an acre here and four dwelling units an acre there. I don't know why that is. If you look up and down that corridor, you see fairly intensive development, we have multifamily here, here and here, but for some reason, the recommendation of this plan is four units and eight units and that is a challenge. We understand staff's position based on what is adopted, but we are going forward as best we can. I'm going to let Bob tell you a little bit about Continental's product in a minute but did want to show what we've done.

As I hope you hear Kent mention, one of the things here is a new street so there is a new street extending this parcel all the way from Erwin Road through this property all the way to Tryon Street that would be entirely on Continental, the land would come from them and they would build it. There are some environmental sensitive areas here and unfortunately for us they are in the area that is recommended for higher density. In a perfect world, we would be able to use this area here, we would have our density on the Tryon Street side and we would low density transitioning back to the single-family neighborhood. We are not in a perfect world; we have environmentally sensitive areas and we are setting those

aside. We will have about six-acres there that will be permanently undisturbed is what we would like to do.

Bob will tell you a little bit about their product, it is different than I think we've seen in Charlotte. We've talked about needing a diverse housing type, and I think that is what Continental is willing to offer. You can see this is a two-story product that is very different from what we've seen with most of the other multi-family folks we work with. So, some of the community benefits, we think there will be a lot of positives, and I'll take you through it.

Community feedback – you all have heard a lot of cases in the Steele Creek neighborhood. We know we are going to hear about traffic impact and school impact concerns. On the traffic front, we talked about this earlier, one of the positives we think with this product is compared to; we have staff saying we would like to see less density. If we were at six or eight dwelling units per acre and single-family homes were developed, we think those would generate more trips than the type of product Continental is bringing to the market. I know there were laughs about that earlier, but I think C-DOT will tell you that this type of product generates less trips than a single-family home. Bob can tell you a little bit more about the product type, these have some one and two-bedrooms and so we think that is correct. We do think there is less traffic generation than this was a lower density single family type product however, we are also putting on the table some transportation improvements. We've talked with the neighborhood and there have been some active community meetings. One of the consensuses that I think we've heard from the community is there have been some very reasonable people and some spirited debates and a lot have said we know the site is going to be developed. We are not necessarily opposed to your product, but we need some help out here. We need some help with transportation, and so on this site one of the things we think we could do is we will be building the road that we are talking about that runs from Erwin Road through the site, that is a public road to Tryon Street. Hopefully it will take some pressure off this intersection here.

Another thing the neighborhood really asked us for, and we were hope we could get a consensus; a lot of folks said we are really hurting at Steele Creek Road and Erwin Road, if you could get a traffic signal that would go a long way to getting us on board. We have performed our own traffic study; we've engaged our own traffic team. Unfortunately, we cannot deliver, the Department of Transportation will not support us on a signal, but Continental is offering to expand that intersection, put in a new right turn lane where there is a lot of trouble. Our traffic engineers have looked at that and said even with our development coming on line there would be a 44% reduction in the morning delay and a 40% reduction in the evening delay. So, that is not requested by C-DOT but that is something that we are willing to put on the table. At this point I will turn it over to Bob to talk a little bit about Continental and why this is something different than we've seen in the Charlotte market and why he thinks their product would have a lesser impact than if it was actually a lower density single family type of development.

Bob McCaigue, W134 N8675 Executive Parkway, Menomonee Falls, WI said I will try to be brief with kind of a history and what we do. We started in the 80's; we are a commercial developer, we do Kohl's, K-Marts; we kind of dabbled pre-recession in some multifamily and we've kind of got a brand going here. It is the Springs Brand. It is what we do now exclusively across the country. We are pushing 20,000 units in I believe 18 different states right now, so we are predominantly a two-story product type; I would say 99%. We are starting to explore a little bit, but this petition is two-story, every building, direct access is kind of our key differentiator so every resident in our communities have a front door. Technically it is a condominium feel, but it is a stack flat so it highly amenitized, so you can see that; we have a clubhouse which is located on Tryon Street, that is our front door. This is a gated and fenced community; so, we like to have that control. It is no different than a three-story typical apartment building where you've got your front door locked access, your shared corridors. Our shared corridors just happen to be a common drive isle, so there are no shared spaces within the building. It is all just townhome style condos. We've got a resort style pool; we've got some interior spaces. We've got capped wi-fi café; we've got a 24-hour fitness center for our residents. We've

got an outdoor grilling area, and these are the front doors to the units. You are going to get that on all four sides of every building that we are proposing. We've got a couple different building types, the largest one has 28 units in it but again, two-story. So, again it is going to be a very compatible transition from the single family.

I had sent Councilmembers the packet of information that is going to cover any of this and you can ask me any questions on this, but essentially there is a great need for housing in the vicinity. There is a huge economic impact of what we are providing. The biggest thing Colin touched on, the public infrastructure is something that we are kind of stuck between the cries for we need to lower the density and have lower unit count, but then we also are still trying to make sure that we are providing enough units to support that both in order to keep the attainability of it down as well as to make sure we can afford some of that public infrastructure.

We have a lot of data in this presentation and elsewhere; with the school impact we are seeing a huge decrease in the number of school age students in all of our communities. We are expecting about 40 students in this community, and this is some other data, these are 300-unit community and you can see the total units are here and what is highlighted is the total number of school age students; so, we've got a lot of data that identifies or supports the fact that we do have a low impact community, even though it is in the 300 units. We are proposing 312 units. That is made up of studio, one bedroom, two-bedroom and three bedrooms so we are providing that variety of housing type. With that is why we have that lower traffic impact and lower student impact because of the different styles of units; it is not just 312 three-bedroom units our here.

Lori Diggs, 12006 Millingport Place said I have been a resident of the Steele Creek area for 22-years and I have lived 20 of those 22-years in the Yorkshire Subdivision, which is right across the street. I served on the Board of Directors there for five-years. While I don't speak on behalf of the Yorkshire Association, I just wanted to say that I've seen the exponential growth, and I'm familiar with a lot of the community projects that have come into this area.

I would like to commend the Gordon Family; I know they have had several offers on this property and they did take the time to judiciously go through those offers and come up with a company that to me seems to definitely care about the community. I think that if you approve this petition they will be a part of our community and not just an organization to come in, build up a bunch of apartments, make their money and leave. They have proven that by offering to have several one on one meetings with the residents to express our concerns. They have gone above and beyond what most organizations do; they have made every attempt to have C-DOT and NC-DOT meet to help discuss some of the traffic issues that all of the neighbors have brought about. The wetlands that are there, where most organizations would just come in and put a water retention area. They are talking about building boardwalks.

David Willard, 12309 Shadow Ridge Lane said I'm a 20 plus-year resident of Steele Creek and I'm going to be very brief however, very blunt in my presentation. I'm not going to bore you with facts, figures or numbers that you all have available to you. Three major concerns that myself and fellow residents in Steele Creek have over this rezoning proposal. We all know any rezoning of this nature results in a rapid increase in population. Over the past 15-years here in Steele Creek we've watched an increase at a tremendous rate with all of the apartments, townhomes, single-family homes, etc. being built with no consideration ever given to the infrastructure. The roadways and transportation system in Steele Creek are horrendous. What used to be a 20-minute drive from central Steele Creek to uptown is now well over an hour. I challenge anyone, leave uptown here at 4:30 in the afternoon, take anyone of the four roadways through central Steele Creek to the state line and come back and tell me it did not take well over an hour.

The school system is terribly overcrowded with no plans for new schools. The CMPD is dangerously understaffed to cope with this rapid increase in population/crime. If we don't deal with these three problems before we allow any more population increase, we are going to be in terrible shape in the future. I am here representing many, many fellow residents in Steele Creek. I do not mean to come off controversial, I but these people are

very angry over the way Charlotte has developed their growth pattern and they will be remembering it come November. Thank you for any consideration you can give to these three problem areas.

James Gilley, 12315 Shadow Ridge Lane said I am with the Board of Directors of the Crossings Homeowners Association. We live basically across Erwin Road, an association of 534 homes. We have issues with infrastructure, everybody does, and we know that. I would just like to bring up that within a 1.5-mile radius of this proposal there are 18 multi-family properties. Nine of them are apartment buildings; nine of them are basically townhomes. All of them are market rate properties so I don't know what value adding another one really brings us as a community.

The second item I would like to bring up, they lightly touched on the wetland area. In our part of Steele Creek there are a number of dis-contiguous and small wetland areas due to our elevation. Our Association has been a good steward of at least a dozen acres of these as well as the outflow streams for those. Up until five-years ago when the previous City Council approved light industry behind our community, their silt pond now overflows into that area on our property and affects that wetlands and it also affects residents. So, to just lightly touch on what the effect would be for this small piece of wetlands, I think we should take a deeper look at that. There has been impact in the past and what impact will be to these wetlands.

Ellen Neely Thomas, 13615 Erwin Road said my family is the farmland that is adjacent to this. This is plan is not consistent with the Steele Creek Area Plan; the Steele Area Plan is one of the more recent plans in the community. It is not a 30-year old plan. The proposed number of 312 units exceeds the recommendation of the Area Plan; again, taking into consideration six of those acres are actually area wetlands. So, it is not really the whole package that is being built upon. The schools impacted are over 100% already. The middle school and the high school would take their increase up to 135% of capacity; 135%. Do you want your children going to a school with 135% capacity? No. There are no road improvements of significance on South Tryon Street or on Highway 160, and we've all heard that Highway 160 has been deferred until 2024, no improvement. None. The adjacent houses, townhomes and farm have no boundaries in this plan. There are wetlands, no boundaries in this plan. I ask you to invest in the long-term growth of this community, the long-term growth of this City and this County. This proposal is a short-term growth plan; they intend on selling it off in five-years, and we don't know what will happen after that. I ask that you consider not having this happen in Steele Creek.

In rebuttal Mr. Brown said I certainly acknowledge the recommendations of the land use plan; we think that is a challenge for us, and we will continue working with staff and the neighbors going forward. The question is what is going to happen with the site. We have 30-acres of prime real estate on Tryon Street; we've heard concerns about, which we knew we would, traffic, schools, and crime. I think if this site, as staff has asked us to consider going to eight dwelling units per acre, I think between six and eight you would have a different product type that would probably generate more trips and potentially more students. So, that is the [inaudible] we are in; we think Continental's product is different than anything in the market at the two-story and that allows this development to be a little bit more compact to provide the road connection, to provide a better layout on the site and make it economic and feasible to provide a good product and additionally the off-site improvement that we are proposing at Erwin Road.

Mr. McCaigue said I would say the comment in terms of the apartments, and we've met and explained and provided a lot of facts. I think we will continue to do that as well, but Charlotte has a 95% occupancy rate right now. It is a very stable housing market; it indicates a need for additional housing. I think everybody here understands that. The infrastructure that Colin alluded to is something that is going to be a challenge to make a balance with that. The school impact, the key thing here that I think a lot of people are looking at it says 312 four-bedroom apartments. Fifteen percent of them are studios; we've got one bedrooms, two bedrooms, and only eight percent are three bedrooms. So, that student count is going to be far diminished from a similar community with that unit count.

As far as the wetlands, it has been an immense challenge for us. I think the permitting process would control a lot of that. We'd have to go through all the regulations and then just the fact that there would be some control over that with our proposed development, I think that should give some comfort to the community that it is going to be regulated.

Councilmember Phipps said you just mentioned that the permitting would control the regulations for the wetlands, but I noticed there were no outstanding issues noted by the Mecklenburg County Land Use and Environmental Services Agency. Are they the ones that would comment on wetland issues if there were any?

Mr. Brown said this would be coordinated through the core and their designees. In this one it is important to point out; we've just stayed entirely away from that area. The wetlands are here, and we've really just taken that off the site plan.

Mr. Phipps said that is part of the six-acres that is going to be undeveloped?

Mr. Brown said correct. It will have zero impact.

Councilmember Mayfield said it is noted on here that regarding why staff does not recommend approval, the proposed site plan inserts a narrow strip of medium to high density because of the significant area wetlands on site the perceived building intensity and net density on the buildable areas are even higher than the quoted overall density. The higher density portion of the site should be along the South Tryon Street area with the lower density providing a transition to the existing single family moving north on the property towards Erwin Road. Can you show me on the slide what that looks like for staff because we don't have whole lot of wiggle-room? The design of the lot is the design of the lot, so help me understand what staff's comments and how that would relate in development.

Mr. Main said just for orientation here is Tryon Street, this is Erwin Road; it is a long narrow strip and you see the wetlands in the center so that leaves two little sections right here. This is the area recommended for higher density residential and by higher density I'm saying eight units per acre. This particular tract here next door is R-12(CD), and it is developed at about eight units per acre; so, it is about what the plan calls for. Again, this is the area where we would recommend higher density and this area back here where it is adjacent to this single-family neighborhood and across from neighborhoods back here; that is why the plan called for lesser density there. That is why because that is what is around it, so that is why our recommendation is for a lower density back here in that section and higher density back there which unfortunately the land is your land, and we didn't put those wetlands there, but it is there and has to be dealt with.

Ms. Mayfield said since it was mentioned by a resident regarding the impact of the wetlands in an approval we moved forward years ago that impact, what tonight's petitioner noted is by leaving that space undisturbed then that helps to protect the wetlands. If we were to move to the higher density, which I understand why we want to have the higher density on the front end and transition down to residential, what could the potential impact to the wetlands be?

Mr. Main said as long as we are not building on the wetlands they are not impacted one way or another by that. If you had a little bit higher density there and lower density here and the wetlands are preserved, then that impact would be the same. In terms of what I was getting to in the staff analysis about the net density of the building, by taking the six acres out of the 30-acres the effective density of these other products is even more dense than the 10 units per acres they are claiming. Maybe more like 13 to 15 units per acre over the net area that is built upon.

Ms. Mayfield said we've been having this conversation back and forth, but I also want to make sure that we are on the same page for the residents that came down to speak; thank you for signing up to speak. I want to make sure that everyone is aware that one of the many challenges we have is we do not get to use potential school overcrowding as

a factor for us. So, that is one of the challenges having the School Board submit their comments when going through this process. The other challenge is the conversation regarding the road widening, NC-DOT versus C-DOT and that impact. I do have a question for a residing something that the petitioner mentioned; so, if one of you could come down to the podium. For the petitioner with the request, what is the potential challenge with moving the density towards Tryon Street?

Mr. Brown said like I said in a perfect world we would have our density at this location. Most of it is we have very little usable land on the Tryon area and the other is the challenge of Continental's product, which is innovative to the market with a two-story product. So, if this were three or four-stories at that end that would work; this is two-story so that is spread out a little bit more.

Ms. Mayfield said so your product model is only a two-story model and based on the two-story model you need to spread.

Mr. Brown said it is hard for us to really increase the density down; we are trying to stay out of the wetlands, so that gives us a small footprint there and if we are going with a two-story product we can't really pack that many units in on Tryon Street. They are two-story in height; they are fairly low.

Ms. Mayfield said if this site were to move forward you have in essence created two different developments; so, when went through the slides for potential amenities, help me understand how that will work, because it looks like on the photo the amenities are towards the Tryon end of the development. If I'm living on that back end I'm not coming all the way up to the front. Because of the wetlands it is two separate developments that is going into one. Help me understand potential amenity access that is going to be on that back side in order to help this community feel like a community and not like two separate communities.

Mr. McCaigue said that is less than ideal for us; I would say we have a few select properties that are similar to this that are disjointed but it is not our preference. As I mentioned, they are gated, so there is going to be a fence and a gate all the way around each of these. We are limited to just having the connectivity via vehicular access here, but we are looking into providing them a boardwalk for pedestrians. A lot of our communities use golf carts. We haven't gotten into the specific engineering of this, but should this be approved, we are looking to having that connectivity pedestrian through this wetland because the boardwalk technically is not an impact to it. The majority of our amenities would be here at the club house; there are select amenities spread out through the northern side of this where we've got a pet playground; we've got, this large open space that we are un-programming. The stated amenities I guess would be at the club house that would require that vehicular access or pedestrian access through the boardwalk. Usually, we rely heavily on our on-site employees who are Continental employees to really facilitate that movement and identify through the path and how to operate that. We strongly believe in that sense of community; it is what retains our tenants. It is going to be a challenge though.

Ms. Mayfield said it was noted one of our biggest challenges in the Steele Creek area as Steele Creek is growing is that widening. We were all at the annual Steele Creek meeting a year ago and we were excited thinking it was going to be happening and then learned shortly after it was being postponed. I'm wondering, because what was noted was this new connector road from Erwin Road to South Tryon Street, and I know that we have challenges with the widening but I wanted to hear from you all, because I think that is somewhat a new addition that that particular commitment from the developer, so I wanted to get a feel from you all and for full transparency [inaudible] the Steele Creek Residence Association also did send an e-mail to Council and we spoke earlier today regarding concerns, but I wanted to find out from the residents, because the numbers says sit will be beneficial, but I want to hear from you all if that connector street is a win when we think about compromise versus nay.

Mr. Gilley said just what I know from living in the area, on the South Tryon side that is going to be a southbound turn lane only. So, morning traffic is going to have to exit Erwin Road to get to a light. They will come out Erwin Road, turn right and go up to the light or they are going to come out Erwin Road, turn left and go down to Highway 160. It can be reasonably assumed that the majority of people that live in this area are probably going to work north; that is where Charlotte is. That is kind of the feeling from a lot of the people that I've talked to, and from the HOA standpoint if you look to where it connects on Erin Road, just to the north of that is Moss Road, and that runs through the center of our community. That would be their second egress; it would be through the center of our community and go to Moss Road light. As a connector road, I think it is value and while we appreciate it very much, its value is limited honestly.

Ms. Thomas said its value is only to the community, not to anyone on South Tryon Street, Erwin Road or Highway 160. It is going to become a cut through, and I don't think people will go up Erwin Road; they will go up Moss Road and that is something you don't see on this slide as the light at Moss Road and South Tryon Street is better than the light at Erwin Road and South Tryon Street. People go down Moss Road; there are four stop signs in that community to reduce the traffic.

Ms. Mayfield said the reason I ask I wanted to hear from you all so that we can try to be on the same page. The way I was looking at it, I was thinking that could potentially help where if you are coming off of Moss Road, instead of having to come off of Moss Road and make that left and go down to the light and wait you now have a potential cut through that will bring you out further on Tryon Street opposed to going down, turning and having to come back around.

Ms. Thomas said it is the opposite direction.

Ms. Mayfield said helps me to get a better understanding, because the way we are set up we have to ask a direct question, so that helps me get a better understanding for potentially what can happen. I'm hoping what we are hearing, and my colleagues probably also have some questions, is that there is an opportunity for a little more discussion to understand and for staff for us to figure if the product is this model and what we are seeing is a different model is what is called for, what is a realistic compromise if any that can occur? If there is the ability to create a road looking at this narrow piece is there a chance to move where the road is from the current location to the back side or something that can actually be something that is beneficial knowing that we don't have the legal ability to make the state do the widening that the community thought was going to happen.

Councilmember Harlow said I have never seen us evaluate density based on only the developable land. Why are we making such a point to say the density would be higher if we took out the wetlands part? Generally, we are looking at the whole parcel.

Mr. Main said we are using the 10.15 units per acre that they are doing overall. The point about taking the wetlands out is simply to make the point that it is even more than that four units per acre that is recommended by the plan.

Mr. Harlow said there was a comment made in one of the opposition comments about a buffer. I know you said it is going to be a gated community, but you've got a few different touch points, the townhomes, the single family, the property across the proposed street; what are the proposed buffers at those points?

Mr. McCaigue said I'll walk through and list the buffers; we've got a Class C 50-foot buffer along here, which is required. We have a 20-foot buffer and then based on this previous development, the townhome; they actually have an existing 50-foot buffer that is on their parcel so that is essentially going to be a 70-foot naturally landscaped buffer through there and then because of working with staff and identifying what made the most sense for this right-of-way because this will become dedicated public right-of-way; we don't have much control over that, so we are essentially going to be dedicating that as 57-foot right-of-way. That is going to be limited to typical roadway sections for the City.

Mr. Harlow said Mr. Brown, in your presentation you were talking about, and there are a lot of infrastructure improvements here and an expensive proposed road for sure. You spoke about a signal at South Tryon Street in the proposal or Erwin Road and I couldn't remember if you were talking about Erwin Road or the proposed street, but at one point you said NC-DOT is not approving the assimilation, where is that?

Mr. Brown said this is Erwin Road, and this is heading out to Steele Creek; this is a real problem and at all of our community meetings this came up as the biggest problem, and a lot of attendees said could you guys get a traffic signal here and if you can get a signal maybe we can get on board. The developer could install it now; however, NC-DOT and C-DOT did not want to install it now because through the widening plan has been delayed it is coming, and they didn't want us to put in a major investment, changing lanes when that will all get torn out. What we could get consensus from the DOT's we could potentially add another right turn lane to take some pressure off of that. That we could do not, and it wouldn't all have to be torn out, so they have offered to do that.

Mr. Harlow said I'm very familiar with that area. I cut through Berwick for lunch this way all the time, so I understand how hard it is to jump out there on Steele Creek Road. On the other side is there a signalized intersection coming on the South Tryon side?

Mr. Brown said that signalized now up here at Erwin Road; our site would be right in/right out here.

Mr. Phipps said where are the detention facilities for this or are you going to be using the wetlands for that?

Mr. McCaigue said it is going to be a combination through existing here; there is an open water farm pond we are going to [inaudible], but it is actually a detention facility that is capturing some of the stormwater from some offsite developments. Essentially, along here and outside of where the wetlands are we are going to be proposing what is essentially what is equivalent to a sand filter. It is essentially going to be trying to grade the site in a very difficult manner to slow the water down so we can clean it and it will ultimately go into the wetlands, which is where our water goes, but it is going to be kind of a unique exercise from capturing this northern parcel and then the southern parcel actually using a combination of the same but we will have underground detention underneath the parking lot.

Mr. Phipps said so this part with the most density, you are saying that the water runoff is going to make its way to that wetlands area and no detention facility near this section.

Mr. McCaigue said correct and that is where it is naturally going currently in its undeveloped state, it is a creative solution that we haven't gotten all the way through because we're not at that stage just yet, but we will be abiding by all the regulations. It is essentially just slowing it down and cleaning it before it gets to the wetlands.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2019-055 BY MOVEMENT RESOURCES FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.19 ACRES LOCATED ON THE NORTH SIDE OF CENTRAL AVENUE, EAST OF NORTH SHARON AMITY ROAD FROM B-1S(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

Mayor Lyles declared the hearing open.

Kent Main, Planning said the site is just off the corner of Central Avenue and Sharon Amity Road. You may recall the QuikTrip gas station, which is right on the corner. This is the next parcel which is the former Harris Teeter which is also adjacent to what used to be Eastland Mall. The proposal is for a secondary and elementary school, a religious institution and for eating, drinking and entertainment establishment, Type I. You can see the existing building there, and this is the site for its extension. The existing zoning is part of the zoning for the mall area, which was B1S(CD); however, this is not a part of the Eastland Mall site. It is separately owned, and it is not a part of the City property or a part of what was formerly Eastland Mall; it is that former grocery store site. It is proposed for MUDD-O mixed use development. The Eastland Area Plan recommends residential, retail, entertainment, office uses on this particular parcel. That was the 2003 Plan. It is for a school site primarily but also religious institutions, eating, and drinking establishment. It is 100,000 square feet maximum in two principle buildings, the existing building and one new building to be built just to the left or to the west of that. There are driveway connections that will interconnect it to the property, both to the station to the west as well as to the future development in the Eastland Mall area. It also maintains the existing planting strip and sidewalks, which were a city project years and years ago. It has a maximum building height of four-stories. We've seen some renderings that show a two-story building, but the notes call for up to a four-story building or 55-feet in height and it does provide architectural standards.

There are optional provisions in MUDD; MUDD is a zoning category that is supposed to have buildings up to the street but because this is the reuse of an existing building, they are proposing to maintain the parking out in front of the building which would be an optional provision and some other slight optional provisions as well. We do recommend approval of this upon resolution of a few issues. C-DOT is asking for a complete cueing analysis of a.m. and p.m. drop-offs, this will be a school, prior to its permitting and there also some labeling and dimension issues. It is in accordance with the Eastland Area Plan; it is consistent, it does propose reuse of a vacant site and begins to create that urban mixed-use district and does provide those connections that will make that happen.

John Carmichael, 101 North Tryon Street said I'm here on behalf of the petitioner, Movement Resources. With me are Barbara Robinson, Tim Hurley, and Garrett McNeil with Movement Resources and Greg Welsh with Oak Engineering. The site contains a little over four-acres, just east of North Sharon Amity Road and Central Avenue. It is a part of the former Eastland Mall site; it used to be a Harris Teeter. The site is currently improved with a 34,000-square foot building and a parking lot. It is currently zoned B-1S(CD) and the request is to rezone to the MUDD-O zoning district to accommodate development of a Charter Elementary and Secondary School and a religious institution that could operate the facility on Sundays and then an eating, drinking and entertainment establishment, Type I; that would be a coffee shop is the intention. The maximum square footage of all the buildings could not exceed 100,000 square feet; the eating, drinking and entertainment could not exceed 2,000 square feet. This is the site plan. The existing building would be renovated and upfitted to accommodate the school use. A new proposed two-story building would be developed immediately to the west of the existing building to accommodate the school use, access would be from Central Avenue and there would also be access points to the east and to the west. Elevations are a part of the rezoning plan, as you can see that is the renovated building and that is the new building that would be constructed.

Barbara Robinson, 8024 Calvin Hall Road, Indian Lane, SC said I am the founding school leader for Movement School East, and we are incredibly excited about the opportunity to be a part of the east Charlotte community. Our mission is to provide high quality educational choice for the families within the community. We will launch as K-1 school and eventually grow to be a Kindergarten through eighth grade school. We will provide busing for our families within a five-mile radius and again we are incredibly excited.

Tim Hurley, 11405 North Community House Road said I am the Executive Director for Movement Education. I helped lead the development of Movement School in west Charlotte, and we want to be more than just for our school; we want to be a member of

the community. We worked hard to do that on the westside. In the past 12-months, we've hosted over 30 non-profit groups at the school after hours for free but for our biggest events we charge \$100 cleaning fee. We had over 1,500 guests from the community come to Movement School on the westside; we've invested over \$12 million in that property and that is what we plan to do on the eastside. We want to be a great school for the students, and we also want to be an asset to the entire community. Thank you for your time and consideration.

Mr. Brown said we will no issue addressing the outstanding issues, including the cueing analysis.

Councilmember Winston said I appreciate the note for us to look at the a.m. and p.m. drop-offs. I grew up in New York City, and we drop-off a lot of kids to go to school, but I've never quite understood these car lines that exist down here. I feel like there has to be a different way. I would challenge us; while we don't get the opportunity to kind of plan this space in dealing with school issues very often, so I would challenge us as we think about this over the next month how can we really imagine and create some type of model, especially being that you are in kind of a unique spot that you have some more space that you might want to work with. When I think of traffic, when I think of congestion, when I think of environmental principles and having dozens of cars idling in the morning and evening, it probably is the worst air quality in the City around a school in the a.m. and p.m., and I think we have to come up with a different solution. I would challenge us; let's think outside the box here, and maybe we can create totally a different paradigm for us to share with our other partners in CMS.

Councilmember Newton said I think within the community when folks first learned about this there was a lot of disappointment. A lot of folks look at the Eastland site and want to see some retail and some vibrant kind of economic driver at the site, and you can even make the case. I think I've heard this from you guys that you actually encourage that. I wanted to make clear for the community residents who are maybe tuning in or are here that we are confined to only consider land use items when we make a decision here; so, only anything that pertains to land use and zoning. Many of these concerns I've heard about, the number of Charter Schools in the area, just seeing one more or even the noise ordinance more recently and the buffer zone. I'd asked earlier our new Assistant City Manager, Mr. Jaiyeoba about that and those are not land use considerations and unfortunately, we are barred from including that. So, you guys have reached out to the community; I know you've had a number of conversations with community members and that perception is turning, particularly when you at the aesthetics here. I think your reputation of being good partners and stewards in the area, but I did want to ask about school capacity. How many students are we talking about and where are these students going to be sourced from. From what I'm hearing from the community is we want to make sure that they are local.

Mayor Lyles said I'm not sure we can ask where the students would come from. I just wanted to make sure we were okay with number, but I'm wondering if it is appropriate to ask where students would be living to go to the school.

Mr. Newton said we can take that offline. I'm just saying it would be nice if the students came from the community and from the standpoint of the cue I'm looking forward to seeing that too.

Councilmember Mayfield said as was mentioned, Movement School is within District 3 and is off of Freedom Drive. We have done quite a bit of work together, and as they noted Movement School has been very active with allowing not only non-profit but organizations to come in, The Movement School off of Freedom Drive actually hosted our City of Charlotte in partnership with the County, a job fair that was hosted earlier this year which was the first reentry job fair. So, Movement School has been a considerable partners in the area; so, for full transparency I wanted to make sure that people did understand yes, local government already has the beginning of a beautiful relationship with the organization in its current location that is going to continue so that no one has any misunderstandings about where we are with the organization.

Councilmember Egleston said good news for Mr. Newton and everybody who wants retail in this corridor. Retail is a big fan of humans; this will bring humans to the site far more than the long vacant Harris Teeter, so I think these are the types of things that can facilitate there being viable retail in these corridors. Adaptive reuse is not always about doing stuff that is historic landmarks, and this old big box store is not a historic landmark but the most sustainable buildings are the buildings that are already there, and we've got a lot of big box stores in this community that we are going to have to find new ways to use, so I get excited when I see somebody finding a creative way to use what is a tough building to fill often times.

Councilmember Phipps said this petition proposes to put in this elementary and secondary school, a religious institution, and an eating, drinking and entertainment establishment. Are these going to be in separate buildings?

Mr. Brown said that is a great question and the label eating, drinking and entertainment establishment would lead you to believe it is something other than what it is. It will be a Type I which means there is no alcohol, and the desire is just to have a little 2,000 square foot space here as a coffee shop here to serve the community. It wouldn't compete with Eastland and the Eastland folks; the Crosland Southeast Cinema are very supportive of what is being proposed here.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2019-058 BY HOUSING AUTHORITY OF THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.27 ACRES LOCATED AT THE INTERSECTION OF WEST 30TH STREET AND BELLEFONTE DRIVE FROM R-22MF (MULTIFAMILY RESIDENTIAL) TO UR-3(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is approximately 4.27 acres at West 30th Street and Bellefonte Drive. This is the location and an existing housing partnership site; we've got several multifamily buildings located on the site currently. The proposal that is before us would actually be to remove those buildings and replace those with one standalone building that will have additional units than what we currently have on the site. The zoning is R-22MF, proposed to go to UR-3 which is compatible with R-22 densities. The North Tryon Area Plan does recommend residential uses up to 22 dwelling units per acre (DUA). It does state that up to 30 dwelling units could be considered with appropriate transitioning to existing single family. This proposed project is about 32 DUA; 100% of the multifamily dwelling units would be affordable to households earning 30% to 80% of area median income. There are some landscape buffers that will be incorporated to the site architectural standard. Transportation commitments includes a CATS bus stop, reservation of right-of-way for a public street to be constructed along the southern boundary of the site, sidewalk, planting strips and parking lots not to be located between the building and West 30th Street. Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. It is inconsistent with the North Tryon Area Plan for residential development up to 22 dwelling units per acre; however, staff does feel that it is within general context of the development in the area. We are looking at going forward for a reinvestment and redevelopment of this site to provide actually more units in the end which helps to further our housing policies. The petition does not commit to some long-term transportation improvements including the extension of Popular Street which would start to redevelop that grid a little better and also some pedestrian connections that they are committing on the site, so staff does recommend approval.

John Carmichael, 101 North Street said I am here on behalf of the petition, Housing Authority of the City of Charlotte. With me are Connie Staudinger of the Housing Authority. We have Jeff Pharr of the Graham Heights Neighborhood Association, Daryl Gaston of the North End Community Coalition and Jeff Osborne of Osborne Engineering. David did a good job of telling you where the site is. These are aerial photographs of the site. This is the existing Delahey Courts, this is the site in question. This will be a future phase of redevelopment possibly. It is currently zoned R-22MF, the request is to go to UR-3(CD) up to 140 multifamily dwelling units in one building, 100% of which would be affordable to households that earn 30% to 80% of the area median income. This is our site plan, a single building with an interior courtyard. There will be a landscape buffer to the north and no parking between the building and 30th Street.

Connie Staudinger, 400 East Boulevard said the property was built in the early 1970s; it is very outdated in appearance. The current floor plans do not allow for modern amenities to be made; there are no dishwashers or dryers or central air conditioning and we have very limited funds to modernize. The 2020 Plan does have an innovation corridor where Delahey is sitting. You are bringing economic dollars into this area; we want to bring jobs and households to accommodate those jobs for those workers that come into the area as well as to continue accommodate our families. We need the density in order to create the critical mass and create an operating proforma that is sustainable and viable for our residents to return to. This will be done in two phases; this is Phase 1, and there are 36 units that we will be removing, and we will be moving 140.

Jeff Pharr, 419 Norris Avenue said I am with Graham Heights Neighborhood Association and this site is in our neighborhood. They have shared their plans and everything that they want to do here, and we approve of it.

Darryl Gaston, 2313 Edison Street said thank you for all that you do here in the City of Charlotte. We are delighted to be before you tonight, and I would have you to know that the North End Community Coalition has been involved in a series of meetings with the Housing Authority, the developer, the planners and everyone involved and we support this particular initiative, and we just hope that you will find it in your heart, after you too examine this very closely to determine whether or not this would be an excellent fit for the North End Corridor. We do affirm it, and we are grateful for the opportunity to share tonight.

Councilmember Egleston said I won't close it like I was planning to, but a great project, I've had a chance to dig into it. Thank you for our North End Neighborhood Leaders for being here tonight. This is a much-needed upgrade from a very old development in this corridor, and I think it makes a lot of sense.

Councilmember Winston said my question was about displaced residents that are currently there; if you could go over a little further into it.

Ms. Staudinger said the residents that are there now are being transferred over to the opposite side. There are actually two phases to this; 36 on one side, the smaller parcel. Phase I; 100 on the opposite site so, through attrition we are moving everybody from the smaller site to the larger site and then we will demolish. Anybody who was there has the right to return to finished community once it reopens, and we pay for all of the moving costs.

Councilmember Phipps said back in 2005 Delahey Courts used to be in District 4 before it got redistricted. I think this is a really good opportunity to take those existing affordable units and repurpose them into quality structures for more affordable units. So, I think it is a good thing that we are considering here tonight.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2019-063 BY VLE PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.8 ACRES LOCATED ON THE EAST SIDE OF THE PLACE, SOUTH OF BELVEDERE AVENUE FROM MUDD-O HD-O (MIXED USE DEVELOPMENT, OPTIONAL, HISTORIC DISTRICT OVERLAY) TO MUDD-O SPA HD-O (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT, HISTORIC DISTRICT OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is more commonly known as the Van Landingham Estate located on The Plaza at Belvedere Avenue just off of Central Avenue. The existing zoning is MUDD-O, historic district overlay, and the proposed zoning is to amend the site plan previously approved, so it is a MUDD-O SPA. The Central District Plan does recommend residential, retail and office uses. That was amended by the previous rezoning in 2018 on this site, so the current request is consistent with that. The proposal that is in front of us is to allow for two principle buildings on site with various uses allowed within them. The main goal of the request is to allow the development of those buildings to preserve the estate overall and the orangery building that is on the site. There is a limit to the size of those buildings to 18,000 square feet and 5,000 square feet respectively. You can see the two masses; the larger building would be on that southern property line and the smaller one would be up in the top corner on Belvedere Avenue. It does maintain existing sidewalks, allows for some parking and vehicular circulation between those buildings. Valet and service areas as well between the buildings located on site and the adjacent public street but, again, the main goal of this proposal is to facilitate that development with the end goal in mind of preservation of the existing estate, and that is something that has been fairly well committed to in the conditional note for this petition. It is consistent with the Central District Plan as amended in that 2018 rezoning. Staff does recommend approval upon resolution of some technical revisions.

John Carmichael, 101 North Tryon Street said I am here on behalf of the petitioner, VLE Partners, LLC. With me tonight is Aaron Ligon of the petitioner, Chris Scorsone of Clark Design, the project architect and behind me is Sean Paone of ColeJenest & Stone, the project Engineer and Landscape Architect. The site is the existing Van Landingham Estate; I actually had my wedding reception there as did Mr. Ligon, so the site means a lot of us as well. This is an aerial of the site; the site is currently zoned MUDD-O and it is in the historic district overlay. The request is to amend the approved MUDD-O zoning plan to allow a multiuse non-residential development on the site. The existing estate building and the existing orangery building would be preserved, and the request is to allow a new building that would contain a maximum of 18,000 square feet and a new building that would contain a maximum of 5,000 square feet to be constructed on the site. The 18,000-square foot building as referred to on the plan is the topiary building that you will see why in a moment, and the 5,000-square foot building is referred to as meeting house. The maximum height of each building is 40-feet. The exterior design and the building materials for each building would have to go through Historic Landmarks Commission review and approval as well as Historic District Commission approval. The existing estate would remain as would the existing orangery. This is the meeting house new building, the 5,000-square foot building that is being proposed. This is the topiary building, and that is the view from Belvedere Avenue; it would have vegetated exterior. This is your one, your two, and your three and the streetscape looking from The Plaza, the meeting house, the existing estate house, the topiary building, orangery and previously approved townhomes.

Aaron Ligon, 2100 Crescent Avenue said I am a partner of Decent Real Estate, which owns the property with the Stone and River Partners. We are local owners; we have the portfolio properties in Charlotte's great infill neighborhoods and sensitivity to the neighborhood in the existing context is one of the most important things we consider when taking on a project like this. This is a very special property and we've honored that by meeting with the Historic District Commission and the Historic Landmarks Commission, City staff, Councilmember Egleston, The Plaza/Midwood Neighborhood Association, neighbors and even heirs of the Van Landingham Family, who supports this rezoning petition to amend our site plan. Our plan is to invest heavily into the existing estate house,

which I think the Historic Landmarks Commission and the neighborhood is very happy about. The additional density to the site is something that makes this economically viable for the preservation of the existing estate home. We are very pleased to present this to you tonight.

Mr. Carmichael said the estate house would continue to be used as an event venue and the approval of this and the redevelopment would not only revitalize the estate building but also the grounds and the grounds would still be available to the community as they are today.

Councilmember Egleston said we are going to save this landmark if it is the last thing we do, and this plan is really a great way for us to accomplish that goal.

Councilmember Phipps said what kind of provisions are you making for parking?

Mr. Carmichael said there 86 parking spaces now, and if you included the square footage of the estate building, the topiary, and the meeting house I believe the parking ratio is about one per 350 square feet. The thought is; hopefully there will not be much overlap in the parking demand for the topiary, the meeting house with the estate house, because one again that would be an event venue.

Mr. Phipps said do you foresee any overflow parking on the street?

Mr. Ligon said we do not foresee overflow parking in the community. We've actually had conversations with the adjacent church, which is plan south, and they are very excited about the addition of some parking to our site and have an interest in overflow parking for their church on our facility as Sunday mornings would be a good opportunity for them to do that as well.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2019-064 BY NOVANT HEALTH FOR A CHANGE IN ZONING FOR APPROXIMATELY 33.16 ACRES LOCATED ON THE SOUTH SIDE OF MOUNT HOLLY HUNTERSVILLE ROAD, EAST OF BROOKSHIRE BOULEVARD, NORTH OF I-485 FROM NS LWPA (NEIGHBORHOOD SERVICES, LAKE WYLIE PROTECTED AREA) TO O-1(CD) LWPA (OFFICE, CONDITIONAL, LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

Motion was made by Councilmember Mitchell, seconded by Councilmember Egleston, and carried unanimously to recuse Mayor Lyles from Petition No. 2019-064 by Novant Health.

David Pettine, Planning said this is approximately 33-acres at Mount Holly Huntersville Road, east of Brookshire Boulevard just north of I-485 to give you some context. The existing zoning is NS proposed to go to O-1(CD) office, conditional. The adopted policy for the area is for mixed use; the definition of that is generally more than two uses on the site. This is a stand along use site, but we are looking at this in the context of the greater overall development between Mount Holly-Huntersville Road and I-485, so this is a component of a larger, mixed-use project, so staff felt comfortable with the implementation of the area plan for this proposal. It is a 210,000-square foot hospital, medical office and campus. The building height is limited to 65-feet; undisturbed buffer along I-485, open space, enhanced pedestrian landscape screening, architectural standards, phase one transportation improvements from River Bend would have to take place as part of this overall development. They do commit to transportation

improvements related to access right-of-way and sidewalk easements. Staff does recommend approval of this petition upon resolution of outstanding issue related to transportation. Even though it is inconsistent for a mixed-use development, again looking at this as a whole site itself for that larger component of the River Bend development staff felt comfortable with the proposal in making a recommendation for approval. It will revise the adopted future land use plan for institutional recommended use for the site from that mixed use, but overall staff recommends approval.

Keith MacVean, 100 North Tryon Street said I am assisting Novant Health. With me is Nick Eller with Novant Health as well Dan Blackman with Stimmel Architects. This is a rezoning request for a portion of River Bend; 33 of the original 125-acres to allow an 85,000-square foot expansion to what was previously allowed under the River Bend petition. The hospital and medical office uses were allowed under the previous petition, but the square footage was limited to 125,000 square feet and this adds 85,000 square feet to allow Novant Health to build a hospital and some associated medical office uses. We are adhering to the transportation improvements of River Bend for Phase, I which has substantially been completed and the continuous flow intersection planned for the intersection of High 16 and Mount Holly-Huntersville Road is also under construction and due to be completed soon by NC-DOT. C-DOT has asked us to add to the petition regarding the Phase I improvements and their status which I mentioned, actually have been completed and are open and being used today. The rezoning from NS to O-1 substantially because the hospital needs an accessory helicopter landing pad; NS does not allow that, but it does allow the hospital.

Councilmember Phipps said is there a requirement for a Certificate of Need for this type facility?

Nick Eller, 3600 Country Club Rd., Winston-Salem said not at this time and there is timeline as to when we will apply for one either.

Councilmember Harlow said I have talked extensively with Keith about this; I know the community really supports this and I want to continue to try and support smart growth and bringing jobs to the area out at Mountain Island Lake, which we know stimulates a lot of other things. Working with NC-DOT for a lot of the infrastructure improvements around this corridor and the interstate and Mount Holly-Huntersville Road. I look forward to supporting this in two months.

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

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ITEM NO. 42: HEARING ON PETITION NO. 2019-022 BY METROLINA BUILDERS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.63 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF MOREHEAD ROAD AND GENE DOWNS ROAD, EAST OF SALOME CHURCH ROAD FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO I-2(CD) SPA (GENERAL INDUSTRIAL, CONDITIONAL, SITE PLAN AMENDMENT).

Councilmember Mitchell declared the hearing open.

David Pettine, Planning said it is partially consistent with the area plan. I will be glad to answer any questions.

There being no speakers, either for or against, a motion was made by Councilmember Newton, seconded by Councilmember Phipps, and carried unanimously to close the

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ITEM NO. 44: HEARING ON PETITION NO. 2019-039 BY DEPENDABLE DEVELOPMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 26.50 ACRES LOCATED ON THE WEST SIDE OF SALOME CHURCH ROAD, NEAR MOREHEAD ROAD, SOUTH OF I-85 FROM CC(SPA) (COMMERCIAL CENTER, SITE PLAN AMENDMENT) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said in the interest of time Ma'am Mayor; the petition is consistent with the area plan, we do recommend approval upon resolution of outstanding issues. I will defer our time over to the folks speaking in the public and let them have their opportunity to speak and answer questions from the Council.

Shaun Gasparini, 2649 Brekonridge Centre Drive, Monroe said I am here this evening on behalf of True Homes, the petitioner. This particular site is located at I-485 and I-85. It is currently zoned and approved for 380 apartments. We are looking at downzoning the property; the current proposal is for 250 a combination of single family and townhomes units. We have had the opportunity to meet with the Mallard Lake HOA. Those are the folks immediately south of the subject site. We have met with Councilmember Phipps as well. The next slide illustrates the current proposed plan, the Mallard Creek Apartments as it was previously known. You will see the massing of the structures; they are extremely large, three-story apartment buildings. The other impact of the plan previously was the opportunity for cut-through traffic through the site as you see there at that main artery. Here is the elevation for those apartment buildings. The current proposal will alleviate many of those concerns. If you look at the peach colored lots along the perimeter of the project; we've worked with our engineers to place single-family structure there, so they are adjacent to the existing single-family homes in the Mallard Lake HOA. As well we've reconfigured the road alignment to alleviate much of that concern regarding the cut through traffic. Some of the other benefits of the site I would note the off-street improvements are rather extensive on this one. We are going to provide a 12-foot wide multiuse path along the street frontage connecting up to the bridge at the overpass. Most importantly, is the opportunity for affordable home ownership with this project. We are looking to annex the property and we are working on that presently; hope to make that application later this week. If that were to be approved the vast majority of these units would qualify for the House Charlotte Program.

Ruel Smith, 10418 Greenhead View Road said I am a homeowner just off the bottom of that property where that pond is; my home is actually there. I have a couple concerns with the current plan, because there are a couple of intrinsic problems with it that aren't rather visible with the plan as listed. Number one, traffic, you will note that the exits onto Salome Church Road; there is an issue there. There will be two schools that are there and you would actually have additional traffic stopping school traffic in the morning and in addition to that anyone trying to get out of that community, either ours or theirs, will be cutting through our community to try to get out creating congestion at both of our entrances as well as creating congestion for the two schools that are there. I've seen the studies. I've also seen the CMS impact which is to Stoney Creek Elementary School that is there. This plan looks better than the previous one, however it is actually creating additional traffic issues. It also creates a noise issue. You will see that the border alongside of I-485; the trees that are there currently create a natural break from the noise so basically that entire community and our community will be exposed to the I-485 noise that is there right now. Unless there is a proposal to put some sort of sound barrier there you are actually creating a noisier community for this proposal and for ours.

In rebuttal Mr. Gasparina said we have completed a traffic impact analysis on this; that has been submitted to staff. We've been working closely with C-DOT and NC-DOT. I do believe that the cut-through traffic issue has been addressed to the extent that there is a potential impact with the adjacent schools. We will continue to work with C-DOT and NC-DOT on those. The second issue that was raised with respect to the noise and specifically

adjacent to the freeway. Following the neighborhood meeting we did reach out to NC-DOT to see if there were any plans for a noise barrier in this particular corridor. Unfortunately, there is not. That would have been fantastic for our future residents as well but unfortunately that is not in the cards at this time.

Mayor Lyles said have I have one question from our Zoning Committee; my understanding is the property borders a school site. Have you met with the school system about the development?

Mr. Gasparina said is that particular school a part of CMS?

Mr. Pettine said it is.

Mr. Gasparina said CMS was notified as part of the typical routing. In addition, we were required to notify all of the property owners within the specified square feet or distance of the property for the public information meeting. I'm not aware of any feedback other than what was included in the staff report from CMS.

Mayor Lyles said so, you did not meet with the staff, the real estate people or anyone in the school system?

Mr. Gasparina said no ma'am.

Councilmember Winston said again to the Zoning Commissioner's question in point; I don't know if there exists a process, other than notify through the channels, where you would actually sit down and talk with somebody from CMS about the impacts of our City land use decisions. We've often discussed that we need to find a way to have constructed conversations. As colleagues have brought up over time, just because we get these numbers about percentages, that speaks about the current situation, it doesn't speak to the forward thinking of CMS and how we kind of plan and work with that. I think to ask this developer to do something that doesn't exist it is on us to figure out a way to include that as part of the process.

Mr. Pettine said certainly the opportunity, or your option is there, but it is not one that we've seen on a regular basis where there are individual meetings on petitions with CMS other than the feedback that we get. So, any new wrinkles in the process that we can fold them in I think would be a welcome opportunity.

Mayor Lyles said I think it was just for information; it wasn't a requirement. I think they just wanted to know. It wasn't a did you meet this requirement.

Mr. Winston said I know when I've spoken with some people within the administration at CMS they don't have any clue about what is going on with these land use decisions and I think we just have to find a way.

Councilmember Phipps said I always find it interesting when we talk about school impacts we only talk about CMS and in addition to Stoney Point being adjacent to this particular project there is also a Charter School, Bradford Prep right across the street. It is a fairly new Charter School, and I think it is middle to high school so, you have two schools within a close proximity within the building envelope of this site. I was curious too in terms of the road connectivity given those two schools, the traffic in the mornings and I don't see where transportation comments have really addressed what could be a traffic calamity along Salome Church Road, even though they have made some improvements to the road. From our own traffic people have we really evaluated the entrance ways to this development in relation to both the Bradford Prep Charter School and the Stoney Point Elementary School in this corridor? I would be interested in knowing if C-DOT has any comments on that. I think that road is scheduled for some sort of widening at some point.

Felix Obregon, Transportation said the Bradford School is actually supposed to provide some widening at their entrance and also US 21 when they expand the school. They

haven't met that threshold yet, so that is why they haven't provided that. There are certain improvements they are going to provide. For this particular development, it was approved several years ago for 2,800 trips, and they are actually decreasing the number of trips by almost a third. They are reducing the amount of traffic they are going to generate.

Mr. Phipps said I have a question for Mr. Smith. I know that this particular rezoning goes back to 2014 where they had the multifamily configuration, and I know there was a lot of customer resistance to that plan. Are you saying that you had rather see that by-right development of the multifamily plan or this one?

Mr. Smith said you are asking me to choose between two bad choices and the picture actually tells more than I could even say. There is a spot right below this proposed community; you see those dots right there? That is Stoney Creek Elementary School, right above it are dots in the field, those are permanent trailers that have been there since the second year the school was there. The area is already overcrowded in terms of traffic. I take my kids to school every day, so I have to pass it. I see how bad it is. You are creating a bigger problem. I realize that you can't look at the schools as a part of your land use decision but think about land use. The land is being over used. So, I can't answer your question. You are asking me between bad and worse. You are going to create a noisy community. You are going to make my community noisy, and you are going to over burden a school that is already at 110%; you are taking it up to 121% and that is not including the trailers that are already there. I just wanted to put that on the record; it is in your paperwork.

Mr. Phipps said I appreciate those comments; thank you very much.

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

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ITEM NO. 46: HEARING ON PETITION NO. 2019-050 BY LAND GROWTH, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.45 ACRES LOCATED AT THE INTERSECTION OF EAST INDEPENDENCE BOULEVARD AND CROWNPOINT EXECUTIVE DRIVE FROM B-D (DISTRIBUTIVE BUSINESS) TO B-2 (GENERAL BUSINESS).

Mayor Lyles declared the hearing open.

David Pettine, Planning said the only thing to note on this petition; staff does recommend approval of it. It is a conventional B-2 proposal to use the site across the Hundi Dealership for some additional parking and some additional office space. Again, it is a conventional petition, so getting into the actual use is not something we will get through to this petition. Just one thing to point out is the land use inconsistency. The Independence Boulevard Area Plan back in 2011 recommended this site for TOD; that was based on the old alignment of the potential light rail going down Independence Boulevard. We are all aware that has been shifted onto Monroe Road at this point, so that is why you see the inconsistency in TOD. TOD would support uses in B-2, so while it inconsistent with that transit oriented, that transit-oriented development recommendation is really not potentially valid at this time given the new alignment of the light rail line going down into Matthews. I just wanted to point out that inconsistency. Staff does recommend approval of the petition.

Christopher Raab, 121 West Trade Street said I am with Caudle and Speers, here on behalf of Land Growth, LLC and I'm available to answer any questions you might have.

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

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ITEM NO. 47: HEARING NO. 2019-053 BY HOPPER COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.65 ACRES LOCATED OFF BRYANT PARK DRIVE, WEST OF SUTTLE AVENUE, NORTH OF WILKINSON BOULEVARD AND SOUTH OF MOREHEAD STREET FROM O-1 (OFFICE DISTRICT) AND I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this in the area where we've seen redevelopment between Wilkinson Boulevard, West Morehead Street and Suttle Avenue. The petition is currently zoned O-1, the proposed zoning is MUDD-O mixed use development, optional. The area plan is fairly well consistent with this petition. There is a small portion of this area recommended for office, so we have a minor inconsistency, but overall general consistent with the land use recommendation of the Bryant Park Land Use and Streetscape Plan back in 2007. Overall, we are looking at a proposal for 56 alley loaded townhomes, a little over 21 units per acre with a maximum building height of 55-feet. Architectural standards for the buildings, optional provisions to allow some different circulations between the buildings and the street. We have some transportation commitments to provide some additions of pedestrian connectivity and importantly this connection of Bryant Park Drive down to Morton Street. That will be another important connection that will help us continue to establish a network of streets in this area. Staff does recommend approval upon resolution of outstanding issues. We just want a little bit of an alternative to the optional provisions, they've got to now some building entrances. Overall, it is consistent, there is a slight inconsistency, but staff does recommend approval.

John Carmichael, 101 North Street said I'm here on behalf of Hopper Communities. With me are Clay McCullough of Hooper Communities and Nick Bushon of Design Resource Group. Nick has prepared the rezoning plan that is being considered tonight. In terms of the outstanding issues; I've talked to Grant Yache about it, and we have resolved it so there is no issue with respect to that. We are happy to answer any questions that you may have.

Councilmember Mayfield said we have it noted in here that we are utilizing the 2007 Bryant Park Land Use and Pedscape Plan and staff recommends approval of this petition upon resolution of the outstanding issues. I'm trying to understand our rationale for recommendations. What we have on here is the proposed residential development while not mixed use, or as intense as envisioned by the Bryant Park Land Use and Pedscape Plan, is consistent with the overall vision laid out in the plan for a mixed-use development. At the same time, we know that light rail is coming up Morehead Street and Wilkinson Boulevard. We have seen the impact of South End and having the conversations of TOD, even though we are in the process of updating our TOD. Why would this be considered a mixed-use development, optional versus a TOD when we know what the plan is going to be in the areas?

Mr. Pettine said the plan calls for mixed use based on what it was back in 2007. Obviously, they haven't updated the alignment for the Silver Line that is going to be studied from an engineering standpoint to determine what the final outcome is going to be. At that point, once we have that in place we may look at some area plans and look at recommendations for land use based on that. This plan just hasn't been updated to reflect that. We still feel the mixed-use components of this project or the overall area and this project fitting in with that from a mixed-use standpoint does provide some of the outcomes that would be similar to a transit supportive development. We've got redevelopment occurring along Morehead Street; this is somewhat of an infill within some of that larger context of redevelopment out here. So, overall, we are still looking at getting a mix of uses on this area between West Morehead Street, Wilkinson Boulevard and Suttle Avenue that would be supportive of transit should that come out there through the Wilkinson Boulevard Corridor. While it is not recommended for TOD, I think we are looking for the types of uses and integration from these sites that would be supportive of transit whether it is a TOD zoning or a MUDD-O zoning.

Ms. Mayfield said I'm going to direct this question to Mr. Jaiyeoba; when we are thinking about what our proposal is moving forward; we know that we missed some opportunities in South End, we know that we are trying to address the opportunities to secure land on the current rail station. It will be helpful to have an understanding of what is the vision; so, right now if we look around the immediate area where this development is being proposed you will see multiple projects and if my colleagues are looking on line with me you will see all the petitions that have been approved between 2015 up to 2017. Those projects have created a lot of high-end housing development that are going to benefit off of the public transportation infrastructure, so it will be helpful to have a vision of the area and what that looks like. Even though people obviously had a vision of what was going to happen, but impact and intent, that impact very well could have been the intent, and that is a complete changing of an entire community, not just one, but multiple communities and what is identified as Bryant Park versus Camp Greene and other communities that are in there and how that is playing out. It will be helpful to get a better understanding of what the plan is when we look at West Morehead Street, along Wilkinson Boulevard and looking along that entire corridor the impact of what it is that our goal for the City is. I don't really have a particular question for the petitioner; we can follow up for me to get more understanding of what it is we are trying to do.

Taiwo Jaiyeoba, Planning Director said I believe it was on Friday we released an RFP for the transit-oriented development study of the Silver Line that will go from Indian Trail and Stallings all the way to the Airport and we will be spending the next several months costing that vision of what transit-oriented development corridor should look like. I think this will be in that radius as well so, it is always good when you have resident ridership even before the system gets there in some cases, but I can't really speak much to that in terms of what our vision will look like until that study is done. What you are saying is definitely spot on in terms of what we should be looking at.

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

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ITEM NO. 48: HEARING ON PETITION NO. 2019-054 BY CEBRON W. HESTER FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.93 ACRES LOCATED ON THE NORTH SIDE OF LAKEBROOK ROAD, WEST OF SAM WILSON ROAD, SOUTH OF I-85 FROM I-1(CD) LWPA (LIGHT INDUSTRIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA) TO I-1 LWPA (LIGHT INDUSTRIAL, LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this petition is located on I-85 and Lakebrook Road. There is a previously existing factory direct Marine and RV was on the site as part of a conditional plan that had specific uses that were geared towards that use. That use has since moved and the petitioner is looking to rezone and go to a conventional I-1 district. Along that interstate area; there is I-2 conditional next to it, office and industrial on the other side of I-85. This is an area we are continuing to see some industrial development. It is consistent with that land use recommendation that was amended. Part of the 2016 petition that brought this as a conditional district amended that plan to recommend industrial uses; so, we are consistent with the recommendation as amended by that rezoning petition. Staff does recommend approval of this petition; it has been used for industrial uses and already has zoning for some industrial uses on it. It is adjacent to other industrial zoned properties along alone I-85.

Daniel Marsha, 1300 South Mint Street said I am with Whiteside Industrial Properties. I represent the petitioner, Cebron Hester, and I'm here to address any questions.

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

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ITEM NO. 49: HEARING ON PETITION NO. 2019-060 BY 4400 PARK ROAD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.31 ACRES LOCATED OFF OF DREXMORE AVENUE, SOUTH OF EAST WOODLAWN ROAD, WEST OF PARK ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO O2-(CD) (OFFICE DISTRICT, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is on Drexmore Avenue just off East Woodlawn Road bounded by Park Road as well. We have a prominent corner here with East Woodlawn Road and Park Road with a multistory office building. The proposal for this site is to take the R-4 zoned property and go to an O-2(CD). That conditional plan would be conditioned primarily for the use of an accessory parking area, commercial parking area for that office building at the corner of Park Road and Woodlawn Road that is adjacent to the site. The area plan adopted in 2013 does recommend single-family residential for this parcel, it does talk a little bit about developing other uses outside of that would really need to be part of assembling multiple parcels from the wedge neighborhood into a larger development. It is not encouraged and would be reviewed on a case by case basis. Staff reviewed this particular case, looked at the adjacency for single family both next to the property and across Drexmore Avenue and felt that it wasn't a good contextual fit for the site and for that residential community. It is a little bit too far intrusive into that existing neighborhood. Staff had those concerns and did not recommend moving this petition forward for approval. It is inconsistent with the area plan for the reasons mentioned. Our recommendation is to not approve the petition.

Walter Fields, 1919 South Boulevard said let me introduce Mark Fletcher, who is my client. He is with Mann Travel, and Mann is the principle kind of Mint Building and you all remember that building has been the Mann Travel Building, ever since I can remember. It is a third of an acre, very successful business, been there for years and years and they have a particular successful business in there now on the ground floor which is some sort of a workout facility which attracts very large numbers of people. They are very successful and one of the bad things sometimes that comes from success is you have unintended consequences and one of those is parking. There are a number of people that come and go from this facility during the course of the day. There is a regular office business there but there is this workout facility on the ground floor. What has happened as a result of their success is that parking has begun to spill out onto Drexmore Avenue and one of the things we heard loud and strong in our community meeting was that that is a problem. There is a nice lady who lives across the street, Christina Washington who said she has been blocked into her driveway by folks who were just there to get that morning workout or their afternoon workout or their noonday workout whichever it was. Over time it has gotten to the point where it makes some sense to start looking at what we can do to address that problem.

This piece of property is not a speculative request. The building owners at 4400 also owns this piece and own the piece between this piece and Park Road. David touched a little bit about assembly of property as mentioned in the land use plan for this area and that is in fact what has happened here. This is right on the edge of the Madison Park Community and they are particularly attentive to the land use changes which occur in their area based on my observations over the years and a lot of those folks came to our community meeting. By in large I will characterize it as being fairly well received. Folks thought there was something here that would improve the character of the area that wasn't an intrusion as it was characterized by the staff and in fact is something that will relieve an existing condition that has occurred in this community. When we first met with the staff to talk about this we walked away from that meeting, the pre-filing meeting with the notion that they were generally okay, they weren't waiving the banners, they weren't saying not over our dead bodies, but they realized there was a piece in the plan that

recognized the possibility that over time some of the properties along Drexmore, and it is just this little specific area, that these properties could be assembled with properties that fronted on Park Road with the motion being that they would all then be redeveloped in some fashion. Now to me that says the plan was already contemplating more intense uses, at least for the first two or three or four houses down Drexmore Avenue that backed up to those Park Road properties. Those words aren't in there, but I don't think you put a statement in the plan that contemplates the assemblage of property, so it can all be redeveloped and think it is going to be less or equal intensity to what is there today.

We would suggest to you that this is still a very low intensity use of this piece of property. There is a house there today; it has a setback today. Our parking, as we are proposing it is exactly the same setback as the house, so the area between the front of the existing house that would be removed, and Drexmore Avenue will be our tree save and a landscaped area. We have spent a lot of time with our next-door neighbor, the next house down. I went there in a pouring down thunderstorm and walked the back yard and walked the fence and Bryan Smith, our landscape designer, and our next-door neighbor who is here tonight as well have worked out a very specific landscaping plan. We committed to them that we would do this for their property edge, which is along the bottom side of the map you are looking at on your screen. It includes a board on board fence, it includes taking out some old trees, putting in some new trees and in fact giving this property owner the ability to have us design that edge the way they want it to be. They understand the need for the parking; I don't think there is any serious objection from anybody that we've heard about the parking. For the most part, what we've heard is folks think it is a good idea. We preserved the residential setback that is already there, we are adding this specific landscape plan to our zoning plan to address the specific desires of the only piece of property that adjoins this site that remains residential.

As I said, the area plan does contemplate something like this occurring. I'm not sure where you draw the line. I appreciate the staff saying well, they looked at it, and they decided that this wasn't one of those times that the plan talked about. I would suggest to you that this is an assemblage of property that fronts on Park Road and is a partial of some of that land and overtime it can be even more intense than what we are asking for here, but it can't without coming back to the City Council and asking for permission. So, we hope you will agree with us that having the already acquired this property to tie this piece of property, the 4400 Park Road, the Mann Travel Building property and the other property between this site and Park Road will now have internal connectivity, which they didn't have before. We are not adding a driveway to Drexmore Avenue; we are not adding anymore driveways to Park Road, we are simply improving circulation and providing for parking sufficient to accommodate the needs of the tenants in this building. We think that helps to solve an existing problem.

There are a couple things in the staff analysis, a couple technical issues, I don't think we have any concerns about how we might resolve those tree calculations on the map and etc. We said in our notes that we want a be lighting plan for our site to also be worked on with our neighbors because they are going to be living with it. I will take the staff direction as how you want us to pin that down. We can put a catalog of fixtures that might be used, and if that is okay with the neighbors then that would be something that the plan review could take a look at. The last thing is you all have talked a lot tonight about unmet needs, and I will assure you that every time I'm standing here I have one or two things in the staff analysis that talk about unmet needs. So, I'm going to ask you for some guidance, and I'm serious about this, because I've asked the staff and up the line in the staff and it is tough to get a direction. I think they would like to hear it from you. When we are asked to address a need which is totally unrelated to our development, in other words, we are not causing traffic, or we are not creating this, or we are not dumping stormwater, or we are not doing some of the things you heard about tonight, sometimes we don't really know how to respond to that. David, I think is very good about trying to work through some of these issues, but one of the things it is an unresolved issue which makes it sound like it is a bad thing is that we've had a request to do some improvements at the corner of Drexmore Avenue and Woodlawn Road by tearing out existing pedestrian ramps and putting in new pedestrian ramps. Now, there is nothing about that that relates to our project. There is nothing about what we are doing that triggers the demand to take public

improvements out and put other public improvements back in. So, I don't know that I necessarily need an answer for you all tonight, but speaking for myself and my clients, we very often are standing here with something on a staff analysis that makes it look like we are not stepping up or we are creating a problem. I would love to have some guidance from you all about how you want us to try to address those things, because at least theoretically they are supposed to be a relationship between impacts that we create and mitigation that we provide. This is one of those things where this is not an impact that we are creating, but we are being asked to provide mitigation. It is an unmet need; it is something the City would do eventually on its own, but I wanted to take a moment and just ask you all to think about, that and if you could give us some direction over time about how we should approach those. I would like to think that developers have to deal with, the impact they create, larger impacts are community responsibilities. It is a small thing, and I'm sorry to take up a minute and a half with that but on this very small case since the staff is opposed to it anyway we would like to understand how some of these things are going to be viewed by the Council when it comes back to you for a decision in September.

Councilmember Winston said I will speak for this Councilmember; I can't speak for any of my colleagues and just the description that you are saying about the unmet needs. One thing that I see, one of the top priorities as we talked about earlier tonight is using the opportunities where we have them to make our City more walkable, less car dependent, and I see that this rezoning specifically does the opposite of that, and it further enables the dependence on cars to get to work by increasing the parking space. You have to choose between the [inaudible] or the stick sometimes. Basically, what I see is that this is enabling, this is opposed to saying hey, you are doing more business; we'll find different ways, especially in an area that is less dense that there are more challenges for walkability. I'm just assuming perhaps staff is saying this is making it a less walkable area, more car dependent, is there something that we can do that balances out the priorities that is still relevant to maybe not the specific parcel that you have but makes the area more walkable if there is an improvement. I don't know if that is the case but when I hear that, that is my hot take.

I do have a question for C-DOT; something that doesn't make sense here under the vehicle trip generation, we are adding parking spaces, but we are saying that there are zero trips per day generated in this place where there is specifically supposed to be car trips generated. Just fact based how does that square?

Mr. Pettine said the use itself of just a parking lot doesn't specifically generate any trips. Now, if we wanted to look at what the trips were for the office building that will be folded into this site; the folks are already coming to the site from the office to go to either work or to go the fitness center that is there, so we are not generating anything new; we are just creating more space for those trips to be absorbed into the parking area rather than into the neighborhood. That is where there is zero trip generation.

Councilmember Driggs said I just wanted to ask quickly, if the assemblage of parcels into larger developments took place, might they include surface parking?

Mr. Pettine said they would, and I think when we looked at that note for the assemblage of parcels we looked at a redevelopment opportunity that would actually take the site as a whole and do some redevelopment, not an infill of a commercial parking lot into the neighborhood. If we looked at the whole four corners of this property and we assembled those and said we are going to do a completely brand-new type of project and reimagine this corner, I think that is where staff might have viewed that a little bit differently, but just the addition of a parking lot into the residential area we didn't really see an assemblage of parcels that allowed a much different outcome than what was already out there. It is just providing additional parking for what we've got.

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

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ITEM NO. 50: HEARING ON PETITION NO. 2010-065 BY CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.17 ACRES LOCATED NORTH OF WILKINSON BOULEVARD, EAST OF I-485 AND SOUTH OF I-85 FROM B-2 AIR LLWPA (GENERAL BUSINESS, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA) TO I-2 AIR LLWPA (GENERAL INDUSTRIAL AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is approximately 15-acres between I-485 and I-85. It is going from B-2 to an I-2 conventional so no conditional plan to consider. It is consistent with the general land use patterns out there in zoning; it is also consistent with the area plan. Staff recommends approval and be happy to answer any questions.

Councilmember Mayfield said not a direct question on this piece, but it would be helpful if you would slow down a little bit when you are speaking, because a lot of that sounds like we are at an auction, and I'm trying to hear everything that you are saying.

Mr. Pettine said I understand. I'm just trying to get through our agenda.

Ms. Mayfield said right, but it helps for us; I'm not speaking for my colleagues, I'm just asking if we can just slow down a little when going through it. This one doesn't pop out in my mind with all the multi meetings and everything as far as understanding exactly what are we proposing over here?

Mr. Pettine said we are proposing to go from a commercial B-2 zoning classification to an industrial I-2 classification. We've got these two parcels on Wilkinson Boulevard that are split by industrial zoning around it. They are taking these two pieces between Wilkinson Boulevard and Tuckaseegee Road, bring it into I-2. So, this entire area between I-2, and Barry Drive with the exception of these two little slivers here would all be I-2 zoning conventional, no conditional plan involved.

There being no speakers, either for or against, a motion was made by Councilmember Mayfield, seconded by Councilmember Egleston, and carried unanimously to close the public hearing.

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ITEM NO. 51: HEARING ON PETITION NO. 2019-066 BY FCP FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.18 ACRES LOCATED ON THE EAST SIDE OF 36TH STREET AND NORTH OF NORTH DAVIDSON STREET FROM I-2(GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is a general clean-up rezoning to take that I-2 and fold it into the TOD-UC that is out there.

There being no speakers, either for or against, a motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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ITEM NO. 52: HEARING ON PETITION NO. 2019-067 BY JD BROOKS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.15 ACRES LOCATED ON THE NORTH SIDE OF EAST WORTHINGTON AVENUE, EAST OF SOUTH BOULEVARD FROM B-1 HD-O (NEIGHBORHOOD BUSINESS, HISTORIC DISTRICT OVERLAY) TO TOD-UC HD-O (TRANSIT ORIENTED DEVELOPMENT – URBAN CENTER, HISTORIC DISTRICT OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is nothing out of the ordinary. It is a B-1 zoning looking to go to TOD-UC. It is consistent with the adopted future land use plan for this area along South Boulevard and Cleveland Avenue and Worthington Avenue. Staff doesn't have any significant concerns. Our recommendation is for approval and it is consistent.

There being no speakers, either for or against, a motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to close the public hearing.

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ADJOURNMENT

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

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



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 25 Minutes
Minutes Completed: August 21, 2019