

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Tuesday, January 21, 2020, at 5:36 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Dimple Ajmera, Ed Driggs, Larken Egleston, Malcolm Graham, Renee Johnson, Matt Newton, Victoria Watlington, and Braxton Winston II.

ABSENT: Mayor Vi Lyles and Councilmembers Tariq Bokhari and James Mitchell.

Mayor Pro Tem Eiselt said Mayor Lyles and Councilmember Bokhari are both traveling on City business this evening and Councilmember Mitchell is not feeling well.

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INVOCATION AND PLEDGE

Councilmember Ajmera gave the invocation followed by the Pledge of Allegiance to the Flag.

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EXPLANATION OF THE ZONING MEETING

Mayor Pro Tem Eiselt explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Sam Spencer, Chair of the Zoning Committee introduced the members of the Zoning Committee. The Zoning Committee will meet Thursday, February 4, 2020, at 5:30 p.m. to make recommendations on the petitions heard in the public hearing 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 AND WITHDRAWALS

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to defer: decisions Item No. 5, Petition No. 2019-009 by Joseph Rhodes; Item No. 8, Petition No. 2019-069 by Harrison Tucker-CoHab LLC; and Item No. 9, Petition No. 2019-080 by Seahawk Partner Holdings, LLC, to February 17, 2020; defer Hearings on Item No. 26, Petition No. 2019-111 by Hive Fitness, LLC; and Item No. 28, Petition No. 2019-109 by Miriam E. Franco to March 16, 2020; and to withdraw Item No. 29, Petition No. 2019-117 by Montana Drive OZ Fund, LLC.

Item No. 4: Petition 2019-006 by Amerco Real Estate Company was mistakenly added to the agenda.

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DECISIONS

ITEM NO. 6: ORDINANCE NO. 2718-Z, PETITION NO. 2019-030 BY CONTINENTAL 475 FUND, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 30.73 ACRES LOCATED ON THE NORTH SIDE OF SOUTH TRYON STREET, SOUTH ERWIN ROAD, EAST OF CHOATE CIRCLE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-12MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

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: This petition is found to be inconsistent with the Steele Creek Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends 4 dwelling units per acre on the northern portion of the property (Erwin Road) and 8 dwelling units per acre on the southern portion (South Tryon Street). However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petitioner has reduced the number of units from 312 to 272, and the density from 10.2 DUA to 8.85 DUA. The proposed density of 8.85 DUA exceeds the 4 and 8 DUA recommendations for the site. The project layout has been adjusted to move buildings further away from existing single-family residential homes to the south. The proposed development provides transportation improvements, including a new public road that will connect South Tryon Street to Erwin Road, and a multi-use path and CATS bus waiting pad on South Tryon Street. The proposed development provides a buffer between the proposed multi-family and existing single family on adjacent properties. The buildings will be limited to a height that is compatible with neighboring development. The proposed development is consistent with the existing mix of residential housing in the area. The petition provides common open space and amenity areas to support the proposed residential project.

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

1. Add a commitment to a right turn lane on Erwin Road to help alleviate the traffic at the intersection with Steele Creel Road.

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

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-030 by Continental 475, LLC, as modified, and to adopt the following Statement of Consistency: This petition is found to be inconsistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends 4 dwelling units per acre on the northern portion of the property (Erwin Road), and 8 dwelling units per acre on the southern portion (South Tryon Street). However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petitioner has reduced the number of units from 312 to 272, and the density from 10.2 DUA to 8.85 DUA. The proposed density of 8.85 DUA exceeds the 4 and 8 DUA recommendations for the site. The project layout has been adjusted to move buildings further away from existing single-family residential homes to the south. The proposed development provides transportation improvements, including a new public road that will connect South Tryon Street to Erwin Road, and a multi-use path and CATS bus waiting pad on South Tryon Street. The proposed development provides a buffer between the proposed multi-family and existing single family on adjacent properties. The buildings will be limited to a height that is compatible with neighboring development. The proposed development is consistent with the existing mix of residential housing in the area. The petition provides common open space and amenity areas to support the proposed residential project.

Councilmember Watlington said I just want to make sure that I address a couple of things on this one. First of all, I want to say thank you to the staff and the development engineers. I know we worked on this for quite some time, and it is very, very important to me that overall as we are making these decisions we are maintaining a competitive advantage that our City has, and I think that we have quite a few amenities but we also have convenient, and if we are to preserve this we've got to look for ways to partner with the development community to address traffic as we grow, particularly in places like Steele Creek where we don't have access to transit. I look forward to covering all of the options that we are working on as a City staff in our Town Hall in the spring. When it comes to physical mobility, we know what the key enabler for affordable housing and economic mobility, like I said, especially in places where we don't have transit we've got to rely on our vehicular traffic to be able to get around. We know that with the delay in state-funded improvements on our highways, we are feeling that strain of additional development, whether through rezoning or by right development without infrastructure improvements on these roads. We understand that is obviously a problem, and we need traffic congestion relief today. So, for me, the fundamental question that I have to ask with every new development is what is the net impact to commute time as a result of this proposed development or in other words, will this development make traffic worse? That is the fundamental question, so in regard to this particular petition, I worked closely with staff and development traffic engineers to answer that question. So, since the last rezoning as you heard the changes that were made, a traffic study has been conducted, and I had an opportunity to review the traffic study which indicates the following: the current delay during peak hours at Erwin Road and Steele Creek Road intersection is 56 seconds in the a.m. and just over 11 minutes in the p.m. As a result of this traffic study, Continental, as you know, has proposed an additional roadway investment, which is over and above the public road that they have already committed to, and it is that 250-foot dedicated turn-lane at Erwin Road and Steele Creek Road. With this proposed improvement, even without the widening of Steele Creek Road, the analysis results indicate a 45% decrease in delay in the a.m. peak hour and 54% for a six-minute deduction in delay in the p.m. peak hour compared to the existing conditions at this intersection. That means it is already better than what we have today even without the widening of Steele Creek Road, even with the increase in trips due to this development. This decrease is even larger, almost 15-minutes, when compared to the future scenario with only by right development. So, what that is saying is if we looked into the next couple of years, and we only did by right development in this area versus what this improvement that Continental is doing, we would see an increase in our traffic by 15-minutes. So, we are avoiding a future 15-minute addition to our commute time by working with Continental to do this improvement. At the Erwin Road and South Tryon Street intersection, the

forecast impact to delay during peak hours is less than 10 seconds versus by right development, and that doesn't require a mitigation plan versus our TIS regulations. So, that is why I'm supporting the approval of this development, but I just want to make sure that is clear, that we did look at the data, and I do believe we've got a solution here that is going to improve our current traffic conditions immediately and also, put us in a position to avoid additional delays in traffic from our by right development.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 689-690.

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ITEM NO. 7: ORDINANCE NO. 9719-Z, PETITION NO. 2019-035 BY NOVANT HEALTH, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 40.43 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF JOHNSTON ROAD AND PROVIDED ROAD WEST FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO INST (CD) (INSTITUTIONAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Ham, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends single family residential uses up to 3 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 although the proposal is inconsistent with the specific recommendation in the area plan, the plan does not provide specific guidance for institutional and medical land uses. The proposed health institution and medical office use will complement the node of commercial, hospitality and restaurant uses located at the intersection of Johnston Road (Hwy 521) and Providence Road West. Providence Road West is a major collector but in the future Bryant Farms Road, a major east/west thoroughfare, will tie into Providence Road West along the site frontage. The proposed site plan includes a new street connection between Johnston Road and Providence Road West and a tree save space between the new street and the single-family residential area to the south. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential at up to 3 units per acre to institutional uses for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-035 by Novant Health, Inc. and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends single family residential uses up to 3 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 although the proposal is inconsistent with the specific recommendation in the area plan, the plan does not provide specific guidance for institutional and medical land uses. The proposed health institution and medical office use will complement the node of commercial, hospitality and restaurant uses located at the intersection of Johnston Road (Hwy 521) and Providence Road West. Providence Road West is a major collector but in the future Bryant Farms Road, a major east/west thoroughfare, will tie into Providence Road West along the site frontage. The proposed site plan includes a new street connection between Johnston Road and Providence Road West and a tree save space between the new street and the single-family residential area to the south. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential at up to 3 units per acre to institutional uses for the site.

Councilmember Driggs said I just wanted to thank Novant Health for their extensive outreach to the community and responsiveness to some of the issues that were raised by

nearby residents, and I look forward to a continued good relationship as the construction here proceeds.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 691-692.

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ITEM NO 10: ORDINANCE NO. 9720-Z, PETITION NO. 2019-092 BY CAROLINA DEVELOPMENT GROUP NC, LLC AMENDING THE OFFICIAL ZONING MAY OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.98 ACRES LOCATED ON THE EAST CORNER OF THE INTERSECTION OF NORTH SMITH STREET AND WEST 10TH STREET, SOUTH OF BROOKSHIRE FREEWAY FROM I-1 HD-O (LIGHT INDUSTRIAL, HISTORIC DISTRICT OVERLAY) TO UMUD-O HD-O (UPTOWN MIXED USE, HISTORIC DISTRICT OVERLAY).

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the 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 proposal allows a site previously used for a distribution warehouse and associated parking and maneuvering, to be developed with 320 residential units and 5000 square feet of retail. Use of UMUD (uptown mixed-use development) zoning applies standards and regulations to create the desired form and intensity of development. UMUD (uptown mixed-use development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The UMUD standards and allowed uses will promote development that supports the Charlotte Center City 2020 Vision Plan's goal of creating a viable and livable Center City.

The following changes were made after the Zoning Committee's recommendation; therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.

1. Increased the allowable commercial square footage from 5,000 square feet to 6,500 square feet. This increase was already captured in the approved Traffic Impact Study.
2. Added clarifying note regarding acquisition of right-of-way for off-site transportation improvements.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton and carried unanimously to not send this petition back to the Zoning Committee for further review.
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Motion was made by Councilmember Graham, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-092 by Carolina Development NC, LLC, as modified, and to 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 proposal allows a site previously used for a distribution warehouse and associated parking and maneuvering, to be developed with 320 residential units and 5000 square feet of retail. Use of UMUD (uptown mixed-use development) zoning applies standards and regulations to create the desired form and intensity of development. UMUD (uptown mixed-use development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The UMUD standards and allowed uses will promote development that supports the Charlotte Center City 2020 Vision Plan's goal of creating a viable and livable Center City.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 693-694.

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ITEM NO. 11: ORDINANCE NO. 9721-Z, PETITION NO. 2019-094 BY ANDREW PARKER AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .41 ACRES LOCATED ALONG THE SOUTHERN PORTION OF NORTH DAVIDSON STREET BETWEEN CHARLES AVENUE AND EAST 32ND STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Gussman, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Blue Line Extension Transit Station Area Plan 36th Street Station Plan based on the information from the post hearing staff analysis and the public hearing and because the Plan recommends residential uses up to 5 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 the adopted plan for this property states that "moderate density" may be appropriate in some locations if the proposal meets Community Design Policies guidance found in the BLE Extension Transit Station Area Plan." This proposal commits to multiple design elements including impervious surfaces, preserved natural areas around stream buffers, and architectural elements, and pedestrian improvements. The petition supports the plan's land use goals that seek to "accommodate higher intensity uses that support the various transportation systems throughout the Corridor, while protecting the fabric of residential neighborhoods and providing the opportunity for housing." This petition is protecting the fabric of the surrounding neighborhood and saving existing housing from demolition by proposing development on a currently vacant site along the N. Davidson Street corridor. Land uses surrounding the subject property are similar in context and density, in particular with the site directly north of the subject property.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-094 by Andrew Parker, and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Blue Line Extension Transit Station Area Plan 36th Street Station Plan based on the information from the final staff analysis and the public hearing and because the Plan recommends residential uses up to 5 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 the adopted plan for this property states that “moderate density” may be appropriate in some locations if the proposal meets Community Design Policies guidance found in the BLE Extension Transit Station Area Plan.” This proposal commits to multiple design elements including impervious surfaces, preserved natural areas around stream buffers, and architectural elements, and pedestrian improvements. The petition supports the plan’s land use goals that seek to “accommodate higher intensity uses that support the various transportation systems throughout the Corridor, while protecting the fabric of residential neighborhoods and providing the opportunity for housing.” This petition is protecting the fabric of the surrounding neighborhood and saving existing housing from demolition by proposing development on a currently vacant site along the N. Davidson Street corridor. Land uses surrounding the subject property are similar in context and density, in particular with the site directly north of the subject property.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 695-696.

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ITEM NO. 12: ORDINANCE NO. 9722-Z, PETITION NO. 2019-110 BY JAY PATEL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.24 ACRES LOCATED NORTH OF CENTRAL AVENUE, WEST OF HAWTHORNE LANE, EAST OF HEATH COURT FROM MUDD-O (PED) (MIXED USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY DISTRICT) TO TOD-CC (PED) (TRANSIT ORIENTED DEVELOPMENT - TRANSIT COMMUNITY CENTER, PEDESTRIAN OVERLAY DISTRICT).

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Plaza-Central Pedscape Plan with respect to proposed land use, 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 information from the post hearing staff analysis and the public hearing and because the request is consistent with the neighborhood character around the intersection of Central Avenue and Hawthorne Lane and would allow for a similar, complimentary mixture of land uses. As written, TOD-CC may be applied to parcels that are within a 1/4 mile walk of an adopted streetcar stop and have compatible adopted future land uses. The site’s location within a 1/4 walk of the adopted LYNX Gold Line Sunnyside stop on Hawthorne Lane and mixed-use land use recommendation make it an appropriate location for the TOD-CC district. The rezoning would eliminate the conditional uses now attached to it though petition 2016-046, which commits the subject property to providing up to 124,800 SF of mini-warehouse uses. This petition would allow a richer mix of uses to help this property in keeping with the vision of the Plaza-Central Pedscape Plan’s overall vision of “creating a vibrant, mixed use district...”.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-110 by Jay Patel and adopt the following Statement of Consistency: This petition is found to be consistent with the Plaza-Central Pedscape Plan with respect to proposed land use, 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 information from the final staff analysis and the public hearing and because the request is consistent with the neighborhood character around the intersection of Central Avenue and Hawthorne Lane and would allow for a similar, complimentary mixture of land uses. As written, TOD-CC may be applied to parcels that are within a 1/4 mile walk of an adopted streetcar stop and have compatible adopted future land uses. The site's location within a 1/4 walk of the adopted LYNX Gold Line Sunnyside stop on Hawthorne Lane and mixed-use land use recommendation make it an appropriate location for the TOD-CC district. The rezoning would eliminate the conditional uses now attached to it though petition 2016-046, which commits the subject property to providing up to 124,800 SF of mini-warehouse uses. This petition would allow a richer mix of uses to help this property in keeping with the vision of the Plaza-Central Pedscape Plan's overall vision of "creating a vibrant, mixed use district..."

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 697-698.

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ITEM NO. 13: ORDINANCE, NO. 9723-Z, PETITION NO. 2019-124 BY GVEST CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.86 ACRES LOCATED NORTH OF MONROE ROAD, WEST OF EATON ROAD AND EAST OF SHADE VALLEY ROAD FROM O-6(CD) (OFFICE, CONDITIONAL) AND R-17MF (MULTIFAMILY) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is to be consistent with the Independence Boulevard Area Plan for majority of the site, however, it is inconsistent with the Plan recommendation for the portion of the site abutting Monroe Road, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential up to 22 units to the acre for the majority of the site; and the plan recommends office/retail use for the portion of the site abutting Monroe Road. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because this petition proposes 75 new townhomes, resulting in a density of 12.8 units per acre, a density lower than the plan would support. The project provides a transition from the single-family residential areas along Eaton Road to the R-17MF multi-family along Shade Valley Road. The project preserves the existing office buildings adjacent to Monroe Road. The site plan mitigates impacts to existing single-family homes by committing to a 20-foot landscape area and limits the height of units to 42 feet abutting single family homes to the east.

Motion was made by Councilmember Newton, seconded by Councilmember Ajmera, to approve Petition No. 2019-124 by Gvest Capital, LLC and adopt the following Statement of Consistency: This petition is to be consistent with the Independence Boulevard Area Plan for majority of the site, however, it is inconsistent with the Plan recommendation for the portion of the site abutting Monroe Road, based on the information from the final staff analysis and the public hearing and because the plan recommends residential up to 22 units to the acre for the majority of the site; and the plan recommends office/retail use for the portion of the site abutting Monroe Road. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes 75 new townhomes, resulting in a density of 12.8 units per acre, a density lower than the plan would support. The project provides a transition from the single-family residential areas along Eaton Road to the R-17MF multi-family along Shade Valley Road. The project preserves the existing office buildings adjacent to Monroe Road. The site plan mitigates impacts to existing single-family homes by committing to a 20-foot landscape area and limits the height of units to 42 feet abutting single family homes to the east.

Councilmember Winston said this was the one we had a lot of discussion during the hearing about access points and this adding to an unsustainable approach along Monroe Road. Can somebody speak to some of the changes that have been made? I know there was a question about the church's property here and the ability to create a street that goes onto Eaton Road perhaps to relieve some of the access point congestion.

Dave Pettine, Planning said were not any significant changes to the proposed transportation network. We still have the main access coming off of Monroe Road; the stub streets to the church property where the parking lot is that would eventually tie us into Eaton Road and then we've got a few stubs that come into where the apartment complex is off of Shade Valley Road. If there is some redevelopment on any of those adjacent parcels we could provide that connectivity back through to Shade Valley Road, but for now, we are focused mainly on the access point on Monroe Road and then setting up stub streets for future connectivity if development occurs either on Eaton Road or Shade Valley Road on those adjacent parcels. We didn't get any coordination between the church and the petitioner. I don't believe that was out of any effort to do so; I just don't think the church was ready at this time to provide any connection through their property.

Councilmember Newton said it is my understanding that the petitioner has worked with the community in resolving these access and egress point issues and that the petitioner has reached out to the adjoining church property to allow for access and egress through the property for emergency purposes, and we might be better suited to hear from the petitioner themselves if they are willing or available for comment on that.

Mr. Winston said I would like to hear about that if something was brought up.

Bridget Grant, 100 North Tryon Street said we did reach out to the adjacent church property and asked about emergency access to be provided. It is not required, and they are still considering that option, so it has not been confirmed, but they are considering it. It is not a required connection; we are providing the required stubs to both property lines as shown on the proposed rezoning plan.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, and Watlington.

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 699-700.

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ITEM NO. 14: ORDINANCE NO. 9724-Z, PETITION NO. 2019-125 BY SCOC-MALLARD CROSSING, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.43 ACRES LOCATED ON THE EAST SIDE OF PROSPERITY CHURCH ROAD, NORTH OF MALLARD CREEK ROAD FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-1 (CD) SPA (NEIGHBORHOOD BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee vote 7-0 (motion by Gussman, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent 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 retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because this petition seeks to rezone Mallard Crossing, a shopping center with multiple commercial buildings. Upon approval of petition 1991-03(c), the site was limited to 63,000 square feet of uses allowed in the B-1 zoning district. The owner of Mallard Crossing is in the process of renovating and establishing new tenants in the exiting shopping building as allowed by the existing site zoning. However, as part of the renovation, a minor building expansion to accommodate a new tenant is needed. This minor building expansion cannot be accomplished under the existing site zoning as it exceeds the allowed square footage for the shopping center. The petition seeks to increase the permitted square footage by 6,500 square feet. The area plan supports this effort with additional language noting that, "lying strategically between many residential communities and the University Research Park, this area should continue to grow and serve the surrounding community." Approval of this petition would allow the shopping center to adapt to better serve the surrounding community.

Motion was made by Councilmember Johnson, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2019-125 by SCOC-Mallard Crossing, LLC and adopt the following Statement of Consistency: This petition is found to be consistent 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 retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition seeks to rezone Mallard Crossing, a shopping center with multiple commercial buildings. Upon approval of petition 1991-03(c), the site was limited to 63,000 square feet of uses allowed in the B-1 zoning district. The owner of Mallard Crossing is in the process of renovating and establishing new tenants in the exiting shopping building as allowed by the existing site zoning. However, as part of the renovation, a minor building expansion to accommodate a new tenant is needed. This minor building expansion cannot be accomplished under the existing site zoning as it exceeds the allowed square footage for the shopping center. The petition seeks to increase the permitted square footage by 6,500 square feet. The area plan supports this effort with additional language noting that, "lying strategically between many residential communities and the University Research Park, this area should continue to grow and serve the surrounding community." Approval of this petition would allow the shopping center to adapt to better serve the surrounding community.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 701-702.

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ITEM NO. 15: ORDINANCE NO. 9725-Z, PETITION NO. 2019-127 BY REGAL ESTATES LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.85 ACRES LOCATED ON THE SOUTH SIDE OF MORRIS FIELD DRIVE AND THE WEST

SIDE OF EATON CIRCLE, EAST OF AIRPORT DRIVE FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-8 MF (MULTIFAMILY RESIDENTIAL).

The Zoning Committee voted 6-1 (motion by McClung, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be 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 single family 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 petition is inconsistent with the land use recommendation for single family up to 4 DUA for this site. However, the site is located at an intersection within an activity center that could support a small increase in density. The site is currently developed as a duplex which is permitted on corner lots within the R-4 zoning district. The petition meets the General Development Policies locational criteria for consideration of up to 6 dwellings per acre.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-127 by Regal Estates, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends single family 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 petition is inconsistent with the land use recommendation for single family up to 4 DUA for this site. However, the site is located at an intersection within an activity center that could support a small increase in density. The site is currently developed as a duplex which is permitted on corner lots within the R-4 zoning district. The petition meets the General Development Policies locational criteria for consideration of up to 6 dwellings per acre.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 703-704.

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ITEM NO. 16: ORDINANCE NO. 9726-Z, PETITION NO. 2019-129 BY LEE MYNHARDT, MYNHARDT INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.34 ACRES LOCATED ALONG THE EASTERN PORTION OF EAST 35TH STREET BETWEEN NORTH MCDOWELL STREET AND SPENCER STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO R-6 (SINGLE FAMILY RESIDENTIAL).

The Zoning Committee vote 7-0 (motion by McClung, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the 36th Street Station Area Plan with respect to proposed land use, based on the information from the post hearing staff analysis and the public hearing, and because the Plan recommends residential uses at up to five 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 slightly denser than what is recommended in the 36th Street Transit Station Area Plan, the plan also “supports opportunities for infill residential development with similar densities and design character as the existing mill village character” and notes that “moderate density may be appropriate in some areas.” The request, which is ultimately to address the unique dimension and layout of the subject property and to create an infill residential unit on currently unused land, is supported by the land use plan policies that support the opportunities for residential infill. The request is in line with other approved rezonings (2012-080; 2007-087) in the area that have been submitted in order to subdivide a single parcel into two lots. The request will allow for the construction of a single detached dwelling unit fronting on a public street on a lot size that will closely match the character of the surrounding neighborhood.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2019-129 by Lee Mynhardt, Mynhardt investments, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the 36th Street Station Area Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends residential uses at up to five 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 slightly denser than what is recommended in the 36th Street Transit Station Area Plan, the plan also “supports opportunities for infill residential development with similar densities and design character as the existing mill village character” and notes that “moderate density may be appropriate in some areas.” The request, which is ultimately to address the unique dimension and layout of the subject property and to create an infill residential unit on currently unused land, is supported by the land use plan policies that support the opportunities for residential infill. The request is in line with other approved rezonings (2012-080; 2007-087) in the area that have been submitted in order to subdivide a single parcel into two lots. The request will allow for the construction of a single detached dwelling unit fronting on a public street on a lot size that will closely match the character of the surrounding neighborhood.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 705-706.

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ITEM NO. 17: ORDINANCE NO. 9727-Z, PETITION NO. 2019-130 BY GREENWAY HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .43 ACRES LOCATED ON THE WEST SIDE OF PARK ROAD AND NORTH SIDE OF DREXEL PLACE FROM MUDD(CD) (MIXED USE DEVELOPMENT, CONDITIONAL) TO MUDD (CD) SPA (MIXED USE DEVELOPMENT, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Park Woodlawn Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential/office/retail land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the petition proposes an office building at the corner of Drexel Place and Park Road, consistent with the plan and consistent with the depth of other commercial property depths along Park Road. The project removes a single-family home to create additional parking; however, it also provides cross access for residents on Drexel Place to access the traffic signal at Heather Lane. The project will provide an enhanced streetscape and pedestrian improvements in the form of planting strips and sidewalks. The project proposes to install a five-foot wide waiting pad for CATS bus route #19 on Park Road.

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to approve Petition No. 2019-130 by Greenway Holdings, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Park Woodlawn Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential/office/retail land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition proposes an office building at the corner of Drexel Place and Park Road, consistent with the plan and consistent with the depth of other commercial property depths along Park Road. The project removes a single-family home to create additional parking; however, it also provides cross access for residents on Drexel Place to access the traffic signal at Heather Lane. The project will provide an enhanced streetscape and pedestrian improvements in the form of planting strips and sidewalks. The project proposes to install a five-foot wide waiting pad for CATS bus route #19 on Park Road.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 707-708.

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ITEM NO.18: ORDINANCE NO. 9728-Z, PETITION NO. 2109-131 BY RED CEDAR CAPITAL PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.57 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF OLD PLANK ROAD AND BAUCOM STREET FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-4 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA).

The Zoning Committee vote 7-0 (motion by McClung, 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 Northwest District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends single family land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed R-4 zoning district, is consistent with the existing land use recommendation of single family up to 4 DUA for this site. The site is in an area that is predominantly residential in nature, and the R-4 zoning request would be compatible with the R-3 zoning found around the site and the request would provide the ability to provide a moderate increase in the number of units, while maintaining compatibility and consistency with the area.

Motion was made by Councilmember Graham, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-131 by Red Cedar Capital Partners and adopt the following Statement of Consistency: This petition is found to be consistent with the Northwest District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends single family land uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed R-4 zoning district, is consistent with the existing land use recommendation of single family up to 4 DUA for this site. The site is in an area that is predominantly residential in nature, and the R-4 zoning request would be compatible with the R-3 zoning found around the site and the request would provide the ability to provide a moderate increase in the number of units, while maintaining compatibility and consistency with the area.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 709-710.

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ITEM NO. 19: ORDINANCE NO. 9729-Z, PETITION NO. 2019-132 BY LENNAR MULTIFAMILY COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.90 ACRES LOCATED ON THE SOUTH SIDE OF VERBENA STREET, NORTH OF YEOMAN ROAD, WEST OF NATIONS CROSSING ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-TR (TRANSIT ORIENTED DEVELOPMENT – TRANSITION).

The Zoning Committee voted 7-0 (motion by Wiggins, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Woodlawn Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends office/industrial warehouse land uses for this site. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is just over ½ mile from Woodlawn Station on the LYNX Blue Line. Since the adoption of the plan, TOD and mixed-use development has advanced in the Lower South End area in the direction of this parcel significantly. The proposal allows a site previously used for industrial/office to convert to transit supportive land uses. Use of conventional TOD-TR 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 TOD-TR district may be applied to parcels within 1-mile walking distance of an existing rapid transit station.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-132 by Lennar Multifamily Communities, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Woodlawn Station Area Plan, based on the information from the staff final analysis and the public hearing and because the plan recommends office/industrial warehouse land uses for this site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is just over ½ mile from Woodlawn Station on the LYNX Blue Line. Since the adoption of the plan, TOD and mixed-use development has advanced in the Lower South End area in the direction of this parcel significantly. The proposal allows a site previously used for industrial/office to convert to transit supportive land uses. Use of conventional TOD-TR 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 TOD-TR district may be applied to parcels within 1-mile walking distance of an existing rapid transit station.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 711-712.

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ITEM NO. 20: ORDINANCE NO. 9730-Z, PETITION NO. 2019-133 BY GREG ZANITSCH, TBGC, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .20 ACRES LOCATED AT THE NE CORNER OF THE INTERSECTION OF KENNON STREET AND PEGRAM STREET IN THE BELMONT COMMUNITY FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 7-0 (motion by McClung, 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 Belmont Area Revitalization Plan with respect to proposed land use, based on the information from the post hearing staff

analysis and the public hearing, and because the Plan recommends residential uses at up to five 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 the petition's proposed adaptive reuse of an existing neighborhood building satisfies the plan's guiding principle of taking a preservation-oriented approach by retaining the existing building on site. The petition is in alignment with the plan's Land Use and Development Goals and Objectives in that it attempts to balance the provision of service retail with the protection of residential areas. The petition proposes to improve the site's interaction with surrounding single-family residential uses by committing to install a green screen/vegetation around the parking area.

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

1. Added a note that commits to removing or replacing flood light(s) located on the existing building with full cut-off fixtures.
2. Added a note committing to work in good-faith to secure off-site parking.

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

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to approve Petition No. 2019-133 by Greg Zanitsch, TBGC, LLC, as modified, and to adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends residential uses at up to five 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 the petition's proposed adaptive reuse of an existing neighborhood building satisfies the plan's guiding principle of taking a preservation-oriented approach by retaining the existing building on site. The petition is in alignment with the plan's Land Use and Development Goals and Objectives in that it attempts to balance the provision of service retail with the protection of residential areas. The petition proposes to improve the site's interaction with surrounding single-family residential uses by committing to install a green screen/vegetation around the parking area.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 713-714.

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ITEM NO. 21: ORDINANCE NO. 9731-Z, PETITION NO. 2019-134 BY DJ FAMILY FARMS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.27 ACRES LOCATED ON THE NORTH SIDE OF WEST POINTE DRIVE, EAST OF SAM WILSON ROAD, NORTH OF I-85 FROM R-3 LLWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE WATERSHED PROTECTED AREA) TO I-1 LLWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE WATERSHED PROTECTED AREA).

The Zoning Committee voted 5-2 (motion by Wiggins, seconded by Nwasike) 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 office/industrial-warehouse-distribution land use 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 petition is consistent with the industrial land use recommendation for the site and surrounding area. The site is within a Growth Corridor, as per the Centers, Corridors and Wedges Growth Framework which are locations for higher intensity economic activity such as industrial development and the site is adjacent to existing residential development and similar zoned property under the I-1 zoning district.

Motion was made by Councilmember Winston, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2019-134 by DJ Family Farms, LLC 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 office/industrial-warehouse-distribution land use for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition is consistent with the industrial land use recommendation for the site and surrounding area. The site is within a Growth Corridor, as per the Centers, Corridors and Wedges Growth Framework which are locations for higher intensity economic activity such as industrial development and the site is adjacent to existing residential development and similar zoned property under the I-1 zoning district.

Councilmember Watlington said I just wanted to note that the Zoning Committee descending opinion that the limited size of the site access and the overall site context, by its very nature, potential uses on the site that would include something like a gas station. I just wanted to make that clear ahead of the vote.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 715-716.

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ITEM NO. 22: ORDINANCE NO. 9732-Z, PETITION NO. 2019-136 BY VENKATA AMMI REDDY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.89 ACRES LOCATED ON THE WEST SIDE OF MULBERRY CHURCH ROAD, EAST SIDE OF SLOAN DRIVE, NORTH OF QUEEN CITY DRIVE FROM O-1 (CD) AIR (OFFICE, CONDITIONAL, AIRPORT NOISE OVERLAY) TO O-1 (CD) AIR SPA (OFFICE, CONDITIONAL, AIRPORT NOISE OVERLAY, SITE PLAN AMENDMENT) WITH FIVE YEAR VESTED RIGHTS.

The Zoning Committee voted 7-0 (motion by Watkins, 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 Westside Strategic Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends business park/office 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 petition is consistent with the adopted future land use for the site and is already zoned for a hotel use. The petition will provide streetscape improvements and enhance the pedestrian network. The site is located in an area where hotels are already existing, along and Interstate interchange and north of the Airport.

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

1. Removed the request for five-year vested rights.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to not sent this petition back to the Zoning Committee for further review.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-134 by DJ Family Farms, LLC, as modified, and to adopt the following Statement of Consistency: This petition is found to be consistent with the Westside Strategic Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends business park/office 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 petition is consistent with the adopted future land use for the site and is already zoned for a hotel use. The petition will provide streetscape improvements and enhance the pedestrian network. The site is located in an area where hotels are already existing, along and Interstate interchange and north of the Airport.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 717-718.

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ITEM NO. 23: ORDINANCE NO. 9733-Z, PETITION NO. 2019-137 BY KINGER HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.62 ACRES LOCATED ON THE WEST SIDE OF WEST SUGAR CREEK ROAD, NORTH OF YORKFORD DRIVE, SOUTH OF BROWNE'S FERRY ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-6 (CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Gussman, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential uses at up to four dwelling units per acre 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 at 3.2 dwelling units per acre, this petition is less dense than the district plan's recommendation for four dwelling units per acre. Surrounded by single family uses in the R-3 zoning district, the petition's commitment to 3.2 detached dwelling units per acre is in line with the surrounding context. The petition has direct access to Sugar Creek Road, keeping new residential traffic out of the existing neighborhoods. The petition commits to improving pedestrian connections in the area with a 6-foot sidewalk and 8-foot planting strip along Sugar Creek Road, connecting to the existing sidewalk of the neighboring development to the west.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-137 by Kinger Homes and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses at up to four dwelling units per acre 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 at 3.2 dwelling units per acre, this petition is less dense than the district plan's recommendation for four dwelling units per acre. Surrounded by single family uses in the R-3 zoning district, the petition's commitment to 3.2 detached dwelling units per acre is in line with the surrounding context. The petition has direct access to Sugar Creek Road, keeping new residential traffic out of the existing neighborhoods. The petition commits to improving pedestrian connections in the area with a 6-foot sidewalk and 8-foot planting strip along Sugar Creek Road, connecting to the existing sidewalk of the neighboring development to the west.

Councilmember Johnson said I know that the petitioner did revise the site plan to reduce the number of units and also increase the common green space based on the community meeting. I just wanted to acknowledge that and thank him.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 719-720.

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ITEM NO. 24: ORDINANCE NO. 9734-Z, PETITION NO. 2019-147 BY GUY PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .4416 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF NORTH DAVIDSON STREET AND EAST 36TH STREET FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).

The Zoning Committee voted 7-0 (motion by Wiggins, 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 36th Street Station Area Plan with respect to proposed land use, based on the information from the post hearing staff analysis and the public hearing, and because the Plan recommends transit-oriented development 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 supports the general purpose of the TOD districts as described in Chapter 15 of the Code of Ordinances in that the approval of this petition would “encourage and enable the development of moderate to high-intensity compact, mixed-use urban neighborhoods near transit stations where people can live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices.” Permitted uses and development standards within the TOD-NC district will help create a densely developed transit-supportive development within a quarter-mile of the 36th Street Station. As written, TOD-NC may be applied to parcels that are within a half-mile walk of a high capacity transit station and have compatible adopted future land uses. The site’s location within a quarter-mile walk of the adopted LYNX Blue Line 36th Street Station and transit-oriented development land use recommendation make it an appropriate location for the TOD-NC district. The requested district is complimentary in nature to the surrounding mixed and transit-oriented uses in the area.

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to approve Petition No. 2019-147 by Guy Properties and adopt the following Statement of Consistency: This petition is found to be consistent with the 36th Street Station Area Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends transit-oriented development 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 supports the general purpose of the TOD districts as described in Chapter 15 of the Code of Ordinances in that the approval of this petition would “encourage and enable the development of moderate to high-intensity compact, mixed-use urban neighborhoods near transit stations where people can live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices.” Permitted uses and development standards within the TOD-NC district will help create a densely developed transit-supportive development within a quarter-mile of the 36th Street Station. As written, TOD-NC may be applied to parcels that are within a half-mile walk of a high capacity transit station and have compatible adopted future land uses. The site’s location within a quarter-mile walk of the adopted LYNX Blue Line 36th Street Station and transit-oriented development land use recommendation make it an appropriate location for the TOD-NC district. The requested district is complimentary in nature to the surrounding mixed and transit-oriented uses in the area.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 721-722.

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ITEM NO. 25: ORDINANCE NO. 9735-Z, PETITION NO. 2019-149 BY WOOD PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.8 ACRES LOCATED AT THE NORTHERN INTERSECTION OF NORTH DAVIDSON STREET AND EAST 21ST STREET FROM TOD-M (O) (TRANSIT ORIENTED DEVELOPMENT – MIXED-USE, OPTIONAL) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT – URBAN CENTER).

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Parkwood Transit Station Area Plan with respect to proposed land use, based on the information from the post hearing staff analysis and the public hearing, and because the Plan recommends transit-oriented development 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 requested district is complimentary in nature to surrounding zoning around the LYNX Blue Line and in-line with its existing zoning district. The rezoning from a legacy TOD district to a newly adopted district will further align the city's policies and regulations on this site without inhibiting the parcels located within the rezoning boundary from the creating transit-supportive development that they are currently entitled to under their current zoning district. The petition supports the general purpose of the TOD districts as described in Chapter 15 of the Code of Ordinances in that the approval of this petition would "encourage and enable the development of moderate to high-intensity compact, mixed-use urban neighborhoods near transit stations where people can live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices." Permitted uses and development standards within the TOD-UC district will help create a densely developed transit-supportive development within a quarter-mile of the Parkwood Transit Station. As written, TOD-UC may be applied to parcels that are within a half-mile walk of a high capacity transit station and have compatible adopted future land uses. The site's location within a quarter-mile walk of the adopted LYNX Blue Line Parkwood Transit Station and transit-oriented development land use recommendation make it an appropriate location for the TOD-UC district. The requested district is complimentary in nature to the surrounding mixed and transit-oriented uses in the area. The residential zoning to the south is Cordelia Park. All properties recommended for transit-oriented development "within 200 feet of single-family zoning have been recommended for TOD-NC or TOD-TR unless the property with single family zoning is for a County owned park of three acres or greater...". Cordelia Park is county owned and over 20 acres, keeping the site applicable for the TOD-UC district.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-148 by Wood Partners and adopt the following Statement of Consistency: This petition is found to be consistent with the Parkwood Transit Station Area Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends transit-oriented development 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 requested district is complimentary in nature to surrounding zoning around the LYNX Blue Line and in-line with its existing zoning district. The rezoning from a legacy TOD district to a newly adopted district will further align the city's policies and regulations on this site without inhibiting the parcels located within the rezoning boundary from the creating transit-supportive development that they are currently entitled to under their current zoning district. The petition supports the general purpose of the TOD districts as described in Chapter 15 of the Code of Ordinances in that the approval of this petition would "encourage and enable the development of moderate to high-intensity compact, mixed-use urban neighborhoods near transit stations where people can live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices." Permitted uses and development standards within the TOD-UC district will help create a densely developed transit-supportive development within a quarter-mile of the Parkwood Transit Station. As written, TOD-UC may be applied to parcels that are within a half-mile walk of a high capacity transit station and have compatible adopted future land uses. The site's location within a quarter-mile walk of the adopted LYNX Blue Line Parkwood Transit Station and transit-oriented development land use recommendation make it an appropriate location for the TOD-UC district. The requested district is complimentary in nature to the surrounding mixed and transit-oriented uses in the area. The residential zoning to the south is Cordelia Park. All properties recommended for transit-oriented development "within 200 feet of single-family zoning have been recommended for TOD-NC or TOD-TR unless the property with single family zoning is for a County owned park of three acres or greater...". Cordelia Park is county owned and over 20 acres, keeping the site applicable for the TOD-UC district.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 723-724.

HEARINGS

ITEM NO. 27: HEARING ON PETITION NO. 2019-105 BY THE GREENSTONE GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.14 ACRES LOCATED ON THE WEST SIDE OF BENFIELD ROAD, SOUTH OF SUMMER CREEK LANE AND NORTH OF I-485, WEST OF PROSPERITY CHURCH ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is just over five-acres on Benfield Road, just off of I-485. The current zoning is R-4; the proposed zoning is Neighborhood Services NS District, conditional plan by nature, so the plan for this area is Prosperity-Hucks Plan adopted in 2015 and does recommend residential at eight dwelling units per acre. On the other side of the road we've got more of a mixed-use, office, retail, institutional and then some more mixed-use at Ridge Road and Benfield Road. The proposal we have in front of us this evening under this petition is up to 84 residential units, 48,000 square feet of office uses and just over 12,600 square feet of additional commercial uses. We do have some conversion rights to transfer some unused office square footage to some residential units. We do prohibit things like car washes, automotive-service stations, drive-thru windows that are accessory to eating and drinking establishments. Provide access from Benfield Road and Summer Creek Lane; we've got some turn-lane commitments. We do have a building height component for this project, maximum of five-stories oriented to Benfield

Road and then three-stories as you go further down Summer Creek Lane to provide a little bit of that transition back to the residential community. We have different kinds of recesses and architectural details that should break-up the mass of the building and then commit to some pedestrian-scale lighting within the site as well.

We do have some concerns generally with the petition; we'd like to continue to work with the petitioner to talk through some of those issues. Right now, our recommendation is not to support this in its current form. The density is 15 dwelling units per acre, the plan recommends eight. We've got a little bit of concern about the size and scale of the building at 48,000 square feet and then some of the height. We'd like to continue to talk through and get an idea of that if that is something we might be able to get a little reduction or get a little bit more of a step-back towards some of the residential. Again, no issues, I don't feel like we can't continue to have conversation with the petitioner and work through prior to Zoning Committee, but that is our current recommendation. We'll be happy to take questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street said I don't see Mr. Russell; I did not sign him up to speak, so he signed himself up. I was hoping he would be here. So, I will start off this presentation from some feedback from him. Will Russell is the President of Prosperity Village Area Association and every time we do a deal up in that area he says, why can't you find a developer that does a real mixed-use project? When we vision this, we vision it to be like Birkdale Village, so we would like to see residential over retail and for years I have said hey, we have not had a developer that had the appetite for that. Interestingly, a year or so ago, we were approached by a developer; actually, this is the property owner. He has owned the site for many years and actually happens to be a developer in Atlanta. It is a great location; this is Benfield Road and I-485 so great visibility. This developer walked in and said I would like to do a mixed-use project with residential over retail and then another component. I think that was welcomed; I don't want to put words in Will's mouth, so I won't speak for the association, but I did think we were generally welcomed. We've had a few community meetings up there. This has been I think very well received. Staff has attended at least one of those and I think they would agree with that that also. The challenge is that there is a pretty specific area plan, this is our site here, an area plan that says this should be basically townhomes. So, that is what the plan calls for; we are proposing a mixed-use development. Those don't match up. As we talked to the neighbors and said no townhomes. I think we've gotten a lot of support for what we are doing. I won't belabor this; David has gone through the idea to have for-sale condominiums over some ground floor retail. Originally, here at the corner of I-485, which has great visibility; the original proposal was for that to be a hotel. We got neighborhood pushback on hotel, so we took that off the board.

There are a couple of I think very positives; this is Summer Creek Lane which is a residential subdivision currently so, all these residents come out and they go this way to I-485. There is a median in Benfield Road, so when they are coming home from uptown of I-485 they cannot make a left-turn into their homes. One thing this project would bring is an improvement to that intersection; I think that was really supported by the neighbors. At the rear of this site, there is plenty of green space, we've got over 100 feet of natural area that would buffer the single-family neighborhood behind from the proposed development. That is a look at some of the single-family homes, so they will have a nice, natural buffer that will stay behind them that is about 100-feet wide. Those are some renderings that we showed at community meetings. Again, I think this has been well received; I would like for you to move through your agenda quickly tonight. So, I won't belabor the point. If Will is here is here, he is happy to speak, if not we are happy to take questions.

Councilmember Winston said I see one of the notes about the parking lot that is between the sidewalk and the retail. As we try to make things more walkable, is there a reason why the building can't go up to the sidewalk, and you can put the parking lot behind it or something like that?

Mr. Brown said we talked about it, and the parking for the condominium residents would be deck parking underneath and behind. There is a desire to have this ground-floor retail

like ice cream shops and things like that. The development team feels strongly that to make that work, they need to provide some parking that is convenience parking for those retailers. We talked long and hard about that, and that is the reason for it, to provide up front parking for these retailers, which we think is important.

Mr. Winston said I would be more inclined to go against the plan if it brings us closer to where we are going as opposed to where we've been. I would really like to see no space between the sidewalk and that walk-up retail.

Councilmember Johnson said you asked about Will Russell; trust that he is here in spirit. In our e-mails, he brought up a good point to us. So, the plan is not recommended; can you tell clarify? Is it because of density; is it height or what?

Mr. Pettine said I think it is more, as Mr. Brown highlighted; there is some really specific language in the Prosperity-Huck Plan about different areas that are recommended for different use. They got very site-specific; in some areas, you can see this is [inaudible] area C-5 where we really just talk about townhomes. So, I think if we are going to be looking at a project that is a little bit outside of the box in terms of still providing some residential but then having some ground-floor retail and maybe some office space, some things that Mr. Winston had pointed out as well with having those buildings a little bit closer, providing a little bit more of the pedestrian kind of interface that we would be looking for. That was one of the things we highlighted in our outstanding issues for our recommendation was to maybe consider flipping that and having that building up closer to the street and not having that parking area as much out front. I think some of the scaling of the building, we would still like to have some conversations with is do we like the scale and massing of the building if 48,000 square feet is there a reduction in that that we might be a little more comfortable with. I think we are generally at a position with the project where we understand what is being proposed, and certainly, if this was on the other side of the road, I think we would have little bit more comfort with it just from the policy standpoint. When we are looking at it to be outside of what the policy recommends we really want to try to say what are we doing to kind of enhance the pedestrian interface. What are we doing to enhance some of the architectural standards and the massing of the building to justify a little bit of a disconnect or that jump from the policy recommendation to something that still provides the site-residential component, but then has some other mix of uses that maybe the community is comfortable with as well? We are still trying to find a little bit of that balance.

Ms. Johnson said when you talk about outside of the plan, we want to be able to be consistent for the community and also for the developer. So, we have other petitions that are outside of the plan that are being recommended. So, is there is a way that we could have a list of what is acceptable outside of the plan?

Mr. Pettine said is really a case-by-case, project-by-project type of scenario, particularly in a project like this where we are very specific with square footages, with architectural standards, with some of design features, parking orientation. When we look at those that are inconsistent with the plan as we mentioned, what are we doing to kind of elevate the project to a point where if we do have any inconsistency, what gives us that public benefit to where we have that little bit more comfort level with having that disconnect from policy versus what is being proposed? So, what are we doing to really bring that project and provide that public benefit and provide that justification for that inconsistency? Again, it is really case-by-case, project-by-project basis that we have to evaluate those on.

Mr. Winston said I just wanted to clarify my rationale for making that request. The intent I see is to make this area more pedestrian friendly, and a road in this part of town and a parking lot only presents a façade of pedestrian-centric development. That is still car centric development and I'm looking at the area that surrounds it and this could be an opportunity to provide some type of catalyst and some type of example of how to make more pedestrian-friendly development work up here. You do have more retail and community center uses not far away. Obviously, I would imagine they haven't been developed in a pedestrian-friendly way, but this could potentially be again a catalyst for future development in the area.

Councilmember Ajmera said I see there were four people that attended the community meeting; were there any concerns around the height? Because I see a site next to the single-family development; were there any concerns from the community?

Mr. Brown said not expressed at the community meeting. When there was a hotel on the corner I think folks were concerned about height and other things. I think once that ceased to be a hotel use, folks were comfortable. This proposal is for condominium units; that is something they have not seen in the market up there and condos need to be a little bit taller. So, I think there was actually support for this type of for sale stacked residential. Height does not come to mind as a concern that we talked much about.

Ms. Ajmera said were there any other concerns that were raised by them?

Mr. Brown said most of it focused when there was a hotel proposed on the corner and that was taken off the table as a use.

Ms. Ajmera said what kind of hotel are we talking about?

Mr. Brown said now there will not be a hotel. That was a concern; we have removed that as a permitted use. So, there will not be a hotel.

Ms. Ajmera said I see the area plan was last updated in 2015; Taiwo, would you comment if we were to revise it what would it look like, and would this petition align with our future plans?

Taiwo Jaiyeoba, Assistant City Manager and Planning Director said I really can't answer that question, because I don't know. We will have to do a community engagement obviously, with people who live in this proximity to determine exactly what their thoughts are around this but, we will also definitely make sure that what we are doing right now with regards to place types, what kind of land use will be feasible, not just now, but also for the foreseeable future. It is hard for me to tell you right now that this is a type of use that will allow in that area. I am sure they are doing a comprehensive plan engagement and will have that conversation, but nothing really comes to me right now as to what the community preference for this area is specifically.

Ms. Johnson said I was just thinking as far as the plan if there could be some direction, some interim information of what will be acceptable for this petition or in that area. It is very difficult if we are going to approve things that are outside of the plan sometimes making consistently what is acceptable? So, what would be acceptable for this petition?

Mr. Jaiyeoba said we are not predicting a future land use based on something we don't know. Right now, the 2015 Area Plan for this place is what we have, and I'll just say we want to stick with that for now so that we are not making it rejection. If we do it for this place then we might as well begin to do the same thing for the entire City, and we have to be very careful that we don't do that.

Councilmember Driggs said I just wanted to comment that we have a recently adopted area plan here, and if we decide to go with twice the density, that contemplates I would certainly want to know what special circumstances warranted that because otherwise we basically undermine the whole process. We just can arbitrarily decide to ignore our current plan; it is not obsolete and we decided a few years ago that this is what we wanted and I'm looking, but I haven't heard yet what the special circumstances are at this site that would warrant an exception. I don't need an answer to that question right now, I'm just telling you that I'm going to want to understand that better before I'm able to support this.

Mayor Pro Tem Eiselt said I want to make a comment too; I think it is this particular area plan, a couple years ago we had the Chick-fil-A rezoning, or was it Prosperity Village?

Ms. Ajmera said it was the Chick-fil-A.

Mayor Pro Tem Eiselt said we went against the area plan, and the community group that was so involved with that stopped getting engaged. I have regrets over that one because what it was really telling the community that put all the time into the area plan is that work doesn't really speak to us anymore. I do think we have to really careful when we go against a more recent area plan to justify it if we are going to go against it and make sure that the community— and really hear what the community has to say because people put a lot of time into these area plans, especially the more recent ones and we want their engagement. With that one, in particular, we just sort of ignored it, and we lost their engagement.

Ms. Ajmera said if we are going to move away from what has been recommended then it becomes deal-making rather than what we are trying to [inaudible], which is really more consistency so, I struggle with this one, and I look forward to having conversation with the petitioner on this.

Ms. Johnson said I'm not proposing that we go against the area plan but what I'm saying is, there is another petition later in the evening that is against the plan, and it is being recommended. That is what I'm asking, for the consistency and when that is done. It does prevent deal-making, and we have consistency, and we have policies and transparency.

Mr. Driggs said I just wanted to comment; you mentioned the area residents. I'm a little bit leery of undermining the staff. They have analyzed the plan that we put in place in accordance with the way that we wanted it to be, and they've come back with a recommendation to us, and I want to be sure they understand why we decided to proceed in spite of that. Otherwise, it really undermines their efforts. I think it is a confusing message to send to them as well.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2019-140- BY C INVESTMENTS 5, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.22 ACRES LOCATED ON THE NORTH SIDE OF PROVIDENCE ROAD WEST, WEST OF ROTHESAY DRIVE, EAST OF LANCASTER HIGHWAY FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is just over two-acres on Providence Road West. We are looking at an R-3 to UR-2(CD) request for this petition. The adopted future land use comes from our South District Plan, which was adopted in 1993. So, in this case, we are looking at the General Development Policies for some additional guidance when evaluating this petition and evaluating the density that is being proposed. The petition does meet the General Development Policies for the 12-units per acre they are requesting. The underlying plan from the South District Plan in 1993 does recommend single family at three dwelling units per acre. It is inconsistent with the adopted plan from 1993 but consistent with the updated General Development Policies that have been updated several times since early 2002. The proposal is 21 single-family, attached units, so we are looking at just under 10 units per acre; 9.45, six units per building with a maximum building height of 40-feet, which is general consistent with the residential zoning that is surrounding the property. Visitor parking spaces are being provided as well as architectural standards, landscaping between sidewalks and building on Providence Road West and a buffer between the north and east property lines to those adjacent-residential properties as well as a 14-foot planting strip and six-foot sidewalk along the site frontage and then a six-foot sidewalk along Edindale Drive. Staff does recommend approval of this petition upon resolution of some issues related to site and building design and transportation. As we mentioned, it is inconsistent with the 1993 District Plan but

consistent with the General Development Policies, so we do have that guidance that is in front of us this evening. The approval of this petition would revise the future land use of that South District Plan from three units per acre to 12 units per acre for the site.

Collin Brown, 1420 East 7th Street said I am here on behalf of the petitioner. The property location, this is south of Ballantyne; this is a fast-growing area, and I'm sure you will hear questions about traffic. This is an area that folks really want to live. This is over a two-acre site; it has a single-family home on it. These folks have been there for a long time, the property owners. They've watched everything develop around them, and so they now have a 2.5-acre parcel. My client would like to develop the site for townhomes. Again, I think it is a great location. So Providence Road West, you are walkable to a shopping center here that has a lot of eating, drinking and entertainment services, walkable to an elementary school just at the end of Providence Road West. I don't know if you would make that walk, but you could walk down there. We've got grocery stores, hotel uses, so it is really a fantastic location. This is an example of an infill project that gives us an opportunity to locate housing in walking distance to good infrastructure.

This is a look at the property today; there is a lot of development going on in the area. The current zoning is R-3 but is not on an island of all single family. As I mentioned, you've got commercial development nearby. You have many examples of residential at higher density; we've got R-12, R-8, more R-8 around the site. The plan recommendations from 1993, I think that is pretty obsolete, based on where we are today so the GDPs do provide the guidance and support of the density we are proposing. I think David mentioned it supports up to 12-units per acre; we are below 10 DUA, which is 21 townhomes on the site. Here is a look at it in color. You've got a couple townhome pods; it is kind of self-sufficient, townhome community. There is a look at if we laid our site plan so you can see the context to shopping, Ballantyne Elementary is just to the south here. Mr. McCorkle has developed a number of townhome communities in South Charlotte; these are just a couple examples that we showed at the community meeting so they could get a feel for it. He does not actually do the building, so he would develop townhome pads and work with the builder.

We had an initial outreach meeting before our official community meeting and then another and the community concerns are what you hear on a lot of these infill deals. We talked about a need for visitor parking, there is a desire for tree preservation, questions about privacy fencing; if this is going in someone's backyard, how do we buffer it? There was a desire for high quality, high, price-point product in the area and an ask, which this is one where I think we have a nice compromise. Sidewalk connections, as I mentioned our site is here; here is a shopping center in this area. We would build sidewalks on our frontage but there is no sidewalk for a gap, so the developer has agreed and worked with C-DOT to provide that, so you can actually now walk to that shopping. So, we would be doing some off-site sidewalk improvements, which I think is a win. Some folks had concerns about dust and noise when the site is developed and then there are questions of whether we could provide a gated community here. The short answer on that is no, can't have a gated community. I will walk you through a couple of the others. Questions about parking, each townhome has a two-car garage, room for two parking spaces in the driveway, and we've created some additional on-street parking here. So, that is five spaces. For 21 units, we would have 89 parking spaces.

I think a lot of attention has come to screening around the site, and we have said if you want to come out and walk it with us. Let's talk about how to do it, because in some of the area, there is really mature vegetation that provides a good screen and sometimes we say we will build a fence, but if you build the fence you've got to tear out the good vegetation. One of the property owners I think you will hear from tonight came out and met with the development team, and we proposed a landscaping plan adjacent to the Golspie cul-de-sac. I think there is a lot of nice vegetation; they asked if we could do a split-rail fence, which would be less invasive. So, we've proposed that and our revised plan will show that treatment towards the rear of the site. I don't think anyone from those homes met with the design team, so we are still proposing a fence and plantings in that area.

As far as product, we don't commit to price points for housing. The land costs in that area are such that these would not be affordable just to get that out there. Construction, some folks mentioned nuisance of the construction. The development team did point out as opposed to single-family homes, which take a while to develop out. The townhome product we think would construct much faster, so we would be in and wrapped up probably in one phase. Generally, that is our presentation to the community. We came out, the only new information from that is last week we did meet with some adjoining owners here and agreed on a more detailed landscaping plan.

Cameron Wright, 11810 Golspie Court said the presentation was covered pretty nicely. I am one of the residents who have been in the neighborhood for a couple years now, and when we moved in we were very aware of the project or the neighborhood would eventually be developed as far as what was going to happen on this property that surrounds our neighborhood Edinburgh kind of circumnavigates the entire property. When we were moving into it, we were very cognizant that there is going to be development at some point, and what we had no idea, until several months ago we got involved with the rezoning. The guys did their due diligence, sent out notifications to us, let us know. we've met two or three times at least with the planners and developer and their counsel. Pretty excited honestly, we'd rather have just a nice natural park there by itself, sure that would be nice, but let's be realistic. It is not going to happen. These guys have done their due diligence; they've done the work and we are pleased with the plan as you see it in front of us. If that is what is going to happen we are very content to have that move forward and have these guys as our neighbors. Very excited about the egress, having one, single point there on Providence Road West, that is nice. Don't have any connectivity issues, which very much as all of our neighbors are in favor of. These guys have gone out of the way to help us out and do some screening, planted some trees and some other barriers and buffers that will make it more aesthetically pleasing. So, we are pretty excited about this. It could be a lot of things going there that would not be as amenable to our neighborhood, but I think as it stands now for what the developer has laid out this will be a very good project, and I welcome and encourage them as our new neighbors.

Mr. Driggs, thank you for reaching out; I'm not sure if all of you on Council do this, but I had a phone call from Ed last week, after I met these guys, and it was like wow. I was thoroughly impressed that he actually reached out and called his constituents to an outreach to see how we feel and how we do on things. That meant a lot, and we appreciate that.

Matthew Skvoretz, 11727 Hawick Valley Lane said first of all Mr. Wright said the majority of our community is in support of this; that is actually not true. We actually have the name of a lot of the property owners that butt up to this property where the proposed plan is, and I think nine out of the 12 were able to sign the petition against. So, the overwhelming consensus for our community is that we do not want this to happen. The opposition claims that the current community is unable to support the current plan for urban-residential housing consisting of 21 townhomes due to the following reasons. One, insignificant road infrastructure, Johnston Road is a major thoroughfare to I-485 and is already unable to handle the rush hour traffic. The roads were not designed to handle the amount of cars that are using them today. Adding urban-residential housing would only make this much worse. Lancaster Highway is a one-lane per side road as well that runs very close and is also extremely heavily used during rush hour traffic. The school we mentioned was nearby, unfortunately it is currently very over crowded. Ballantyne Elementary has had to use portable classrooms to meet the demand. Classes are routinely in the upper 20's, and so unfortunately our education system and our kids are the ones who suffer.

The buildings are three-story-high versus two-story residential. I know they mentioned the height being 40-feet but still, those are very short roofs, so to make that work these houses will be much taller than the nearby buildings. This obviously creates a lack of privacy, and it takes away from the residential feel that the Edinburgh Community currently has today. Last, the area already has significant urban housing. So, if we are looking for more urban housing in this area it just doesn't make sense. In roughly, a one-mile radius there are no less than 11 communities that are apartments, condominiums, or townhomes and a newly rezoned area for 110 townhomes off of Lancaster Highway

that is yet to impact the community. Additional plans are in place further up Johnston Road; the Ballantyne Hotel is removing its golf course, which I'm sure you guys are aware to replace to replace with mixed commercial and urban housing. In light of all these reasons today, we feel that this plan as it is today should not be approved.

In rebuttal Mr. Brown said I don't have much response for that. Again, we are looking for an infill site; this is a fast-growing area. The mention of Ballantyne, there is plenty of employment. This is the place that people want to live. We are probably less than a mile from the South Carolina side, and as I say in a lot of these meetings, I think the people are coming, and they are going to come, and they are going to drive on those roads, and we've got to capture them in Mecklenburg County, and the City of Charlotte rather than have them go across the border. We think we've brought a good plan; we think we've worked with the neighbors that have been involved to address their concerns as best we can.

Councilmember Egleston said I would comment my colleague Mr. Driggs for not letting his fame go to his head; he is still returning phone calls. The reference to the schools, I obviously understand the crowding they are facing at schools in South Charlotte, as well as schools everywhere. I did want to note in here it says the proposed development is not projected to increase school utilization over existing conditions given the nature of the housing type that is being proposed here. For that one point, I think there is probably not as much concern as some of the others, I take your point.

I think Mr. Brown said the list of the things the folks had asked about or wanted, and based on the look I got from Mr. Winston when this was said, I think we are on the same page here. Two of those things are unfortunately in conflict with each other, one of those being parking and one of them being trees. I think that in a situation where you've got 21-units that each have four parking spaces dedicated, right, two-car garage, two-car pad, then where these five additional spaces are, which I would contend are probably not necessary given they are nice to have but maybe not need to have. I would prefer us prioritize trees there, and that would be a place where we could plant street trees. That is a high priority for the City and four spaces per unit is pretty generous. That is mainly my point.

Councilmember Driggs said for me this is kind of difficult in the sense that we have approved things similar to this and therefore there is nothing really outrageous about it. I did actually make a lot of phone calls. So, I hope I get some credit for that. How many bedrooms are in each of these units?

Mr. Brown said the petitioner is the developer who would develop the lots; a builder has not been selected. They are three-stories. I think it is likely they would be three to four bedrooms, but that is not a certainty.

Mr. Driggs said I guess I would want to review the staff take on parking. If anybody has a gathering of any kind, there is no place to go for people that don't fit into those five spaces. Other concerns I heard were, there is no open space there. I've actually been in these developments before, and it is very crowded, so people in the surrounding neighborhood are afraid that every time anybody wants to go out anywhere it is going to be into their areas. There is no self-contained kind of outdoor capability here. I'm curious also for the opponents- I will also mention one concern that was raised to me that I would like to discuss with C-DOT is all the entrances onto Providence Road West, and the nature of the traffic there is such that getting on and off of Providence Road West is difficult. So, as we add more entrances, I've had frequent complaints from people in the neighborhoods about not being able to get out because of the nature of the traffic. I would like to take a closer look at that. My question to you is are the neighbors opposed to any sort of townhome development; are you expecting that if this is turned down that you would get single-family development there, or what exactly is it in your mind about that?

Mr. Skvoretz said I'm not sure I could represent everyone, I could certainly give my own opinion. I'm not sure if that would be helpful or not. A townhome, in general, is not necessarily the problem; certainly having 21 townhomes in such a tight area creates its

own set of difficulties whether it be traffic- You did mention they are three to four bedrooms, so the fact is there will be families in some of those for the schools and things like that. I think it is the amount of townhomes and the affect it will have on the surrounding areas.

Mr. Driggs said I'm not sure it is a tradeoff between parking spaces and trees. I think there is a question as to whether 21 is the magic number. I'm going to work on this some more, thank you for coming and sharing your thoughts, and I'll be in touch with you Collin as I look into it further.

Mayor Pro Tem Eiselt said it is going to be sold to a builder, and so we don't have any elevations, and we don't know what it is going to look like. Is that correct?

Mr. Brown said we do have architectural standards; there are architectural commitments in the development.

Ms. Ajmera said there are height limitation to 40-feet in the notes.

Mayor Pro Tem Eiselt said yes, but that doesn't really speak to what do they look like. I just noticed one of the pictures in there looks like it is taken from another development, and it is from the street and there is one little window on the side of the house. I guess I just have some concerns as to what kind of standards are being asked of whoever comes in to build these so that they are nice looking, the three units that are facing out to the street.

Mr. Pettine said we do have some corner end provisions in the architectural standards. We've got building material standards that are in there so things like vinyl siding, excluding some of the handrails and things like that, would be prohibited. So, we are looking at basically brick, stone, stucco, hardy plank but we do have in regard to those corner units, end units that face a private or public street show some enhanced side elevations to either wrap that porch around to kind of create a little bit more a front elevation on those side elevations that face Providence Road West. That is something that we've done on some other townhome projects where the side of the building is really oriented to the main street rather than the front of it. So, we try to treat that side as much as the front as we can and those committed to in the architectural notes in the conditional plan. While we don't have a visual representation of the buildings, we do have some standards that would guide the design of whoever comes in to build them whether it be somebody we've worked with before or just picks up this plan and knows what the standards are, they would be able to design their home-style around what those standard notes are in the plan at this point.

Mayor Pro Tem Eiselt said and that includes that landscaping in the front? I guess I just wonder what prevents whoever the builder is to come in and put something up that has no windows and faces out onto the street without that landscaping.

Mr. Pettine said the notes that would be in the plan that are in there, they would prevent those from having that blank wall as you are driving down Providence Road West and you would see one small window there. That wouldn't be something that would be permitted currently in the conditional notes. So, those buildings as you are driving along Providence Road should have that side elevation that almost mimics a front elevation, like I said, wrap that porch around from the front on to that side view, provide a little bit more architectural features that kind of create a little bit more visual interest on those corner units than you would normally see.

Councilmember Watlington said from a transportation standpoint I see that the proposed zoning is 120 trips per day versus an entitlement of 60. So, obviously, it doesn't trigger a traffic study or anything like that, but I would like to understand a little bit more about what the thought process here is around transportation or what maybe your vision is because I understand that part of the attractiveness in the neighborhood here is that many of them have cul-de-sacs, and there is not a lot of through streets, which obviously has connectivity implications. I would like to understand how or if you have a particular

viewpoint or vision for where we go for transportation and then I'd like to understand, from you David, what the current approach is here when it comes to transportation.

Mr. Skvoretz said from our standpoint, certainly the rush hour traffic can get very thick especially on Johnston Road. Providence Road West is really going to channel into Johnston Road, a lot of people going up to I-485 or to Ballantyne or Lancaster Highway, and it is very difficult to take that left turn onto Johnston Road. They have improved that intersection, but it is just not enough for the amount of people that are leaving. Unfortunately, for townhomes, I know they say six trips is all per townhome, but those are people that are most likely working, and they will be traveling during rush hour. We are not concerned about traffic at 1:00 in the afternoon; we are more concerned during rush hour, and so those are some of our concerns specifically from living in that area and just what we see.

Councilmember Winston said did you say 89 parking spaces for 21 townhomes? If we really have concerns about traffic, I don't care how many units there are; we have to do something about that proportion. That is completely out of line. If our priority is traffic and reducing that but still developing, we have to have policy that provides for pedestrian-centric development. That is ridiculous to have that many parking spaces for that amount of townhomes, and that doesn't fall on the developer or the current residents; that falls on us. We have to do something to push that. So, if you want to develop and not have the type of congestion that we are dealing with you can't build for cars to eat, sleep, and live there.

Mr. Brown said I think that as an answer that the neighbors had indicated a concern. I think our engineer read your mind when he heard me say that and said, hey, we don't have to have that many. We could do less, so we are trying to balance what everyone is after.

Mr. Winston said again, that is not on you. I'm more or less saying that to us. That is something that should not be necessary to develop, because we are just fighting against our own stated priorities.

Mr. Driggs said I just want to say in fairness, if we don't have a public transportation option and this is an area where you cannot get around by any means other than an Uber or a car or maybe a bicycle on a good day, to take away the parking spaces before we have a place for people to go instead is probably the wrong way around it.

Mr. Winston said transportation is a totality. It is not simply public transportation and as I'm looking at the map here I'm not saying that people shouldn't drive cars there necessarily, but we shouldn't be developing simply for those parking spaces. As I look around, there should be plenty of public places on the street; you should be able to park. There is plenty of road, and there is a shopping center right there. There is another neighborhood that has plenty of roads that if somebody did have a party or something somebody should be able to park there and walk on this nice new sidewalk to this townhome development. Again, if we are developing a City that is pedestrian centric, we have to do that in all parts of town, and we can't have the cop-out that we don't have a rail going there right now. There are many different ways that you can develop density in a City where people can park and still walk to the last few 100-feet where they need to go.

Ms. Watlington said David, I just wanted to know. My question was in concert with the question I asked the gentleman over here. I want to understand what is the transportation vision out here, considering all the things we just discussed, knowing you need a car in Ballantyne, you are not going to walk two miles to the nearest Walmart. What is the thought there about a comprehensive-transportation system?

Mr. Pettine said I know this petition particular is restriping the turn lane on Providence Road West to at least provide some access. As far as the large-scale transportation vision, that is really not something I am probably the best to comment on. I would have to defer to C-DOT and what they are looking at in terms of anything comprehensive for Providence Road West and that general area. I know this petition; like I said, we are only

looking at an average of 60 trips more than what could be built by right, so it is not a significant increase. The addition of that striped turn lane in the existing right-of-way doesn't require any additional acquisition; it is just going out and restriping part of that roadway to allow folks to get out of the travel lanes to get into this project and traffic to continue to flow on Providence Road West and then the addition of the sidewalk along the frontage and then off-site sidewalk they will provide that will at least give us another option or mode of transportation just from a pedestrian standpoint but comprehensively what we are looking at from Providence Road West and parts of Lancaster Highway and 521, I would have to defer to C-DOT, and we could either discuss that now offline or in the follow-up report, whichever you would prefer.

Ms. Watlington said if you can talk about it briefly; that is fine with me.

Mr. Driggs said this is actually a much bigger conversation, it is a zoning issue and you can't resolve that here.

Felix Obregon, Transportation said the comprehensive infrastructure needs out here, we would rely on our Charlotte Regional Transportation Planning Organization, where we would look at the other thoroughfares out here and determine what exactly would be needed in the future and then we would work as well with the Comp Plan and the UDO to determine what would be the appropriate infrastructure needed for this part of town but also for the entire City.

Mayor Pro Tem Eiselt said I just want to say my feeling about the parking spaces are not so much. I'm not sure that more parking spaces creates more traffic necessarily, but more parking spaces creates more impervious space and that concerns me, because as we pave everything over in Charlotte, the water has to go somewhere, and that is something that I don't think we pay enough attention to in our zonings. I would just like to see the number of parking spaces reduced to green space for that reason.

Mr. Brown said we will look at that.

Mr. Egleston said I just want to clarify, and I won't belabor it, but I have less qualms about how this parking is set up because it is two underneath the home and two on the pad outside of the garage. If we were creating surface parking for 42 spaces or something on part of this lot I think that would be more problematic, but I just wanted to draw the distinction that when we want to preserve trees, but we want to add more parking that is away from the homes those two things are very difficult to do in concert. So, we've got to figure out what our priority is, and I think the shopping center owner might take exception to the idea that we are going to use their parking lot for someone having a house party, but I take the point too that eventually, we've got to get to the place where we are less car-centric. Unfortunately, right here is probably not as walkable as a lot of parts of the City.

Ms. Ajmera said how far is the bus stop from this site? Is there one nearby?

Mr. Pettine said let me take a look. I've got maps up right now. I can try and pull up some of those bus stops and routes. There is nothing south of Ballantyne Commons Parkway. There are no routes that go south of Ballantyne Commons Parkway at this time. So, the closest stop would be at Ballantyne Commons Parkway and Ballantyne Medical Place and John J. Delaney Drive. It is a good distance.

Ms. Ajmera said I think that adds to the transportation; there are very limited transportation options close to this site. So, even if we were to develop this less car-centric, how do people get from point A to point B in this area? The other question I have is schools. I see that there is no addition from this development from 21 single-family homes. It says here no net increase from the existing zoning, so not from the proposed?

Mr. Pettine said under the existing zoning, they could build single-family houses that would generate four students; under the proposed zoning of 21 townhomes, there is a different generation rate for townhomes and single-family homes. So, they are still only

looking at four students, even out of 21 attached units versus the single-family, they could build. So, there is no net increase versus what is allowed right now today and what is being proposed in this rezoning. We are looking at four students total.

Ms. Ajmera said I think it goes back to the point Mr. Brown had mentioned. This is one of the areas where we are seeing a lot of development. You are looking at schools that are at 160%, 155%, which is significantly over than other parts and this really concerns me when you are looking at our education system, and I know many of you have brought this point up. We've got to work with CMS to figure out, as we are looking at rezonings that could potentially add more to the schools, how are we going to tackle that issue? Are we creating another problem, and that is something we ought to look at in our Intergovernmental Committee?

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

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ITEM NO. 31: HEARING ON PETITION NO. 2019-121 BY JAMARIO RICKENBACKER FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.5 ACRES LOCATED ON THE NORTH SIDE OF WEST BOULEVARD, WEST OF HOLABIRD LANE FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO UR-C (URBAN RESIDENTIAL - COMMERCIAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is actually a petition that we've seen, has gone through public hearing, has gone through Zoning Committee, and as we got through getting close to a decision, which I believe was scheduled for last month. We had some general concerns raised from some folks in the community about the potential uses. It was originally proposed as just a conventional B-1 petition; we heard concerns about some of the auto oriented uses that could be developed as a result of that B-1 conventional zoning so in working with zoning staff, looking at some different district options we still wanted to provide the petitioner with some flexibility with what he was proposing on the site, which was some commercial uses possibly some residential attached units, the ability to potentially work with the community to provide some affordable housing units on the site. So, we came up with a zoning district request rather than the B-1 conventional that was originally proposed and supported by staff and the Zoning Committee. We had the petitioner amend their application to an UR-C District, which is essentially a B-1 District with the exception of the allowance of auto services like gas stations, auto sales, auto repairs. So, those uses that really were generating concerns from the community as this got closer to a decision are now essentially off the table but still providing a conventional-zoning district, which gives the petitioner flexibility to continue to move forward with the development plans that they had in place. So, we are back in front of a public hearing because we did amend that zoning district wholly from B-1 to UR-C. Again, this is something that both staff and the Zoning Committee had recommended for approval. Of course, this will go back to the Zoning Committee again for the reconsideration. It is consistent with the Central District Plan which was adopted in 1993 for retail uses. Staff continues to recommend approval of this petition. We think the amended zoning district alleviates those concerns that we heard about potential gas stations or auto sales or auto repairs, and the UR-C is a fitting district that implements the district plan and also maintains the general kind of development opportunities that the petitioner was looking for.

Councilmember Watlington said I just want to say thank you to Mr. Rickenbacker and the staff and also West Boulevard Coalition for working through some options exactly like you said that took care of the community concerns and was thoughtful about what we were going to see there but also enable the petitioner to be able to build. I look forward to this one and welcome the options for small business space on the corridor.

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

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ITEM NO. 32: HEARING ON PETITION NO. 2019-123 BY MAGNUS CAPITAL PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.99 ACRES LOCATED ON THE SOUTH SIDE OF BRYANT STREET, EAST OF SOUTH SUMMIT AVENUE, WEST OF I-77 FROM I-1 PED (LIGHT INDUSTRIAL, PEDESTRIAN OVERLAY) TO I-1 PED-O (LIGHT INDUSTRIAL, PEDESTRIAN OVERLAY, OPTIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is just under two-acres on Bryant Street, east of South Summit Avenue just off I-77 interchange at Wilkinson Boulevard and Freedom Drive, a rapidly developing area of the City at the moment. We are looking at an I-1 PED to I-1 PED-O with some optional provisions. We have adopted future land use here from the Morehead and Streetscape Plan. It does recommend park open space for this general area; we are looking at essentially maintaining the existing zoning, redeveloping some of that site with a little bit higher intensity than what is currently out there. The property is adjacent to the proposed CATS Silver Line light rail alignment, which is along Erwin Creek. There is also a station that is proposed just on the other side of Summit Avenue currently. Of course, all of that is under consideration and study at the moment but should that Silver Line alignment continue to stay in that location, CATS has worked with the petitioner to get some preservation and potential dedication of that right-of-way. I'll let the petitioner talk through that a little bit on what that looks like moving forward for the Silver Line project, but as we had mentioned this is an area where we are seeing continued increased development. This petition would allow a structured parking lot that currently is not designed for active uses on the ground floor. So, we've got some optional provisions for some of that. Obviously, we've got some floodplain that we've got to work through and that parking on the ground level certainly helps us alleviate some of that. One principle building would be at a building height of 200-feet. Again, we've got a 70-foot wide transit corridor for that future, light-rail extension. We've got eight-foot sidewalk and planting strips proposed for the site then we've got some industrial uses that we are prohibiting that are related to automotive repair and sales, car washes, recycling centers, thing that wouldn't necessarily be desirable from the petitioner's standpoint and from our standpoint in terms of what they would like to see in terms of redevelopment of the site with a building that they are proposing. So, staff does recommend approval of this petition; we have some outstanding issues we are continuing to work through related to transportation, environment, and some technical revisions. It is consistent with the adopted land-use plan for the West Morehead Land Use and Streetscape Plan.

Bridget Grant, 100 North Tryon Street said I am here tonight representing the [inaudible] with Magnus Capital and Gregg Hartley, the Engineer with EMH&T. I want to start of my saying that Magnus Capital focuses on urbanization opportunities and fast pace market, and they historically like to develop an opportunity for their public and private partnership along transit, which made sense for this site. These are a range of the projects they have completed, most notable is the first one up there which is an adaptive reuse at 332 West Bland Street here in the Charlotte market.

As David mentioned the sites at the corner of Summit Avenue and Bryant Street, I also think it is important to note that the sites at the intersection of I-277 and I-77, which we believe makes it a good opportunity to increase the height in this location. This is just a zoom in on the site; it is a 1.99-acre site currently zoned I-1 PED and the requested zoning is to go to I-1 PED-O just to increase the height. David also mentioned that we are on the line of the proposed future Silver Line location, which is anticipated to go from Matthews to the Airport. You can see there is a small star on the site where the Silver Line is expected to go along periphery of our site. When we were originally going in for our rezoning, this was brought to our attention, but it gave us the opportunity to go ahead

and limit the range of uses on the site and do a site design that will complement the potential future Silver Line. This gave us the opportunity to rather than wait for development occurring by right, to use the conditional-zoning opportunity to go ahead and reserve the Silver Line corridor and also reserve space for the future greenway in that location.

The updated building design comply with all the current floodplain regulations. Again, the development benefit includes reserving that corridor for the light rail and for the greenway in that location. We have significantly limited the uses that are permitted on the site and will improving the streetscape as well as incorporating some open space and public art features to compensate for the fact that with the development we aren't able to meet all the streetscape design guidelines with the PED overlay.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2019-126 BY HARRISON TUCKER FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.397 ACRES HAVING FRONTAGES ALONG A PORT OF EAST 17TH STREET AND NORTH DAVIDSON STREET GENERALLY SITUATED ALONG THE NORTHERN PORTION OF NORTH DAVIDSON STREET BETWEEN EAST 17TH STREET AND EAST 18TH STREET IN THE OPTIMIST PARK COMMUNITY FROM R-8 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH 5-YEAR VESTED RIGHTS.

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is 0.397 acres on both 17th Street and Davidson Street. We've got several properties that kind of wrap around some existing properties that are out there currently. It is in the Optimist Park Community and the current zoning is R-8, and we've got a proposed zoning of UR-2 (CD) with 5-year vested rights. The Parkwood Transit Plan, which is from 2013 does recommend residential uses up to 12 dwelling units per acre. This petition is proposing up to 16 dwelling units, as well as any incidental accessory uses at heights not exceeding 40-feet in height; 40-feet is generally the residential height on the surrounding zoning districts that are adjacent to this property as well. Architectural standards include identification of primary building materials as well as slope roof materials, fully capped and downward facing lighting for any of the lighting elements that are on site. Provide an eight-foot wide planting strip and sidewalk along North Davidson Street and then commit to the provision of at least one affordable housing unit at a rate eligible for Federal Housing Choice Voucher Program.

This petition is in the same general area we had a petition just adjacent here on the corner of 17th Street and Davidson Street, Petition No. 2018-012 that was also for a townhome infill project. This petition is really on all vacant property so, we are not losing any existing home sites so generally keeping the neighborhood fairly well intact while providing some increased density with three-tenths of a mile from the Parkwood Station. We've got some rationale to consider some additional density that is in that area. Certainly, we feel like if this were something that we were looking we've got the 40-feet in height that is matching that R-8 surrounding zoning. We are not losing any existing single-family homes in the neighborhood, so we feel like it is a reasonable infill project within that close proximity to transit. Staff does recommend approval of the petition. We have some outstanding issues related to transportation to work through, and we will continue to work with the petitioner prior to Zoning Committee to get those resolved.

Mohit Shewaramani, 416 East 18th Street said I am one of Harrison Tucker's colleagues. I will start very quickly with the context of the neighborhood, which is that this site is within a six-minute walk to the light-rail station at Parkwood. It is within a half an hour walk or half that time by light rail to thousands of jobs in uptown as well as entertainment options at the Spectrum Center and other stadiums. It is across the street from the greenway, and it within walking distance to several regional options both new

like Optimist Hall and longstanding like Pelicans or [inaudible]. So, that is the context we are developing this site in. Here is a closer look at the site plan; the staff did a great job of providing a detailed overview but just to kind of orient us on the right of this graphic is North Davidson Street and on the bottom is 17th Street. We are building 16 units across this three-site assemblage. We are committing to all buildings under three stories, and we really think this is an appropriate moderate density to add housing in the neighborhood in a really effective way that is contextual.

To show you a little bit more of what this looks like here is an early view of the project from North Davidson Street. You can see three-stories, very much in line with what is allowed today. Sidewise, this is a view of the project from 17th Street; that is the one entrance for vehicles and then here is a view from the overhead block. We tried to zoom out and make sure that it meets contextually, and as you will see, the project is quite well screened from the other houses on the block using trees.

Russell Ferguson, 2254 Farmington Lane said the form of four proposal is designed within the context of the block in mind as mentioned previously where we are going on vacant land here. We have limited the height of the buildings to three-stories and to three separate buildings so the form will be comparable to the by-right projects that are already being built in the area and this is something that is already happening at three-stories. These by-projects, there are two of them pictured here that are one block in each direction although they look nearly identical, the bottom right picture is actually from our site of one of the three-story buildings that are going in by right. These by-right projects don't necessarily align with the City goals in the same way that we do. They don't support the infrastructure investments, but they also don't preserve the neighborhood because of the rapid gentrification and expensive projects for single-family homes or duplexes, which I think this is. The density allows us to incorporate affordability into the project, both big A affordability and little a affordability. Will be happy to answer any questions, and we will be working on the outstanding issues with staff.

Councilmember Egleston said Mr. Ferguson, what are the current concerns of the community on this project?

Mr. Ferguson said we are still working to seek community support and working with them. The concern in this area as has been, as we've done projects in the area with Co-Hab, as well as many others, the rapid gentrification to the area, the changing nature to the community both in terms of buildings but also in terms of community. One of the things that we've found common ground with them on has been the size of the houses and the residences that we are building.

Mr. Egleston said that is more of what my question is. I know what the concerns of Optimist Park are. I'm asking what they are asking for change wise to what you have put forward?

Mr. Ferguson said we haven't gotten too far into the specifics. There has been a general emphasis on providing as much capital A affordability as we can to help preserve the neighborhood in that manner. We've been working with them to accommodate requests on parking and to make the streetscape compatible with the existing streetscape. As you know, sometimes with the sidewalks they take 90 degree turns, so we are working on those projects with them as well.

Councilmember Winston said would this be an appropriate site for a TOD zoning?

Mr. Pettine said technically it could fit a TOD District because it is within proximity of the station. So, like a TR District can be applied within a mile of the station. This is three-tens of a mile. So, certainly, we could look at that. The proposal was for the UR-2 District, so we continued to work with the petitioner just work through conditions that could help mitigate any impacts on the surrounding community and work with the community to address any of their concerns. Certainly, a TOD could be considered, just given the proximity of the Parkwood Station.

Mr. Winston said it looks like pretty much the whole Optimist Park area would be appropriate for some type of TOD zoning. Why did we not go into the neighborhood as part of the major realignment?

Mr. Pettine said the alignment itself really was tied to adopted policy. When you do an alignment of that nature and that scale and scope, you really want to make sure that it ties directly to your adopted policy, so that is why only properties that were already recommended in our various Station Area Plans and Land Use Plans for transit oriented development got pulled into the alignment, because really it was a situation where we needed all of those properties to be aligned with the policy and that is why we did that alignment rezoning to TOD. Properties that fell outside of that at least policy recommendation, even though they may fit now, what the regulatory component of TOD, is with the distance to station areas the policy itself didn't support some of those areas where we could see TOD based on the ordinance, but the policy didn't support it through the alignment rezoning. Again, the alignment really just truly that, aligning policy with the ordinance, so now that we've gone through that if we wanted to do something similar we would have to go back adopt some new policies and then align again. We could consider it on a case by case basis, but we wouldn't on this scale and size of what we did back in October.

Mayor Pro Tem Eiselt said why is staff okay with 5-year vested rights?

Mr. Pettine said I think we might still have an issue; let me go back into the staff report and see the outstanding issues. We typically like to get that removed. Yeah, we had that as one of our technical outstanding issues, the site building design, remove request for five-year vested rights.

Mayor Pro Tem Eiselt said just a comment, it is not really about this particular rezoning but, in this area, as we are increasing the density, we had a lot of e-mails about the sidewalk connectivity and the lighting with people getting off at the Parkwood Station. So, I hope that you can work with C-DOT and Planning to really look at where the density is moving and make sure that we are moving up or aligning some of those projects so that we can get people to feel safe in those areas if we want it to be walkable, and we want people to be able to walk to the light rail they need to be able to feel safe, and we have had a lot of concerns about people in that area. I realize it is more of a C-DOT issue, but we need to coordinate that when we approve zonings that are going to continue to increase density.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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ITEM NO. 34: HEARING ON PETITION NO. 2019-138 BY ROMA HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.55 ACRES LOCATED AT THE SOUTHERN INTERSECTION OF CHARLES AVENUE AND WHITING AVENUE FROM R-5 (SINGLE FAMILY, RESIDENTIAL) TO R-8 (CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said this is a little more than half an acre; it is in the NoDa area. You can see on the map here is 36th Street, and this is on Whiting Avenue right at Charles Avenue. There is the aerial, and you will see one thing missing from this aerial, and that is proposed, new development that was approved that is just across the street from there for single-family homes as well. The current zoning of this property is R-5. You can see the extent of R-5 all around there. This was the MUDD-O that was approved recently for those other single-family, fairly small lot singles that were built as a part of the redevelopment of that church site. This is the adopted future land use, the Central District Plan. So, we are outside of the Station Area Plan at this point, which calls for up to five

units per acre, but the General Development Policies will support higher densities than that and certainly recommends what is recommended here which is four single-family homes. That is about eight units per acre. It does have planting strips and sidewalks along the edges and pedestrian connectivity from sidewalks coming out from each unit. Again, this is the new, single-family that was approved fairly recently.

Staff does recommend approval of this petition upon resolution of just a few outstanding issues. It is inconsistent with the plan, but it is consistent with the densities that are proposed within the General Development Policies for this area. The request is within the bounds of what is being developed right across the street. It is on a vacant parcel that closely matches that and the size of other houses in the area, and again it is consistent with what was recently approved right across the street. It will revise the plan from five units per acre to eight units per acre if approved.

Paul Pennell, 2219 Wittstock Drive said we are here to discuss rezoning petition No. 2019-138, which is approximately half an acre of vacant land along Whiting Avenue at the corner of Whiting Avenue and Charles Avenue. You may be familiar with the parcels, there has actually been an RV parked on the parcel for quite some time, and it is also perpetually wet for some reason. We are currently proposing four single-family homes fronting Whiting Avenue. We had meeting with neighbors prior to submitting the rezoning petition a few months back, where they were concerned about what could potentially be done here by right, which could be a large duplex and a large single-family home. I don't think anyone agreed that it was something that was within character of the community so the four, single-family homes, I think were well received by everyone.

There were some concerns that we had from the neighbor's utilization of the existing paper alley that is there. The current drainage on the site which we have resolved, sustainability of building practices, which I think are being addressed with Roma Homes sustainable building practices and height concerns which will be a maximum height of two and a half stories. Again, four single-family homes, graphic representation of these four single-family homes, the alley will not be utilized. All these homes will be either sideloaded or front-loaded along Whiting Avenue. This is an architectural representation of the home that Roma Homes would like to construct here.

Councilmember Egleston said despite how upset neighbors are to lose their historic RV, they said you had been in good communication with them and had worked through a lot of the issues that they had voiced to you that were concerns and incorporated them into your plan before you got to us at the hearing, so we are very appreciative when people do that.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2019-139 BY JDSI, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.3225 ACRES LOCATED ALONG THE EASTERN PORTION OF W. T. HARRIS BOULEVARD AT ITS INTERSECTION WITH WALLACE AVENUE, NORTH OF ALBEMARLE ROAD FROM R-12 MF (MULTIFAMILY RESIDENTIAL) AND R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8 (SINGLE FAMILY RESIDENTIAL).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said this is proposed conventional rezoning for a little over five-acres, and it is just north of Albemarle Road, which runs just off the slide below here at W. T. Harris Boulevard at Wallace Road. Wallace Road leads into this neighborhood back in here, otherwise this is undeveloped land. This is the aerial photograph that shows the existing neighborhood and the proximity to Albemarle Road, which is down at the bottom. It is zoned right now R-12 multi-family conditional, and there is small piece that is zoned

R-3, which is proposed to be brought into that site as well. The Eastland Area Plan recommends multi-family residential up to 12 units per acre at this location except for that one little small piece there, which is recommended for three. We do recommend approval; it is consistent with the plan, inconsistent only for that one little small parcel that you see there and accomplishes one of the Eastland Area Plans, which is to support strong neighborhood and a variety of housing types.

Judson Stringfellow, 3515 Dovewood Drive said I really don't have anything to add to that other than to reiterate that it is primarily a down zoning from a prior apartment conditional plan to R-8. I'll be glad to take any questions.

Councilmember Winston said I have a question about that little strip of land that keeps that land R-12 that is between the development and the sliver of R-3. Are there any concerns about splitting up that zoning? Will that be developable land?

Mr. Main said you are talking of the triangle that is R-3 today?

Mr. Winston said that piece of R-12 that will remain should this go-

Mr. Main said that would be owned by other people who would be coming in with whatever they choose to apply for in the future. That is not a part of this petition.

Mr. Stringfellow said if you are talking about the piece to the right of it, fronting on Wallace, that was rezoned by somebody a couple years ago to another R-12 site plan.

Mr. Winston said that entire R-12 is a conglomeration of different R-12 rezonings.

Mr. Main said right, so these will remain subject to a conditional plan for R-12 as is filed and as it exists today.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2019-141 BY MARK BOLOUS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.44 ACRES LOCATED ON THE WEST CORNER OF NORTH SHARON AMITY ROAD AND CASTLETON ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) URBAN RESIDENTIAL, CONDITIONAL).

David Pettine, Planning said this is about .44 acres on the west corner of North Sharon Amity and Castleton Road. We are looking at R-3 zoning to an UR-2 conditional. You can see there is some R-12 adjacent to it, but the majority of the zoning in the area is R-3. The adopted future land use is from the South District Plan which recommends single-family units at three dwelling units per acre. The General Development Police does provide some guidance on this; however, as the project is proposed, part of the component of the GDP calculations also have to do with site design, and you get additional points for designing the site in a way that is more conducive to some of the land-use patterns and other elements of just general development for the property.

Currently, as the site is designed, which is part of our outstanding issues which we will get through; we didn't get the entirety of the points for the GDP analysis, so even though the GDP could get up to about 12 DUA, we still have to work through some of those design guideline issues to actually get the project to be more consistent with what the GDP would support. Currently, we've got a proposal for five dwelling units, one single-family, detached home at North Sharon Amity Road and then two, single-family, attached units with two units each. So, we are looking at duplexes facing Castleton Road. A maximum building height of 40-feet and again that is compatible with residential zoning and uses around that area. A 20-foot setback measured from future back of curb along

Castleton Road, a screening fence along that northern property line which is further up Castleton Road and then we architectural standards for those attached dwelling units related to types of building materials, type of roofs that we would be looking at, some entrances being raised next to sidewalk, usable porches, so on. We also have an eight-foot planting strip and six-foot sidewalk along those existing street frontages of both Sharon Amity and Castleton and again, we've limited the height of detached pedestrian scale lighting to sixteen feet for any of those pedestrian elements.

Currently, staff does not recommend approval in its current form. We could support a revised layout and plan as described in those outstanding issues that meet the residential design guidelines of the GDP. Particularly, those would be elements that would orient the uses on the property a little bit differently looking at getting some of those duplexes in a different location, more along the frontage of Sharon Amity versus Castleton Road. We would like to see those kind of uses flipflop a bit on the site, so again, we've got some issues that we would still like to work through with the petitioner but currently, we are not supporting it in its current form. It is inconsistent with the South District Plan, which is recommending three units per acre for the site. If we can work through some of those design and building issues, we could get consistency with the GDP, but currently, we are not consistent with that either. So again, we have some things we would like to work through, but that is our recommendation at this time.

Mark Bolous, 1604 Stevens Ridge, Matthews said I am with Whitestone Holdings, Inc., a local land development and builder team, along with Salt and Light Builders. We are seeking to develop for-sale homes, and we are working with the Planning Department's request to reduce from five units to four units and reduce the density and minimize sight disturbance. This is the original plan; this is the Castleton Road elevation with the single-family home on Sharon Amity and two duplexes. Modern, farm-house, style homes. This is the view from the corner, rear elevation, and from the temple entrance and then some upper and lower plans. In order to make the project viable at a price point compatible with the surrounding neighborhood, we would need to do four units at a minimum.

We believe moving forward with four units is better than leaving the corner abandoned and dilapidated condition of the home that sits there now is in. At our neighborhood meeting, we had about four neighbors come out and they didn't have any major objections. They asked about parking, and we addressed that with the driveways and the two-car garages that we are proposing, but now based on Planning and Representative Newton's recommendation. We are happy to reduce to the four units. We will continue to work with our Engineering team and City zoning and Council to work on the site plan, so it is more viable for all parties. We've made ourselves available, even at short notice to neighbors to listen to their concerns and do everything we can to appease any concerns that are raised and will continue to do, so throughout the process. We really like the neighborhood and look forward to a long-term relationship to develop more single-family homes; however, sometimes there will be opportunities or need to create a duplex, but the price point that these properties will be in will attract homeowners more than renters and developing rentals here is not being targeted at all, it is a for sale product.

We don't believe the addition of the four, dwelling units significantly increases the number of cars that will be passing through the neighborhood, and all the homes will have a two-car garage as I mentioned and driveways with parking. We will plan to revise the site plan to reflect the front-loaded garages with driveways. We understand that residents are always concerned when changes occur close to home but new residents that want to live in these neighborhoods for the same reason as others do because it is desirable. We remain sensitive to the neighbor's concerns and while at the same time will provide a high-quality product that compliments the neighborhood.

Andrew Matroni, 4136 Bloomdale Drive said I live in the neighborhood a few blocks away, and I am mainly here just commenting on my view that bringing in new homes that look great and kind of bring neighbors into the neighborhood with higher price points, I think is generally a good thing for the neighborhood. We've seen a lot of development in the neighborhood, and I think it has been for the best. I have personally been there for about six years now and have really enjoyed it, and I think that these add some good

frontage. I am not majorly concerned either with parking or even duplexes sort of taking away from the neighborhood that we live in today. I'm just here for the project.

Samantha Starling, 716 North Sharon Amity Road said I am a resident and owner of property up the street on Sharon Amity Road. Just a few short months ago, I stood in the exact same spot and made arguments for four homes, a detached single-family, home development that was going to be on the corner lot of Sharon Amity Road at Emory Lane. We went through all of the reasons why this is not a good idea, consistency, which we've heard a lot tonight was one of the big things, land use, and a leapfrog in density from an R-3 to an R-8, and this one will be almost an R-9. We talked about taking stamps of little rezoning properties and putting them in the middle of something where they are not consistent with the surrounding area. We talked about the traffic and the egress onto Sharon Amity Road and being unsafe at every intersection where there is not a traffic light. Here we are again, talking about the exact same thing. The only difference here is now in addition to this we are going to .44-acre lot instead of .52, so we are even making a smaller and even more density. We are also adding a multi-family component to this instead of a single-family. I don't think logic alludes any of us here, that if it wasn't okay just a few short months ago to build four separated, single-family homes on a .52-acre lot, that now we are talking even smaller, even higher density with a multi-family components.

I could have brought my own presentation here and showed it to you. I think a lot of you remember getting the detailed maps and overlays and everything from me not quite a year ago. Some of you who are new didn't get those, and nothing has changed since then. The traffic certainly hasn't gotten any better; the run-off certainly hasn't gotten any better. The schools certainly haven't gotten less crowded and everything about the area of Cotswold, Sherwood Forest, and Oakhurst certainly hasn't changed to have any more of this kind of development in our neighborhoods.

I would like to point to the Planning Department; they did an amazing job, and if you will look at the aerial photo they are showing of the area without that. Again, you can see there is nothing with this density there. So, it just doesn't make sense when you look at the consistency of the one-off rezoning that are going to take place in the area. Everything is R-3, even though the R-12 is right behind us the Council that approved that was smart enough to put a CD on there, so it is not zoned for residential 12 units, multifamily. If you look at the structure of the lot as well, it would be very difficult to put a maximum number of homes on that lot to put about 20 units on that lot to even have multifamily and again, wouldn't be consistent with the rest of the area when you look at it.

I ask you that you look at this plan; Mark has been really great. We've met a couple times, even earlier today, and he is very willing to work with the neighborhood. I think we would be most happy to see three single-family homes with a little more yard, and he has looked at some of the parking issues. Street parking is not possible on Castleton. It is too dangerous to come in and out as people fly off Sharon Amity Road, and he has already shown his willingness to work on that. I think at some point we could have a compromise. I feel like I'm speaking on behalf of hundreds of neighbors just like I did last time, but still the multi-family component with the four homes and .11 acre of a lot is not consistent in our area and the characteristics that we've come to know and love in the traditional Charlotte neighborhood.

In rebuttal, Mr. Bolous said I appreciate all the thoughts, and we are definitely going to continue to work with zoning, with the engineer, and with the neighbors to come to a viable solution for everybody. The only thing I would say is there is a triplex on Craig Avenue, just one street up, northeast of that site there that was recently approved. This would be adding one duplex to the neighborhood. The price point of these would be very good price points, so the concern with rentals or rental type properties I don't think is necessarily there. I hear the opposition of potentially now opening the opportunity for a lot of condo development and major development in the neighborhood, and I don't believe this one approval will bring all of that in, and I certainly am convinced that the Council and Zoning Department has the ability to weigh each case it gets presented to prevent any major multifamily development that would occur.

Councilmember Newton said I would agree with staff; I think under its current form I would have a lot of trouble supporting this. Having said that, we don't have anything to indicate for us what anything other than five units would look like. So, assuming there is a change here, would that be required to be submitted prior to the Zoning Committee meeting and then again, I guess thereafter, I'm assuming we would have to decide whether that change is minimal, minor or larger requiring it to come back before us, right?

Mr. Pettine said if they reduce the units as a result of this public hearing, we would have that submitted prior to Zoning Committee so they could make a recommendation based off of that plan. So, those changes wouldn't necessarily have to be voted on as a change, because you guys would see that change and the Zoning Committee would see that change. Now, if we went to the Zoning Committee with the plan as it is, then after Zoning Committee, we made a change to reduce the units that would be something that you guys would have to look at and vote on to say should we go back to Zoning Committee or are we comfortable with that change. Any changes that would happen as a result of input from this public meeting and any continue dialogue with staff and the community, we would want those changes presented to the Zoning Committee at their next meeting. If there is not enough time to do that, then we would have to look at doing Zoning Committee another month out. Right now, we have about two weeks until the next Zoning Committee meeting, so it would have to be a pretty quick turn-around, but certainly, we've got time to do that either prior to the February Zoning Committee meeting or even March if we need some more time to work through some of those issues, but we would like those changes to be ironed out. So, we could have the Zoning Committee look at them in full and make a recommendation based off of them.

Mr. Newton said what I'm hearing from the petitioner is the idea of placing a duplex at the front, two, single-family behind the duplex. I don't know how consistent that would still be with the plan, because I think the plan does call for single-family units. Certainly, on Craig Avenue, I guess those triplexes, I'd be interested in knowing any type of frontage on Sharon Amity to see what kind of consistency we have there.

From the standpoint of the duplex itself, I noticed in the site plan, at least provided with this petition, we see some tree save area in the front, and I'm wondering what we would be looking at from the standpoint of tree safe in some future site plan. So, maybe take that into consideration as well. I also wanted to ask about the parking, because I would be interested in knowing exactly where that parking would exist on the frontage with the duplex.

Mr. Bolous said there would be front load parking in the duplex and four driveways, one driveway for the duplex and then one driveway for each of the other units.

Mr. Newton said what we are talking about here is the magic number, and I would be interested to see that site plan myself. So, I will be keeping an eye on my e-mail with that, and I would encourage the petitioner to please continue working with the community so that everyone wins here.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2019-143 BY TARA ELLERBE-ELITE FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.33 ACRES LOCATED AT THE SOUTHERN INTERSECTION OF NORTH TRYON STREET AND LIDDELL STREET, .2 MILES NORTHEAST OF BROOKSHIRE FREEWAY FROM I-2 (INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said this is a very small lot. Again, just outside of the freeway loop of the Center City, 0.33 acres and here is the location. For reference, there is the Auto Bell; this is a storage component over here. The rail yard is just behind there. The current zoning is I-2 industrial; the proposed is MUDD-O and the North Tryon Area Plan actually calls for industrial uses, specifically office, industrial, warehouse, and distribution uses. So, we are a little bit outside of what the plan says.

The plan was from 2000; I've worked on that plan, and I can tell you that the expectations at the time were less than we have today. This is the proposal of an adaptive reuse of the building. It is very close to the street in both directions, less than our MUDD standards call for but as an existing building, you can do that. One of the optional provisions that is sort of woven through their presentation is that all buildings that they would be allowed to build and not honor those setbacks for any additions and any future buildings on this site. Those are some of the things that we are not pleased with.

We are recommending approval of this petition upon resolution of those outstanding issues, that being the primary issue. Also, we need to get those optional notes all together in one place, so we can see what they are. It is inconsistent with the plan, which now calls for office, industrial, warehouse, and distribution uses. It would allow for all uses in the MUDD except for residential uses. So, it does extent those uses to the restaurant that they proposed and other MUDD uses as well. If approved, this will revise the land use plan from that industrial office to office retail uses.

Mellissa Oliver, 223 North Graham Street said I am with Land Design, and I'm here representing the petitioner for this rezoning. The reason for this rezoning is this is an existing historic building, and it is to be used for commercial uses, office, restaurant, food, and beverage with the existing, site constraints in order to get parking on the site constraints we are rezoning to MUDD-O.

Luke Volkmer, 1635 West Trade Street said as Mellissa mentioned, we are looking at a full rehabilitation of a 1925 structure. It has been vacant for over a decade at this point, and I'm sure many of you have seen it on your way into uptown so brick repair, a lot of structure reinforcement, new windows, the first-floor restaurant space and office on the second floor and then root top space as well, parking behind with access from Liddell Street.

Councilmember Egleston said I have passed this building a lot; it has been empty for a long time, but it is really a cool building, and so, just wanted to express my appreciation as always for someone who comes in and does the hard thing but the right thing, which is to find a way to give new life to these old buildings when arguably it would be easier to tear it down. So, thank you for doing it the right way but probably the hard way, and I'm excited to see what you all do with it.

Councilmember Winston said will the sidewalks be improved to current standards should this rezoning go through?

Mr. Main said I believe their existing proposal is to rehabilitate the existing sidewalks, and of course, the building is there; you are not going to get a planting strip and trees along the edge of this building, as long as it stays there.

Ms. Oliver said I believe we have in our rezoning notes that we are going to improve, especially Liddell Street, an ADA ramp along that, redoing the curb, redoing the sidewalk all along that, and we can also certainly re-panel the sidewalk right in front of the building off Tryon Street as well.

Mr. Winston said just looking at your rendering, is there some plan to remove utility lines that kind of traverse that area, especially that pole that sits right there on the corner that makes that sidewalk pretty inaccessible for folks that might be traveling there with special needs?

Ms. Oliver said the plan is to keep that pole where it is currently; it is pretty much right at the back of curb. It is an existing building, and it doesn't matter which way you push the

pole; we still have power lines going all the way back at Liddell Street serving those people and then down Tryon Street. The purpose of the ADA ramp at that corner, having a landing pad, all the requirements that C-DOT requires for ADA access to cross the street. That was the big one there that we are going to comply with C-DOT to fix that corner.

Mr. Egleston said Mr. Winston sparked an idea that I'm not looking at the developer to do in this particular project, but I just will plant the seed with staff in case there is any way for us to see fit to do this but given the constraints of the sidewalk and there is another historic property two parcels towards town. If you look at the picture there, it is kind of a pinkish, old, service station that is really cool, and I hope will be preserved as well. Given the constraints for these sidewalks and we have a couple buildings that I hope will not be torn down and given that we are currently looking to beautify and revitalize this particular corridor, particularly between 16th Street and the I-277 bridge on North Tryon Street into uptown. It is the one of our four main gateways into uptown that really has not seen much love or much investment, I would just plant the seed with staff to explore whether there is a way that we could bury the power lines in this short stretch of North Tryon Street, which would take the poles out of the sidewalk, and while we don't get the big, wide, beautiful sidewalk that we necessarily want, it takes an obstruction out of the sidewalk and gives people more room to operate on it.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2019-144 BY YORK ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 23.57 ACRES LOCATED ON THE WEST SIDE OF NORTH TRYON STREET, SOUTH OF SIR ANTHONY DRIVE, NORTH OF WEST MALLARD CREEK CHURCH ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND R-12 (CD) TO R-12 MF (CD) MULTIFAMILY RESIDENTIAL, CONDITIONAL),

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said we've got approximately 23.57 acres of land on North Tryon Street, and it is just inside the I-485 loop, also the University is just off this slide further down North Tryon Street just to the south of there, which is significant, because this is proposed for housing for students. This is the aerial photograph, so you will see that it is fairly non-developed, but it right adjacent to some multifamily right below there. The current zoning is R-3 for a little piece of it and R-12 (CD) for the remainder of it. That is a little more evident on this, which shows the adopted future land use. The Northeast District Plan, which is a 2000 Plan calls for residential at 12 units per acre, for what you see in dark green, which includes these pieces right here and residential at four units per acre for that piece along Sir Anthony Drive. Sir Anthony Drive is a dead-end street that goes back into large lot, single-family homes. The property is accessed primarily from an access road that is off of Tryon Street, and the site sort of surrounds the Hunt Club multi-family residential as well. The proposal is for 194 multi-family units, 41 buildings; they will be largely three-stories in height. There is a clubhouse and amenity area, which is over here.

Again, this is the single-family street, so while we've been working with them to get the clubhouse area and some of the lower density, lower-scale buildings along the edge of Sir Anthony Drive so it is a little more compatible with the single-family and with higher heights further back along the other areas. There is an eight-foot planting strip, six-foot sidewalks, crosswalks, open-area improvements, including that clubhouse area. Architectural standards will be provided that provide for building materials, massing, and such as that.

We do recommend approval of this upon resolution of a few outstanding issues related to design and transportation. Again, it is consistent for most of the area; it is inconsistent

with that portion that is right along Sir Anthony Drive, which is recommended for the single-family residential. We think that this provides a step down in density. Again, we have been working to get more of the buildings that are more dense away from the single-family area as well, so that is our rationale for this one. If approved, it will change the adopted land use for that portion along Sir Anthony Drive from four units per acre to 12 units per acre.

Keith MacVean, 100 North Tryon Street said I am assisting York Acquisitions, LLC the petitioner on this site. With me, tonight representing the petitioner is Stephen Gesner and Dan Coble with Aspen Heights. York Acquisitions is an entity as part of Aspen Heights. Aspen Heights will be the developing, constructing, and managing this proposed residential community. Also, with me tonight is Andrew Eagle with Randy Camp and Associates our Traffic Engineer and Edie Moore with John R. McAdams.

I want to thank the staff for their support; we are working to resolve the remaining outstanding issues, and we will have the revised plan to the Zoning Committee prior to their meeting on the 4th. As I mentioned, Aspen Heights is the developer and will be constructing and managing the community, formed in 2006, headquartered in Texas but has an office here in Charlotte, a national multifamily and student housing developer, is a fully integrated company in terms of development construction, property management, marketing and leasing of their communities. This is a purpose-built, student housing community with up to 194 units. This slide just talks a little bit about the demand for student housing. There are about 40% of the students who go to UNCC currently have housing needs that are not met by other purpose-built, student-housing developments in the area or by on-site student housing that the University provides. That is roughly about 9,000 folks that could potentially be tenants of this proposed community.

It is just south of I-485 on the west side of North Tryon Street; Mallard Creek Road is here, so we are between I-485 and Mallard Creek Road, I-85 is here, the University is here. We are a little bit over a mile and a half from the actual campus, a walk drive, do have good pedestrian amenities. This is the main intersection at Mallard Creek and North Tryon Street has crosswalks, pedestrian amenities to facilitate getting folks from the community to the University. There are existing multi-family developments near at this moment in time. We've had several outreach meetings with both University City Partners, Captain Sell, in terms of looking at safety and security for the students, UNC-C representatives as well as community meeting and then the residents of the homes on Sir Anthony Drive, and we continue to have outreach with the folks on Sir Anthony Drive as well. Again, 194 units, slightly at a density of eight units to the acre; it is a combination of duplex of quadruplex units, these smaller buildings you see here.

Councilmember Johnson said you said you've had several community meetings; what kind of feedback are you getting from the community, the homeowners, and University City Partners?

Mr. MacVean said we've had good meetings with both those folks, as we mentioned, and I think some of the folks from Sir Anthony Drive are here and we believe are in support of the petition. The petitioner will be meeting with them again regarding access to Sir Anthony and the location of the driveways, as well as some other site issues they have questions about.

The meeting with University City Partners went well; they have asked us a number of questions to look at in terms of additional meeting with Captain Sell, committing to some open space in this area and looking at some other factors dealing with how the community will be run and the amenities for the community. It is purpose-built, student housing. It is targeted for students; the amenities are designed for students. The community will be part of the Niner Choice Gold Program, which is a program that UNCC has developed for purpose-built, student housing that helps assure the University that their students are being served appropriately in housing in quality developments. The developer has committed to be part of that and as part of our meetings with UNC representatives. So, meetings have gone well, and we feel we have the support of everyone involved at this time.

Councilmember Watlington said I just have a question in regard to the market study where you've got here 40% of the students live somewhere else. It looks like inside excess demand is a little over 9,000 students. Do you believe that the students who are currently living somewhere else would prefer to live here versus where they currently are? I just want to get a sense of why you believe they are going to convert to this.

Mr. MacVean said the 40% you mentioned that aren't currently on campus or in other student, purpose-built, housing communities are probably in market-rate, multi-family communities or throughout the Charlotte area and maybe in homes near the campus. Part of this is to show that there is a demand for purpose-built housing, where it is designed with students in mind, the amenities are for them. The security and the folks that live there are students for the most part. We do have some fair housing things to deal with but targeted to students. We believe this offers a better choice for students; it is a choice, not a requirement but a choice that we feel some students would like better than being in a typical, market-rate, multi-family community.

Mayor Pro Tem Eiselt said didn't you mention Mr. MacVean that there is transportation as well?

Mr. MacVean said I'm sorry. I did not mention it; it is actually my next slide. There is an on-site, shuttle service that will be provided to the students that allows them to get to and from campus without having to walk or drive their cars. One of the things the University City Partners mentioned and we are investigating and will do is being part of the University's Bike Sharing Program as well.

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. 2019-148 BY BRANFUL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.55 ACRES LOCATED ON THE WEST SIDE OF WEST SUGAR CREEK ROAD, SOUTH OF WILSON LANE, SOUTH OF I-85 FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) AND NS (NEIGHBORHOOD SERVICES) TO NS (NEIGHBORHOOD SERVICES) AND NS SPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT).

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said the current zoning here is B-1(CD), and it consist of essentially two parcels. One is a site right at the corner of Wilson Lane and West Sugar Creek Road, and I should mention I-85 is just off the slide to the north on here. It consists of a parcel that is right now a Taco Bell fast food and a vacant site here that is actually a part of the site to the south. So, it is sort of integrating two parcels. As you can see right here, there is the freeway. Here is Sugar Creek Road, and there is the project in question. This is a Family Dollar here, and this is the Bojangles that is not involved. So, the existing zoning is B-1(CD); the site below neighborhood services. So, it is combining two parcels, essentially replacing that existing Taco Bell and building onto that vacant piece that is a part of the site of the Family Dollar.

The adopted future land use is a little disjointed here, but basically, it supports retail uses in both cases. It is disjointed basically because we've had rezonings over time that has done that to us, but it is essentially consistent with the plan. The design limits the square footage to 5,000 square feet; it does provide the building with sidewalks that will access the building from both directions. The drive-thru runs around this edge and is screened from the view from Sugar Creek Road. There is a dedication of right-of-way for Sugar Creek Road, again, sidewalks along both streets, and it does provide some architectural standards as well. We do recommend approval of this petition upon resolution of a few outstanding issues. It is consistent with the plan, and it is consistent with what is along

the street today and is not adding any more drive-thru restaurants than is already there, replacing essentially one for one with a slightly larger facility.

Bridget Grant, 100 North Tryon Street said I am with Moore & Van Allen. I am assisting Adam McCurry, with Branful. It is a fairly simple rezoning, so I'm not going to take a lot of your time. As Kent mentioned, it is a combination of an existing Taco Bell and a vacant parcel that is next to the Family Dollar. The rezoning would allow the site to be redeveloped with an updated building and uses. These are some conceptual renderings that weren't included in the application but were intended to be shared during our community meeting to show the type of building that is going to be constructed on the site. The updated building will also increase the visibility into the site, eliminates another proposed building in addition to the Taco Bell, and so we don't get to say this very often, but it eliminates one former drive-thru but is actually anticipated to generate less trips than permitted by right. So, with that I'm happy to answer any questions.

Councilmember Winston said the land use might make sense, but the last thing we need over there is a bigger, "better" fast food restaurant option. It is not good for the community.

Councilmember Egleston said I think anytime we can get investment there where we have a higher quality building, better lighting, better sidewalks. I don't frequent KFC, but I don't think it is any worse for the community. In fact, I think it is better for the community, not the restaurant concept, but the investment that will be made there and the improvements that will be made around the site will improve the community compared to the existing condition.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2019-151 BY LONGBRANCH DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 11.63 ACRES LOCATED ON JOHNSTON-OEHLER ROAD, EAST OF OEHLER BRIDGE DRIVE, SOUTH OF I-485 FROM R-3 SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL)

Mayor Pro Tem Eiselt declared the hearing open.

Kent Main, Planning said this site is 11.63 acres located on both side of Johnston-Oehler Road, which is the first road off of I-485. It is within the area of the Prosperity-Hucks Area Plan. The property is the green spot, and this is the high school right here and recreation facilities there. We are right along the edge of the freeway, and there is also brand-new, round-about there that crosses into the other side of the freeway and the other elements of the Prosperity area. The current zoning is R-3; they are looking for UR-2 (CD) urban residential, conditional, and the Prosperity-Hucks Area Plan from 2015, this is the one we discussed in the earlier proposal, recommends residential up to four units per acre. This is part of the wedge element of the Prosperity-Hucks Plan, and there is an element in there that makes a reference to small areas of higher density at key locations close to open space and close to institutional uses.

The proposal here is for 124 attached, dwelling units, with a maximum height of two-stories. It has a multi-use path connection; it's got connections also into the recreation facility behind there. It does have a pedestrian crossing of Johnston-Oehler Road and includes additional right-of-way as well as part of that. It does have buffers along residentially zoned area, although I need to point out that this does not abut single-family, residential areas. It commits to improved rights-of-way and also has building standards related to it.

We do recommend approval of this petition upon resolution of some outstanding issues, and it is inconsistent with that map use of four units per acre. At 10.7 units per acre, it is

denser than what the plan recommends; however, again, it does commit to attached dwellings and not to multifamily, which is what we have heard most of [inaudible] when we were preparing that plan before. Again, it does not abut single-family, except for a few right along the edge that back up to the freeway. It does meet that sort of standard for being an element of higher density at a key location close to recreational school facilities as well. Approval of this petition will change the land use for the area from four units per acre to less than 12 units per acre.

Keith MacVean, 100 North Tryon Street said I am representing Longbranch Development. With me tonight is Brett Basnight, with Longbranch Development, as well as Brent Stout with PPR & Associates, the land planner for the site. Kent has done a great job explaining what we are proposing. It is up to 124 townhomes that can be for rent or for sale adjacent to the Mallard Creek High School and Mallard Creek Park, two separate parcels, one smaller parcel between Johnston-Oehler Road and I-485. In terms of the site plan, here is the site plan, internal private streets designed to look like public streets and will have vehicular access to Johnston-Oehler Road. We are improving this access right-of-way that is located at the intersection of Johnston-Oehler Road and Johnston-Oehler at the round-about. Have made connections to both Mallard Creek Park that is adjacent, have a buffer next to the high school property as well as a buffer next to the single-family homes and a buffer next to I-485. Internal private streets, each unit does have a garage, and there will be internal sidewalks connecting the units to each other as well as to the sidewalks along the public streets. We will work with staff to address the outstanding issues.

Will Russell, 6601 Blue Sky Lane said I am representing the Prosperity Village Area Association, and we take responsibility for managing not only the development of our area but the growth and the sense of community that comes along with Prosperity Village. We generally support this petition; we think that the townhome use, especially in this area, will be a good addition to our area and we really appreciate Mr. Basnight and Mr. [inaudible] working to improve the pedestrian connections along Johnston-Oehler Road, especially in the right-of-way.

We are also excited that they followed our suggestion to include a connection to the Mallard Creek Regional Park, which is next door. We think that is very consistent with what is going on, but it does raise the greater issue of consistency with rezonings in our area. We have found that they are not normally consistent altogether. We've noticed that in this instance staff has said that this is denser than what was on the area plan, and you've heard that same analysis for 2019-105, which came you previously, that it was also denser than the area plan but yet the differences between the two is one is being recommended for approval by Council and one is not. This one is being recommended for approval, but the other project, which also includes density that was prescribed by the area plan and mixed-use, which was prescribed by the area plan and it was not recommended for approval. So, in order to maintain our consistency and understanding how we can community, not only with the developers but with the community, for which we are entrusted to lead and protect, we need to understand that one keyword of consistency.

Councilmember Driggs said I just think given the conversation, we had earlier we really need to be careful about the distinction that we are making between this situation and that one. So, in your justification, I would just ask that you target that more specifically because an argument like this could have been made for the other one. I said earlier, we want to work with you guys. So, the uniqueness of this situation or what is going on around it that would cause it not to be suitable for the intended area plan development and things like that. So, we draw some clear lines between when we do and when we don't make exceptions, because this is the same recent plan.

Mayor Pro Tem Eiselt said to that point too and I have a question Mr. Russell about how you feel about this, because it will change the area plan, and it will increase density by two and half times of what the area plan calls for. The justification for this by staff was that because there is really very little single-family housing around it, that it is okay to have that density, but if it changes the area plan, then it changes the area plan, and the

next project where there is single-family housing, or it impacts it more. As a community, do you not worry about that since it will change the area plan?

Mr. Russell said we are always concerned about anything that changes the area plan. As far as density and adding the additional house, we really aren't that concerned as an organization. We realize that Charlotte is a very popular City and that we are going to be prime for a lot of growth. So, we are encouraging density where possible to make a consistent look and feel of the area, and the reason we want to do that is so that the next developer or the next project that comes behind it, they will have a precedent set that we can follow and work with City staff in order to make sure the next projects that follow behind it are consistent, as well as far as density and building.

Councilmember Winston said for a point of clarity I went back and looked at zoning Petition 2019-105 that we talked about earlier in the day, but the first page says the proposed zoning is MUDD(CD) but flip it, and it says the proposed zoning is neighborhood services on the second page. So, can I get some clarity as to what we are looking at that old one.

Mr. Main said that one I believe has been changed to NS, so it is NS for the one that we talked about earlier.

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

ITEM NO. 41: HEARING ON PETITION NO. 2019-153 BY 650 SOUTH TRYON DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.64 ACRES BOUNDED BY SOUTH TRYON STREET AND WEST HILL STREET EAST OF JOHN BELK FREEWAY FROM UMUD-O (UPTOWN MIXED USE, OPTIONAL) TO UMUD-O (UPTOWN MIXED USE, OPTIONAL, SITE PLAN AMENDMENT)

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is .64 acres on West Hill Street and South Tryon Street just inside the John Belk Freeway. Just to give you some context, this was a UMUD rezoning with some optional provisions. We are still considering the UMUD-O provisions, and we are doing a site plan amendment mainly just to accommodate a valet drop-off/pick-up area along the site that wasn't envisioned with the initial site plan was approved. This is something we've talked with the petitioner about, and we looked at some other options to potentially do that as an Administrative Amendment, but rezoning was the best option to move forward with. So, essentially this petition is really keeping the previous rezoning intact; we do modify the streetscape just a bit on East Hill Street, really again, just to accommodate that drop-off and pick-up area for some valet service so no major concerns from staff. We just a few outstanding items related to site and building design, which are fairly minor, and we will continue to work with the petitioner on, but the crux of this petition is just to accommodate that valet space and maintain all the original provisions from the previous rezoning.

Collin Brown, 1427 East 7th Street said this is a fantastic valet drop-off lane, and I'm happy to answer any questions.

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

ADJOURNMENT

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

The meeting was adjourned at 8:36 p.m.

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

Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 0 Minutes
Minutes Completed: February 14, 2020