

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, February 17, 2020 at 5:00 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Victoria Watlington, and Braxton Winston II.

**ABSENT:** Councilmember James Mitchell

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### **DINNER BRIEFING**

#### **ITEM NO. 1: AGENDA REVIEW**

**There was no agenda review.**

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#### **ITEM NO. 2: DINNER MEETING AGENDA**

**David Petting, Planning** said we have a couple of updates on the Dinner Agenda in front of you; we had some changes since the lunch meeting. Item No. 4, Petition No. 2019-069 by Harrison Tucker is deferred to March 16<sup>th</sup>. We also had an update on Petition No. 2019-106; this is the one that we discussed with Councilmember Johnson about the status of the applicant property owner; they want to withdraw that petition. That [inaudible] has been cleaned up so, thank you for reaching out to the petition. Then we added Item No. 32 which is Petition No. 2019-167 by Grubb Management, LLC. That was an item that was deferred but not on your lunch agenda. We will defer that item to March 16<sup>th</sup>. All the deferrals are for March except for that one withdrawal. We have some changes after the Zoning Committee vote we will need to vote on. There are four different items that have changes and we will cover those when we get into the meeting. You also have two inserts that go with Agenda Items No. 34 and 35 are deferrals; they were not in the [inaudible] so we wanted to print those out. Those are the latest updates; we don't have any other significant changes since lunch.

I did want to take a minute and go over the maps that we put in your package this month which are active transportation projects which are between your Decisions and Public Hearing items. These are maps that show all the active transportation projects by Council Districts. This includes traffic signals, [inaudible] street projects, intersection projects, and state projects so, all of these maps are related active projects in your Districts, and these now correspond with items with your staff analysis. Transportation summaries have been updated and expanded just a bit for now and we will continue to expand those over the coming months but there is a section now that is called Active Transportation Projects near the site with a bullet list of where those are if you want to refer back to the maps to see where they may be, but if there is an active project in the vicinity of this rezoning it will carve out there and what actually is going on with that project, so just another level of understanding traffic and transportation as it relates to that petition. We hope that will be a bit of help for you all as we continue to evaluate these each month. If there is more information you would like or if you want us to expand on that or tweak it; we are implementing this for the first time, please give us some feedback and we will make changes as we need to.

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#### **ITEM NO. 3: FOLLOW UP REPORT**

**There was no follow up report.**

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The meeting was recessed at 5:10 p.m. to move to the Meeting Chamber for the regularly scheduled Zoning Meeting.

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### ZONING MEETING

The City Council of the City of Charlotte reconvened For a Zoning Meeting on Monday, February 17, 2020 at 5:31 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Victoria Watlington and Braxton Winston, II.

**ABSENT:** Councilmember James Mitchell

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### INVOCATION AND PLEDGE

Councilmember Egleston gave the Invocation and the Pledge of Allegiance to the Flag was led by Cub Scout Pack 163.

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### EXPLANATION OF ZONING MEETING

Mayor Lyles explained the Zoning Meeting rules and procedures.

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### INTRODUCTION OF ZONING COMMITTEE

**Sam Spencer, Chair of the Zoning Committee** introduced the members of the Zoning Committee. They will meet Thursday, March 5, 2020 at 5:30 p.m. to make recommendations on the petitions heard in the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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### DEFERRALS / WITHDRAWALS / NEW PUBLIC HEARING DATE

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer: a decision on Item No. 4, Petition No. 2019-069 by Harrison Tucker – CoHab, LLC to March 16, 2020; a decision on Item No. 14, Petition No. 2019-144 by York Acquisitions, LLC to March 16, 2020; a decision on Item No. 34, Petition No. 2019-009 by Joseph Rhodes to March 16, 2020; a hearing on Item No. 20, Petition No. 2019-111 by Hive Fitness, LLC to March 16, 2020; a hearing on Item No. 21, Petition No. 2019-115 by Northwood Development, LLC to March 16, 2020; a hearing on Item No. 32, Petition No. 2019-167 by Grubb Management, LLC to March 16, 2020; and withdrawal of Item No. 35, Petition No. 2010-106 by Darren Vincent.

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### DECISIONS

**ITEM NO. 5: ORDINANCE NO. 9743-Z, PETITION NO. 2019-080 BY SEAHAWK PARTNER HOLDINGS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 11.15**

**ACRES LOCATED ON THE WEST SIDE OF COMMONWEALTH AVENUE AND EAST OF CHARMECK LANE, NORTH OF MONROE ROAD FROM R-8MF (MULTIFAMILY RESIDENTIAL) AND R-5 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH 5-YEAR VESTED RIGHTS.**

The Zoning Committee voted 6-1 (motion by McClung, second by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Independence Boulevard Area Plan for a majority of the site, however, it is inconsistent with the recommendation for the northern portion of the site, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential uses up to 12 units per acre for the majority of the site. The plan recommends residential uses up to 5 units per acre for the northern portion of the site. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the petition proposes townhomes at 12.0 DUA for the entire site. The proposal will add a mix of housing types to the area. The development will create new street connections and street stubs for future development and connections to Monroe Road. The plan commits to architectural standards, building heights limited to 45 feet, a buffer abutting single family homes, and buildings positioned to minimize visual impact from the adjacent single-family neighborhood.

The petitioner made the following changes to the petition 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. Amended the site plan to reflect a third development area (Area C) in the northwest corner of the site adjacent to Levy Way. Amended the labels of Levy Way access to say "Access (connection to be provided if required by Subdivision Ordinance)".
2. Amend the notes to say, "The petitioner shall construct the Development C portion of the proposed public street and connect through to Levy Way prior to the issuance of the 134<sup>th</sup> certificate of occupancy for the site."

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

Motion was made by Councilmember Eiselt, seconded by Councilmember Egleston, to approve Petition No. 2019-080 by Seahawk Partner Holdings LLC as modified, and adopt the following Statement of Consistency: This petition is found to be consistent with the Independence Boulevard Area Plan for a majority of the site, however, it is inconsistent with the recommendation for the northern portion of the site, based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to 12 units per acre for the majority of the site. The plan recommends residential uses up to 5 units per acre for the northern portion of the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition proposes townhomes at 12.0 DUA for the entire site. The proposal will add a mix of housing types to the area. The development will create new street connections and street stubs for future development and connections to Monroe Road. The plan commits to architectural standards, building heights limited to 45 feet, a buffer abutting single family homes, and buildings positioned to minimize visual impact from the adjacent single-family neighborhood, as modified.

**Councilmember Newton** said this is the Levy Way Extension item, one which we had some conversation during the public hearing on this and I know there has been a lot of community input on what will happen if there is a connection with Levy Way in this rezoning and more specifically, I think the environmental impact of this in the opinion of

Core of Engineers. Due to the hard work between City staff and the petitioner in this case and the community, we have resolved all issues to everyone's satisfaction. I am in support of this moving forward and I would ask my colleagues to support this as well.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 732-733.

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**ITEM NO. 6: ORDINANCE NO. 9744-Z, PETITION NO. 2019-105 BY THE GREENSTONE GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.14 ACRES LOCATED ON THE WEST SIDE OF BENFIELD ROAD, SOUTH OF SUMMER CREEK LAND AND NORTH OF I-485, WEST OF PROSPERITY CHURCH ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES)**

The Zoning Committee voted 5-0 (motion by McClung, 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 Prosperity Hucks Area Plan (2015), based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends residential uses up to eight 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 at 15 dwelling units per acre, the residential component of this petition is denser than the eight dwelling units per acre that the adopted area plan recommends for the site. However, the proposed development will provide an appropriate transition between existing single family and commercial uses. The plan notes that a secondary retail and/or office component facing Benfield Road is appropriate if designed and integrated with the residential uses to create a unified walkable place. The petition includes ground floor retail uses integrated in the building with residential uses and has committed to pedestrian pathways through the site to encourage pedestrian interaction from Benfield Road. The petition's commitment to a 15,000-square foot office building is a complementary secondary use to the residential/ retail component. The petition provides a buffer and step-down commitments to three-stories along Summer Creek Lane to address concerns regarding the transition to adjacent single-family homes to the rear of the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2019-105 by The Greenstone Group, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015), based on the information from the final staff analysis and the public hearing, and because the plan recommends residential uses up to eight 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 at 15 dwelling units per acre, the residential component of this petition is denser than the eight dwelling units per acre that the adopted area plan recommends for the site. However, the proposed development will provide an appropriate transition between existing single family and commercial uses. The plan notes that a secondary retail and/or office component facing Benfield Road is appropriate if designed and integrated with the residential uses to create a unified walkable place. The petition includes ground floor retail uses integrated in the building with residential uses and has committed to pedestrian pathways through the site to encourage pedestrian interaction from Benfield Road. The petition's commitment to a 15,000-square foot office building is a complementary secondary use to the residential/ retail component. The petition provides a buffer and step-down commitments to three-stories along Summer Creek Lane to address concerns regarding the transition to adjacent single-family homes to the rear of the site.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 734-735.

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**ITEM NO. 7: ORDINANCE NO. 9745-Z, PETITION NO. 2019-121 BY JAMARIO RICKENBACKER AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.15 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).**

The Zoning Committee voted 5-0 (motion by McClung, 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 Central District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends retail land use 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 is consistent with the adopted retail land use for the site. The site is already zoned for a convenience store under the current B-1(CD) zoning. The site is on West Boulevard, a state maintained existing major thoroughfare. The UR-C zoning district allows for commercial, and residential uses, while eliminating auto oriented uses such as drive-thru windows, gas stations, auto sales, and auto repairs.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-212 by Jamarico Rickenbacker and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends retail land use 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 is consistent with the adopted retail land use for the site. The site is already zoned for a convenience store under the current B-1(CD) zoning. The site is on West Boulevard, a state maintained existing major thoroughfare. The UR-C zoning district allows for commercial, and residential uses, while eliminating auto oriented uses such as drive-thru windows, gas stations, auto sales, and auto repairs.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 736-737.

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**ITEM NO. 8: ORDINANCE NO. 9746-Z, PETITION NO. 2019-123 BY MAGNUS CAPITAL PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 5-0 (motion by Watkins, second by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the West Morehead Land Use and Streetscape Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends mixed use. 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 land use plan recommendation for mixed uses per the West Morehead Lane Use and Streetscape Plan. However, the petition does not comply with the urban design

standards of the pedestrian overlay, due to the development constraints within the floodplain, and ground floor activity would be limited. In lieu of active ground floor uses, public art and architectural articulation is provided. The conditional plan provides a preserved corridor for the future alignment of the CATS Silver Line. Through recent redevelopment, the area is becoming more intense than the previous development in the area and the proposed rezoning would provide a transition from uptown to the West Morehead area.

The petitioner made the following changes in the petition 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. Amended the Conditional Notes to further refine/clarify commitment to reserve and dedicate ROW for future Silver Line project.

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously not to send this back to the Zoning Committee.

Motion was made by Councilmember Graham, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-123 by Mangus Capital Partners as modified, and adopt the following Statement of Consistency: This petition is found to be consistent with the West Morehead Land Use and Streetscape Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends mixed use. 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 land use plan recommendation for mixed uses per the West Morehead Lane Use and Streetscape Plan. However, the petition does not comply with the urban design standards of the pedestrian overlay, due to the development constraints within the floodplain, and ground floor activity would be limited. In lieu of active ground floor uses, public art and architectural articulation is provided. The conditional plan provides a preserved corridor for the future alignment of the CATS Silver Line. Through recent redevelopment, the area is becoming more intense than the previous development in the area and the proposed rezoning would provide a transition from uptown to the West Morehead area, as modified.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 738-739.

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**ITEM NO. 9: ORDINANCE NO. 9747-Z, PETITION NO. 2019-138 BY ROMA HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATE 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).**

The Zoning Committee voted 5-0 (motion by McClung, second by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan (1993) with respect to land use but consistent with General Development Policies (GDP), based on the information from the post hearing staff analysis and the public hearing and because GDP recommends over 17 dwelling units per acre for the site with design guidelines. 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 for four detached single-family units on .55 acres (7.3 DUA) is significantly less impactful than the 17 DUA density supported by the GDP. The request allows for the development of a vacant parcel of land with a product that closely matches the context of the surrounding

single-family neighborhood with detached, single family dwelling units. The requested density is similar to a recently approved rezoning petition (2018-049) directly across Whiting Avenue for 18 single family detached dwelling units on 2.57 acres (7 DUA).

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-138 by Roma Homes and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan (1993) with respect to land use but consistent with General Development Policies (GDP), based on the information from the final staff analysis and the public hearing and because GDP recommends over 17 dwelling units per acre for the site with design guidelines. 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 for four detached single-family units on .55 acres (7.3 DUA) is significantly less impactful than the 17 DUA density supported by the GDP. The request allows for the development of a vacant parcel of land with a product that closely matches the context of the surrounding single-family neighborhood with detached, single family dwelling units. The requested density is similar to a recently approved rezoning petition (2018-049) directly across Whiting Avenue for 18 single family detached dwelling units on 2.57 acres (7 DUA).

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 740-741.

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**ITEM NO. 10: ORDINANCE NO. 9748-Z, PETITION NO. 2019-139 BY JDSI, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATE 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 AND R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTIFAMILY RESIDENTIAL CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by McClung, second by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Eastland Area Plan (2003) with respect to most of the recommended land use but inconsistent with a small portion of the subject property, based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends multi-family uses up to 12 dwelling units per acre for parcel 20324103 and residential uses up to four dwelling units per acre for parcel 10332225. 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 petitioner's request for a single-family zoning district is more closely aligned with the context of the surrounding neighborhoods and would be developed under a similar density of constructed subdivisions along Wallace Road. Trip generation from the request away from a multi-family zoning district is only 12 percent more than current entitlements would create. The request to rezone accomplishes one of the Eastland Area Plan's goals of "supporting strong neighborhoods" through the by providing additional housing options while maintaining the general residential character of the surrounding area.

**Councilmember Newton** said I have a point of clarification on this. I believe there was a typo in the rezoning petition cover page and maybe Mr. Pettine can comment on this. It says proposed zoning multifamily, residential at 12-units per acre whereas the actual paperwork we have, and I believe the petition itself says proposed zoning residential at eight units per acre.

Mr. Pettine said that is correct. We got the zoning on that flipflopped. The current zoning is R-12 MF and R-3 and the proposed zoning is R-8. The staff analysis and Zoning

Committee recommendations are correct. Mr. Newton is correct, the cover page does have that type so, we are looking at an R-8 conventional zoning district.

Motion was made by Councilmember Newton, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2019-139 by JDSI, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Eastland Area Plan (2003) with respect to most of the recommended land use but inconsistent with a small portion of the subject property, based on the information from the final staff analysis and the public hearing, and because the plan recommends multi-family uses up to 12 dwelling units per acre for parcel 20324103 and residential uses up to four dwelling units per acre for parcel 10332225. 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 petitioner's request for a single-family zoning district is more closely aligned with the context of the surrounding neighborhoods and would be developed under a similar density of constructed subdivisions along Wallace Road. Trip generation from the request away from a multi-family zoning district is only 12 percent more than current entitlements would create. The request to rezone accomplishes one of the Eastland Area Plan's goals of "supporting strong neighborhoods" through the by providing additional housing options while maintaining the general residential character of the surrounding area.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 742-743.

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**ITEM NO. 11: ORDINANCE NO. 9749-Z, PETITION NO. 2019-140 BY C INVESTMENTS 5, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.2 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).**

The Zoning Committee voted 5-0 (motion by McClung, second by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan (1993) recommendation for single family residential at three units per acre for this site. The petition is consistent with the General Development Policies recommendation for residential uses at the proposed density based on the information from the post hearing staff analysis and the public hearing and because the conditions of the site plan limit the development to a maximum of 21 single-family attached dwellings at 9.45 DUA for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is an infill parcel with frontage on Providence Road West. Although immediately abutting single family homes there are a number of attached residential developments in R-8MF, R-12MF, MX-2 and UR-2 zoning nearby and along Providence Road West. The plan provides buffer/ screening abutting single family homes. The plan limits the height of the buildings to 40-feet consistent with the allowed height of single-family heights. The plan provides architectural standards compatible with the character of single-family homes related to building materials, limitations on blank walls, and visible garage doors. The plan provides enhanced landscaping within the building setback along Providence Road West consistent with other development along the corridor.



Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, to approve Petition No. 2019-140 by C Investments 5, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan (1993) recommendation for single family residential at three units per acre for this site. The petition is consistent with the General Development Policies recommendation for residential uses at the proposed density based on the information from the final staff analysis and the public hearing and because the conditions of the site plan limit the development to a maximum of 21 single-family attached dwellings at 9.45 DUA for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is an infill parcel with frontage on Providence Road West. Although immediately abutting single family homes there are a number of attached residential developments in R-8MF, R-12MF, MX-2 and UR-2 zoning nearby and along Providence Road West. The plan provides buffer/ screening abutting single family homes. The plan limits the height of the buildings to 40-feet consistent with the allowed height of single-family heights. The plan provides architectural standards compatible with the character of single-family homes related to building materials, limitations on blank walls, and visible garage doors. The plan provides enhanced landscaping within the building setback along Providence Road West consistent with other development along the corridor.

**Councilmember Driggs** said I just wanted to comment on this; I have had objections to this rezoning from my constituents in District 7 and it is being allowed to proceed because it is like many other rezonings we have approved. The issues in the District, as elsewhere in Charlotte, have to do with crowding on the road. Providence Road West is a difficult thoroughfare and there are several entrances and exits near there. I understand that and what I can tell you is that we are working on a major rewrite of our Zoning and Planning processes that will change the way these things are done effective next year. We are also in the midst of improvements on the roads that are intended to make it easier to travel around District 7. I don't believe that taking six units out of this is going to solve the problems that we have or in fact make the situation on Providence Road much worse which has very large volume in relation to what 20 townhomes would put there. So, this is going ahead but we are also very much mindful of the concerns that were raised, and we are trying to take a bigger picture approach to solving those problems.

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

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 744-745.

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**ITEM NO. 12: 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) DEFERRED TO DECEMBER 16, 2020.**

The Zoning Committee voted 5-0 (motion by Watkins, second by McClung) 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 (1993) recommendation for single family housing at three units per acre for this site. The petition is consistent with the General Development Policies recommendation for residential uses at the proposed density based on the information from the post hearing staff analysis and the public hearing and because the petition proposes single family attached and detached residential use up to 9.09 units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the General Development Policies residential design guidelines state that infill development should protect and enhance the character of existing neighborhoods by encouraging a range of housing

types and densities while blending the building scale and setbacks with existing development. The proposed site layout provides a setback along the street frontages that is compatible with surrounding single family residential. Duplex units are permitted on corner lots within single family zoning. The proposed duplex unit is located on the corner of the intersection of North Sharon Amity Road and Castleton Road. Single family homes dominate the Castleton Road frontage. The petition proposes two single family homes fronting Castleton Road. The dwelling units have a height limited to 40 feet, same maximum height allowed in single family zoning. The adjoining property zoned R-12MF(CD) by petition 1995-060 is conditionally zoned for use only as a fraternal organization hall and buffers the site from single family uses to the north and west of the site.

The petitioner made the following changes to the petition 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. Added a commitment to fund \$20,000 towards traffic calming initiatives in the area as determined by C-DOT.
2. Added commitment to install a 'No Parking' sign at the corner of Castleton and Sharon Amity to prevent parking 20' from the North Sharon Amity right of way.
3. Added a note to read 'The petitioner reserves the right to improve/institute on-street parking by widening the road. In the event that storm water drainage is required as result of the road widening, the petitioner may elect to forgo street widening and only implement curb/gutter as required by Chapter 19 of the City Code'.

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

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, to approve Petition No. 2019-141 by Mark Bolus, as modified, and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan (1993) recommendation for single family housing at three units per acre for this site. The petition is consistent with the General Development Policies recommendation for residential uses at the proposed density based on the information from the final staff analysis and the public hearing and because the petition proposes single family attached and detached residential use up to 9.09 units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the General Development Policies residential design guidelines state that infill development should protect and enhance the character of existing neighborhoods by encouraging a range of housing types and densities while blending the building scale and setbacks with existing development. The proposed site layout provides a setback along the street frontages that is compatible with surrounding single family residential. Duplex units are permitted on corner lots within single family zoning. The proposed duplex unit is located on the corner of the intersection of North Sharon Amity Road and Castleton Road. Single family homes dominate the Castleton Road frontage. The petition proposes two single family homes fronting Castleton Road. The dwelling units have a height limited to 40 feet, same maximum height allowed in single family zoning. The adjoining property zoned R-12MF(CD) by petition 1995-060 is conditionally zoned for use only as a fraternal organization hall and buffers the site from single family uses to the north and west of the site, as modified.

**Councilmember Newton** said I have had the opportunity to speak to numerous community members about this particular petition and also meet with numerous community members. As we can see here at the dais we do have folks in the audience both against this and for this. I have been very sensitive to everyone's concerns and I've heard three concerns, in particular, one being density, one being traffic calming concerns and one being roadside parking concerns. Speaking with the petitioner, he has agreed to come down on the density on this site, not once, but twice. This isn't

something that should in any way shape or form destroy the single-family detached nature of the community; if anything, maintain that also with duplexes on corners. There are also additional number of concessions here that have been worked out in the most recent weeks, one of those being \$20,000 being placed towards traffic calming improvements on the Sharon Amity Corridor. Also, we have the commitment to the expiration of road widening on Castleton Road as well which will allow for additional on-street parking, better site views and overall safer traffic patterns in the area. Then, last but not least, no parking signage on Castleton Road. After all of this, I think many of the concerns maybe not alleviated but somewhat assuaged and under the circumstances, this is a rezoning that is consistent with the overall character of single-family detached in the area, isn't something that is going to be a straw that breaks any camel's back and at the same time addresses many of the additional concerns of the community. I would be in favor of this myself and ask my colleagues to support it as well.

**Mayor Lyles** said I would like to ask C-DOT staff a question; what does traffic calming on Sharon Amity Road look like? It says with your approval, are we doing speed humps on Sharon Amity Road?

**Felix Obregon, Transportation** said the traffic calming would probably happen more on Castleton Road or Craig; I know the City has a sidewalk project on Sharon Amity Road a little bit further north on Sharon Amity Road so we would be coordinating with the CIP sidewalk project as well to try to use this funding to provide some improvements for the neighborhood.

Mayor Lyles said can you tell me what kind of traffic calming you are thinking about?

Mr. Obregon said as far as the traffic calming we would work with the neighborhood to see if there is a potential of speed humps on Craig or Castleton or maybe some stop signs at some of those local streets.

Mayor Lyles said how does that help with the turn out on Sharon Amity Road?

Mr. Obregon said the traffic calming wouldn't necessarily help with the turn at Sharon Amity Road however, the installation of the no parking sign on the local road would soon help out with the turnout.

Mayor Lyles said I have a hard time with this one just because of the curve in that street and the way it is done. I know that density is really important and growing along that path that I'm very concerned about the traffic safety and turns in and out on Sharon Amity Road which I believe is marked at 35 mph and most people drive 50 mph.

Mr. Obregon said we do have some driver feedback signs on Sharon Amity Road that were installed a couple of years ago so, as drivers are going through that corridor it will reflect the speed limits they are in; that way it reminds them that they've got to slow down.

Mayor Lyles said I drive one of those all the time; it is a nice reminder but I'm not so sure it impacts behavior. It just concerns me that we also know that we don't do very much traffic enforcement; it is a tough decision.

Mr. Newton said it was my understanding Mr. Obregon; that we were looking at or at least being open to considering the possibility of traffic lights on Sharon Amity Road to slow down the traffic whether that be at Sharon Amity Road and Castleton Road, Sharon Amity Road and Craig or even on up from where Castleton Road is, and we already have so, it is my understanding that we do have a light, it is like a blinking light. I don't know how effective that is at Craig Avenue, but what prevents us from looking into those possibilities inasmuch as I thought traffic calming was actually on Sharon Amity Road?

Mr. Obregon said correct, what we can definitely do is a study of those intersections to see if it meets the need for a traffic signal. I think there is wording as far as traffic

calming so, we wouldn't necessarily call a traffic light traffic calming. I think maybe that is a bit of a disconnect so, we could study those intersections to see if it meets the need of a signal and we would gather the data to make an analysis to see if it meets that.

Mr. Newton said so what you are saying is the current language, and this is something that I think was the understanding of the petitioner as well. There is some confusion in the current language, given that confusion what you are saying is it wouldn't so, that traffic calming language would prevent or exclude anything like a light. Granted the \$20,000 is not going to pay for a full light but I think the intention here was to contribute that to something like that, not for speed bumps in the community, but for the greater concern which is that speed on Sharon Amity Road. What you are saying is that the current language would prevent that from happening?

Mr. Obregon said we would probably have to look at the language a little bit more carefully. I'm not saying it would prohibit that; I think I just wanted to clarify the traffic calming component and the signal itself, but I think we can look at the language as well so that it does provide flexibility if there is a need and it meets the requirements for a signal that we could potentially use that funding to fund a traffic signal.

Mr. Newton said I guess what I'm asking is if we vote on this right now, and I fully understand the intention here from the standpoint of the petitioner. If we vote on this right now are we going to be locking in something that was never the intention and if that is the case what procedures or what is it that we can do to make sure that this is also available to Sharon Amity Road?

Mr. Obregon said I think in looking at the wording it does give us the flexibility to be able to use that because at the very end I think it has some additional language that gives us the flexibility to use it for some other items.

Mr. Newton said so you are saying that us voting on this would allow that money to be spent on the traffic light on Sharon Amity Road if and when Transportation approves it?

Mr. Obregon said if it meets the signal warrants in the future, yes.

**Councilmember Eiselt** said a few people referred to a case that we had about a year ago on Sharon Amity Road that we denied. I can't remember if staff recommended it or not, but we turned it down, so why is this different? I thought you guys didn't recommend it. That part I don't remember, but I know we turned it down.

Mr. Obregon said yeah, that was on Sharon Amity Road and Emory Lane which is just a little bit further up the corridor. Staff did recommend approval and the Zoning Committee recommended approval as well. I think they noted in the Zoning Committee report that we provided back after the meeting, several Zoning Committee members noted the similarity of the petition to the recent one west of this site on North Sharon Amity Road and Emory Lane, recommended approval of that as well and felt that that project was appropriate. They felt both projects were appropriate for the corridor and recommended approval for both of those.

Mr. Eiselt said so, you guys recommended approval, but we turned it down?

Mr. Obregon said correct.

Ms. Eiselt said and it was because of traffic.

Mr. Obregon said I believe it was because there were concerns about traffic at that intersection and there were some concerns about density and just overall context with the single-family neighborhood that was just internal on Emory Lane.

Ms. Eiselt said just an editorial comment, but until we can start doing something about speeding in this City for me these things come into play. We've got a problem in this

City with speeding and when we build these subdivisions were people are having to come in and out on these busy roads like that it is just putting people at risk.

Mr. Newton said I think some concerns have been raised here at the dais. I don't know what the will of us as a Council is on this. I think I would be willing to entertain the idea of maybe tabling this for another month for us to kind of look at this maybe a little bit longer.

**Councilmember Ajmera** said in a month what could you provide in terms of traffic calming? Could you clarify further or would it be the same information that you would bring forward?

**David Pettine, Planning** said if anything it would a change may be in the language about the commitment towards traffic calming and we could further clarify that you would have traffic calming initiatives in the area as determined by Transportation which may include the analysis of a traffic signal. If warranted those funds would be used for that purpose. I do think that a \$20,000 commitment towards traffic calming initiatives in the area as determined by Transportation does still provide the flexibility to apply that to a signal analysis and if that signal is warranted to use that as an initiative of calming traffic. I don't think there would be much more changes than a further refinement of the note.

Ms. Ajmera said I think it already provides flexibility that I think Transportation is looking for, am I correct?

Mr. Pettine said I would believe it provides that flexibility. I think as determined by Transportation could be speed bumps, it could be neck downs in the neighborhood to narrow the street, it could be looking at a signal, it could be pedestrian signals. I think there is a variety of things that it could be used for.

Mr. Newton said I withdraw any potential motion on that.

**Mayor Lyles** said I think I always struggle with these things because we've just turned someone down and with the same report and recommendation coming before us today, the only difference being a contribution; I struggle with that. It is a very difficult situation; when was that case denied by the Council?

Mr. Pettine said it would have been sometime last year; it was less than a year. It was within the last calendar year.

Mayor Lyles said and a certain amount of inconsistency in our decision making and perhaps it is because we can't figure out how to deal with traffic. It is just something that in this case the single-family homes along Sharon Amity Road and knowing what is going on. If you go down Craig Avenue now you see development, the houses are going up and there is going to be more single-family residential coming out on this street and I'm not so sure how we handle that. I think it is inconsistency and then if you read the last sentence under the Zoning Committee's recommendation; approval of this petition will revise the adopted future land use as specified by the South District Plan from single family of three DUA to residential 12 DUA for the site. Is that what we are really doing; is that our intent? Just something to think about.

**Councilmember Egleston** said I think Mr. Newton withdrew his motion, but we've got to do something. Is it appropriate to ask the petitioner if they would care to defer and meet with Councilmembers to discuss it or to withdraw it? I certainly don't want us to spring it on the petitioner as a denial and then put a two-year moratorium on the site. I would ask if it is appropriate if we could ask the petitioner what they would like to do from where we are at right now. Seeing all of this discussion, would it be your desire to defer it for a month and try to work on it with talking to Councilmembers or to withdraw it and go back to the drawing board, or would you rather us see what happens right now?

**Mark Bolous, 1604 Stevens Ridge, Matthews** said I think we can defer it for a month and talk to the City Council please.

A substitute motion was made by Councilmember Newton, seconded by Councilmember Egleston, to defer Petition No. 2019-141 by Mark Bolus for one month to March 16<sup>th</sup>.

**Councilmember Graham** said my only comment is just setting a precedent to make decisions like this at the 11<sup>th</sup> hour. That is my only un-readiness.

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

Mayor Lyles said I'm not quite sure what we do differently in a month, but I guess you will figure that out when you meet with the Councilmembers.

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**ITEM NO. 13: ORDINANCE NO. 9750-Z, PETITION NO. 2019-143 BY TARA ELLERBE-ELITE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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 (I-277) FROM I-2 (INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 5-0 (motion by Ham, second by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the North Tryon Area Plan (2010) based on the information from the post hearing staff analysis and the public hearing and because the plan recommends office/industrial-warehouse-distribution uses for the site. However, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the petition allows for the adaptive reuse of a vacant, 95-year old structure, supporting the North Tryon Area Plan's vision of "improving the area's physical condition, functional utility, economic viability, and appearance...". The petition may act as a springboard for future N. Tryon Street corridor improvements and development/redevelopment projects in close proximity of uptown, improving a traditionally industrial area with unattractive streetscapes and boarded up, deteriorating buildings. The petition supports the Plan's land use goals of "encouraging commercial revitalization to serve the needs of residents and businesses" as well as "stabilizing business and industrial uses through redevelopment and renovation...".

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-143 by Tara Ellerbe-Elite and adopt the following Statement of Consistency: This petition is found to be inconsistent with the North Tryon Area Plan (2010) based on the information from the final staff analysis and the public hearing and because the plan recommends office/industrial-warehouse-distribution uses for the site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition allows for the adaptive reuse of a vacant, 95-year old structure, supporting the North Tryon Area Plan's vision of "improving the area's physical condition, functional utility, economic viability, and appearance...". The petition may act as a springboard for future N. Tryon Street corridor improvements and development/redevelopment projects in close proximity of uptown, improving a traditionally industrial area with unattractive streetscapes and boarded up, deteriorating buildings. The petition supports the Plan's land use goals of "encouraging commercial revitalization to serve the needs of residents and businesses" as well as "stabilizing business and industrial uses through redevelopment and renovation...".

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 746-747.

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**ITEM NO. 15: ORDINANCE NO. 9751-Z, PETITION NO. 2019-148 BY BRANFUL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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)**

The Zoning Committee voted 5-0 (motion by McClung, second by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan (1993), based on the information from the post hearing staff analysis and the public hearing and because the plan recommends retail uses on the northern parcel and non-residential uses on the southern parcel, as amended by prior rezoning petitions 1988-089 and 2015-134. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is currently used as an eating, drinking, and entertainment establishment with one accessory drive-through window. This petition limits the uses to 5,000 square feet of gross floor area of retail and eating, drinking, and entertainment establishment uses with one accessory drive-through window. The petition is seeking an increase in developable square footage, not a change in use or an increase in accessory drive-through windows. The petition commits to enhancing the pedestrian environment through site design elements which include walkways from all entrances to sidewalks along public streets and building orientation. This petition commits to additional transportation improvements through coordination with CATS to construct an ADA compliant bus stop waiting pad on West Sugar Creek Road as part of site redevelopment. The intent of the Neighborhood Service District is to provide for uses that directly serve the neighborhood in which they are located. The Neighborhood Service District is considered compatible with the adjacent commercial and single-family development as the permitted uses are already existing on the site today.

Motion was made by Councilmember Egleston, seconded by Councilmember Watlington, and carried unanimously to approve Petition No. 2019-148 by Branful, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan (1993), based on the information from the final staff analysis and the public hearing and because the plan recommends retail uses on the northern parcel and non-residential uses on the southern parcel, as amended by prior rezoning petitions 1988-089 and 2015-134. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is currently used as an eating, drinking, and entertainment establishment with one accessory drive-through window. This petition limits the uses to 5,000 square feet of gross floor area of retail and eating, drinking, and entertainment establishment uses with one accessory drive-through window. The petition is seeking an increase in developable square footage, not a change in use or an increase in accessory drive-through windows. The petition commits to enhancing the pedestrian environment through site design elements which include walkways from all entrances to sidewalks along public streets and building orientation. This petition commits to additional transportation improvements through coordination with CATS to construct an ADA compliant bus stop waiting pad on West Sugar Creek Road as part of site redevelopment. The intent of the Neighborhood Service District is to provide for uses that directly serve the neighborhood in which they are located. The Neighborhood Service District is considered compatible with the adjacent commercial and single-family development as the permitted uses are already existing on the site today.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 748-749.

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**ITEM NO. 16: ORDINANCE NO. 9752-Z, PETITION NO. 2019-151 BY LONGBRANCH DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 5-0 (motion by McClung, second by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015), based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential uses up to four 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 at 10.7 dwelling units per acre, this petition is denser than what the adopted area plan recommends. However, the petition commits to attached dwelling units with a maximum height of two stories. Attached dwelling units with a two-story height limit would provide an appropriate transition between the single-family development to the east and the recently rezoned urban residential district to the west and Mallard Creek High School to the south. The petition commits to enhancing the pedestrian environment, particularly through the creation of a pedestrian crosswalk on Johnston Oehler Road and multi-use path connecting the site to Mallard Creek Regional Park, which will improve safety and connectivity in the surrounding area.

The petitioner made the following changes in the petition 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. Added a note clarifying building height not to exceed 42'.
2. Clarified note that transportation improvements would be completed prior to the first CO for the residential units.

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

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-151 by Longbranch Development, as modified, and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015), based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to four 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 at 10.7 dwelling units per acre, this petition is denser than what the adopted area plan recommends. However, the petition commits to attached dwelling units with a maximum height of two stories. Attached dwelling units with a two-story height limit would provide an appropriate transition between the single-family development to the east and the recently rezoned urban residential district to the west and Mallard Creek High School to the south. The petition commits to enhancing the pedestrian environment, particularly through the creation of a pedestrian crosswalk on Johnston Oehler Road and multi-use path connecting the site to Mallard Creek Regional Park, which will improve safety and connectivity in the surrounding area, as modified.



The ordinance is recorded in full in Ordinance Book 62, at Page(s) 750-751.

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**ITEM NO. 17: ORDINANCE NO. 9753-Z, PETITION NO. 2019-153 BY 650 SOUTH TRYON DEVELOPMENT LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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 SPA (UPTOWN MIXED USE, OPTIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 5-0 (motion by Watkins, second by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the 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, it encourages future development to contribute 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 this petition is a site plan amendment to allow for an on-street valet parking area. All aspects of previous plan approval from 2018-119 are unchanged. Staff supports the change to create a valet parking area as it will get vehicles out of the travel lanes when using this service, or for drop off and pick up through ride shares.

Motion was made by Councilmember Graham, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2019-153 by 750 South Tryon Development and adopt the following Statement of Consistency; This petition is found to be consistent with the Charlotte Center City 2020 Vision Plan, based on the information from the final staff analysis and the public hearing and because While this plan does not make a specific land use recommendation for the site, it encourages future development to contribute 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 this petition is a site plan amendment to allow for an on-street valet parking area. All aspects of previous plan approval from 2018-119 are unchanged. Staff supports the change to create a valet parking area as it will get vehicles out of the travel lanes when using this service, or for drop off and pick up through ride shares.

The ordinance is recorded in full in Ordinance Book 62, at Page(s) 752-753.

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## HEARINGS

**ITEM NO. 19: HEARING ON PETITION NO. 2018-114 BY SEAHAWK PARTNER HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.178 ACRES LOCATED ON THE EASTERN SIDE OF THOMAS AVENUE, NORTH OF CENTRAL AVENUE IN THE PLAZA-MIDWOOD NEIGHBORHOOD FROM R-5 (RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is about two-tenths of an acre right off Central Avenue on Thomas Avenue. This site is currently a graveled surface lot right at the heart of the Central Avenue Corridor. Currently zoned R-5, the proposed zoning is NS, this is governed by the Central District Plan 1993 which recommends some of the single-family uses up to five dwelling units per acre. Surrounding that land use recommendations are mainly for office, retail and mixed-use with multifamily components. This particular petition is again redevelopment of an existing graveled lot

to a building that won't exceed 3,800 square feet of office uses and any incidental accessory uses. It will be a two-story structure with height compatible with surrounding areas per the historic district. It would have an eight-foot wooden fence and evergreen shrubs along that northern property line where you have some residential next door and then an eight-foot sidewalk along the property frontage. This petition is inconsistent with the Central District Plan recommendation for single-family uses however, we feel the proposed development is still consistent with the overall development in the general area. We do have some protections built-in for some of the residential component next door and we feel that the use and building will be compatible with the historic district. We will have to weight in and provide some coordination on the building's final architectural style and outcome so, staff feels comfortable recommending this petition for approval upon resolution of some outstanding issues and that is mainly just to clarify a little bit of that building height. We have two-stories but we'd like to get an actual number just to get some further clarification.

**Colin Brown, 1420 East 7<sup>th</sup> Street** said I'm here on behalf of the petitioner. I think Mr. Pettine did a good job on the overview. The property is currently zoned residential, but it is a commercial parking lot; it is a graveled parking lot. The land-use plan calls for residential uses; this is us and there is kind of this notch of four lots that are all surrounded by commercial. We think there is kind of a natural line here of commercial uses. Here is this lot which is currently a graveled parking lot; it's got commercial on each side and we think it is very unlikely that this would develop as a single-family home. The petitioner has worked hard in coming up with a plan that works for the site. Initially, they were proposing a parking lot here; the parking lot didn't go over very well with the neighborhood, so they have come back with the plan that Dave walked you through. What I did want to show you is we are within the historic district, so there is a design review going on and I can show you this is what it looks like. The idea is, though it is not a single-family structure it would look like a single-family home and we think is a really nice transition from the single-family neighborhood versus the more intensive kind of nightlife uses you have going on here. The plan has been well received by the neighbors. Extensive community outreach has been done by Andrew Rowe who intends to this to be an office for his own business. He has had a lot of conversation with the neighboring owners. We have a letter of support from [inaudible] who is here. The residential neighbor here has told us that she is supportive. We hope to have a letter of support from her by the time of the decision, so I think we are in good shape on this. We will continue working with the neighborhood and staff.

**Councilmember Watlington** said I just want to make sure I understand; I realize this is currently the plan, but in the future under this zoning what would we expect? Is it going to have to be within this kind of character because it is historical?

Mr. Brown said there will be two layers; if approved it will be subject to this conditional site plan which shows you exactly what the building footprint can be and limited to these uses. We are not requesting retail, restaurant uses. In addition, there is this other layer of governance which is the historic district, so they will have to do a Certificate of Appropriateness if they want to deviate from that design.

**Councilmember Egleston** said this is a good plan with broad neighborhood support and no dissent as I am aware of.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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**ITEM NO. 22: HEARING ON PETITION NO. 2019-142 BY KENNEDY HOWARD FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.27 ACRES LOCATED ON THE SOUTHEAST CORNER OF TUCKASEEGEE ROAD AND ENDERLY ROAD FROM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT – OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 0.27 acres on Tuckaseegee Road and Enderly Road. It is an existing building that is right next to Charlotte Comfort Systems. We've got a B-1 zoning currently and the request is MUDD-O, mixed-use development with some optional provisions. Currently, the plan for this petition is under the Central District Plan that was adopted in 1993 and this does recommend single-family and multifamily up to eight dwelling units per acre for this site. The plan also recommended a corrective rezoning to R-8 for this site as well as other property zoned B-1 along Tuckaseegee Road, However, because we had so much existing B-1 zoning and business and commercial uses those properties, the site, and adjoining parcel was not included as part of that corrective rezoning. That is why we are still sitting out here with some B-1 zoning on these properties. The proposal itself for this petition is mainly these optional provisions that we've got along with some MUDD uses that are being proposed and some use restrictions. The optional provisions we are looking at this evening are parking and maneuvering between the building, Tuckaseegee Road and Enderly Road so essentially leaving the parking spaces in that areas as is but just cleaning that up and adding eight parking spaces that would be out in that area currently. Also, to eliminate the requirement to regulate the building design for street-facing walls. There are instances where we require projects to building some of those street-facing walls around those parking areas. That is an optional provision they are looking to opt-out of that would provide some landscaping and screening in lieu of that. The petition also prohibits uses such as automobile service stations, adult establishments, hotels, motels, labs, warehousing. They are also providing a six-foot sidewalk and eight-foot planting strip along both Tuckaseegee Road and Enderly Road, a six-foot privacy fence along the rear of the property where you see this green line here to give some additional buffering to the residents next door and then site lighting would be fully capped, shielded and down directly so you won't get much spillover off of the property for their own lighting. The petition is really looking to reuse this existing building, adaptively reuse it, leave it as is with some renovations inside and some façade improvements. Parking being improved out on the site and gain just maintain that building as is and establish an eating, drinking and entertainment establishment along with MUDD uses that could be put on that site. Staff does recommend approval of the petition. There are some outstanding technical revisions that we would like to get made related to transportation. While it is inconsistent with the Central District Plan, it is consistent with historic use of the property for B-1 uses. MUDD-O allows much of the B-1 uses that are currently in the Zoning Ordinance and we feel that that zoning district would be appropriate to allow redevelopment and reactivation of this site. Staff does recommend approval upon resolution of those issues.

**Kennedy Howard, 2318 Gladwyne Place** said I am here with my friend and business partner Torey Gandy. Thank you for the opportunity to be here; we are excited about our project at 3131 Tuckaseegee Road. A quick bio about ourselves, I came to Charlotte back in 2001 as a Finance Representative with the Van Guard Group where I'm currently with Wells Fargo. I have over 14-years of experience in developing projects. Specifically, for this project, we are doing here at the historic Enderly Park Neighborhood. My business partner, Torey Gandy is a Senior Executive at C. A. Sports Entertainment & Company which is the past seven-years has been voted by Foard's Magazine as the number one sports and entertainment company in the industry where he works as a Sports Agent and is one of the top NFL agents and has also representation in the NBA. He is also the founder of the Torey Gandy Foundation which over the past seven-years has awarded 10 high school students' scholarships. Douglas Tweaty, who could not be here today due to business, is our other business partner. He is our contractor and principle owner of Drigg Booters and a retired Lieutenant Cornel in

the U.S. Army. Here with today also is our Engineer, Kenneth Kurnegay of CSE Engineering Consultants.

Our project is a martini, wine [inaudible] establishment. Have to be very specific, we are not a club, don't have anything against clubs, but we are not a club. We are also excited about providing jobs, economic mobility to the neighborhood. Our concept is very simple; we look to be a part of the neighborhood networking social gathering establishment. Parking will not be an issue as we will be providing valet parking on the weekends and we also have spoken to our neighboring business partners like Scott who owns the AC Company right next door, Mr. Soho who owns the convenience store and also the owner of the church which is right across the street at Enderly Park which is only 400 feet from our business. They said we could use their parking as well. So, actually, we have more than enough parking which I know presented a concern at the community meeting.

In addition to advertising, we will be with Uber and Lift and will be promoting them as well as much of the City venues that fall in our category. Last, we are proud to partner with the Charlotte Mecklenburg Police Department for our security as we will hire off-duty officers to provide security, adding to a safe venue and commuting environment. When it comes to leaving the neighborhood; we are not going to six-year lease, coming in and coming out. We actually own the building so we have no mortgage, no note or anything; we are here to stay and that is why I bring that up.

**Daniel Pentecost, 3009 Morson Street** said what I'm going to tell you this evening is nothing I have not already told these gentlemen in person. I am from the Parkview Neighborhood Association and a resident of the Parkview Neighborhood. I believe they are exceptional business developers, but they got ahead of themselves on a building and did not plan for parking. What they did not address in the parking is that none of the neighboring businesses, according to what we were told when I specifically asked at the community meeting, will give them long-term parking leases that will enable them to operate as a B-1 business. What this rezoning presents itself as is a Hale Mary Path to by-pass the B-1 parking necessary to operate this business. It will have an 83-person capacity and if permitted to go forward as written Council will be embedding a business that can attract 80-people on the weekend with only eight parking spaces. If you reference their parking lot design it is not friendly for getting in and out of with Lift, Uber or taxis and there is no place for a valet stand for people to easily drop their cars off. We believe that it will create parking issues in the neighborhood and we further believe that making this in the neighborhood will make the historic westside the place you come to build a business when you cannot afford to or forget to gather the needed parking before you engage in your business.

The Parkview Neighborhood Association believes that these guys are good business people, we do not think they have a bad idea. We think they got ahead of themselves and will not have the required parking to enable this to be a good neighbor in the neighborhood.

**Jon Littlepage, 1400 Effingham Road** said I live in the Enderly Park Neighborhood. I have been a resident there for two-years. Although I've lived in Enderly Park for a short period of time I've had a chance to get involved with community events, educate myself and work with other community leaders on pressing issues as well as meet some of the greatest people in Charlotte on the westside. That type of community involvement engagement put me in a position when I was recently elected as Vice President of the Greater Enderly Park Neighborhood Association and I'm here to represent our Neighborhood Association. Obviously, I'm here to speak in opposition of this rezoning petition. Just like Mr. Pentecost, we are concerned with the rezoning from B-1 to a multiuse which will eliminate the requirement for parking. As Mr. Pentecost stated 80 people max on the week-end, eight parking spots. The math is really hard to add up there. So, my concern is we are going to set a precedent on the westside for new businesses coming in. We are going to open up the floodgates, let our neighbors know that parking for new businesses is not important. So, what happens whenever they get the rezoning, parking starts overflowing. You saw the map there, it is at the corner of

Tuckaseegee and Enderly Road. Enderly Road connects with Freedom Drive, that is a major thoroughfare on the westside, cutting coming back and forth. It is a residential neighborhood back there. We have cars on both side of the street due to overflow. Emergency services having a hard time getting back there, such as Charlotte Fire Department, EMS, Police Department. Every second counts during emergencies and I feel that this is a security, a safety issue if we start having parking on both sides of the street and on the sidewalks.

I support this business, I want it; we as a neighborhood want it, but we want to make sure it is done right. We have so much talent in the westside who can work for Mr. Howard; could provide so much to musicians, artists, in the kitchen. There are many, many opportunities here, but we have to make sure this is done in a correct manner. We have to make sure that parking is met; the neighbors are not being overrun with parking and the safety side of this is paramount. We want to work with them, we want to make this work so, I'm asking you to take all of this into consideration. I thank you for your time tonight and I thank you for your service to this great City.

Mr. Howard said as we spoke earlier I am sure I am aware of your concerns, but we are not ahead of ourselves. This project and this study, we've been doing this for over a year and a half, almost two years. We own the building, we will not be putting all these resources and money out if we felt there is no parking would be an issue. If you look at breweries in the area we have more parking than larger facilities, but I understand your concern, but parking is not an issue. We do have verbal agreements as well, as I mentioned, our next-door neighbor Scott, the church across the street as well and the convenience store as far as parking. There will not be on-street parking at all. We looked at that so, we already took that into consideration. Parking is not going to be an issue for us.

**Councilmember Watlington** said okay, you've answered the question about the current status of parking; can you tell me what is the barrier to getting it in writing?

Mr. Howard said it is not really necessarily a problem getting it in writing because everyone said they would. It comes to where they talk about having it recorded, more specifically a parking variance.

Mayor Lyles said I don't think people heard the question so, what was your question?

Ms. Watlington said can you explain what you mean when you say the issue is parking variance, getting it recorded?

Mr. Howard said no, you are asking about the agreements with the parking. We can get verbal agreements, we can get them in writing as well, but we are going through a rezoning because when you talk about a parking variance you have to have it recorded. Some of the business owners do not want to have it recorded, more particular than one because it is a five-year and it has to be recorded. Parking is not an issue; we can get it in writing, but there are some owners that don't want to have it recorded.

Ms. Watlington said why is that because they don't want to commit to five-years?

Mr. Howard said you would have to ask them when it comes to recording; they just don't want to have it recorded.

Ms. Watlington said that is what I would deduce from what you just said. A second question is; I'm looking at the parking lot and I see that you've got at least three spaces that are catty-cornered. It would seem that if you rotated those counters clockwise you could put an exit here that would improve flow in this parking lot. Have you looked at that?

Mr. Howard said yeah, this is what we could do, correct?

**Kenneth Kurnegay, CSE Engineering Consultants** said I don't think we could just add a second drive-way in such a small lot. I think we would have some resistance from the transportation in doing that.

Mayor Lyles said are you asking if the staff would comment on the second drive-way; or you can do it as a follow-up? Can you comment on a second drive-way exit from the lot and I don't know that we have a map pulled up the location of the lot?

Mr. Kurnegay said if we had a second drive-way we would reduce our parking even further.

**Felix Obregon, Transportation** said they can have another access off Enderly Road. I think that was part of the discussions when we were initially speaking with them about that, but they brought up the fact that they are trying to maximize the number of parking spaces so, that is why that one access off Enderly Road didn't come to fruition. We do think if they have the one access off Tuckaseegee Road they could still be served because it is not going to generate that many trips.

Ms. Watlington said, but there is no barrier from staff to changing the parking configuration if they wanted to?

Mr. Obregon said that is correct, no barriers.

**Councilmember Winston** said I just have a comment for an establishment that is going to primarily be centered around martinis and wine there might be some wisdom in limiting parking and modifying behavior so that folks don't actually drive to this establishment. They might use other means of transportation which might provide a safer community rather than folks driving and parking then going to that establishment and drinking wine and martinis.

Mr. Howard said I totally agree and that is why in my presentation I said we are going to have a big push with Lift and Uber as most establishments like our kind do. I totally agree with you as well. Also, right next door which is like 50-feet, which Scott owns the AC; we have more than enough parking right there as well. I agree we are promoting Lift and Uber as well.

**Councilmember Egleston** said two questions, one to Mr. Winston's point; I am working with a rezoning in my District right now facing some of the same challenges with concerns around the lack of parking. Not the alcohol component so, it is a bit different, but one of the solutions that they've come up with they are going to try to push for, and I might recommend that you guys consider in your dialogue with the neighbors is, they are going to have some sort of reward for customers who show with their phone show the receipt they just used with Uber or Lift to get there. You can't discount alcohol that way, but if there is food or if there is a cover charge or something that is not alcohol and you could incentivize people to say if you show me a time-stamped Uber or Lift receipt you will get in free or you will get whatever food item for 10% off or something. That is a strategy that one business I'm working with has come up with and I think could prove effective in this circumstance. Also, you said it is not going to be a night club and I know the type of businesses you run and it don't tend to be night club. Are there hour restrictions on this that are in the rezoning or is there anything that you've committed to along those lines?

Mr. Howard said that is correct. First, none of my businesses have been night clubs. The Jazz café was not a night club; it was a live band establishment. Now, in between the chairs, people may get up and dance a little bit with the overhead music, but it was not a night club. Cyndee's Martini and Wine Bar as well was not a night club either. We provided live bands every week-end for five and a half years, every weekend so, I just wanted to clarify that. I understand where you are coming from.

Mr. Egleston said no, I said you were not opening a night club.

Mr. Howard said right, not opening a night club at all and as far as the business operation; let me get back to when you talk about Uber. That is a great idea, I like that and my business partner Torey even brought that up and have that on our marketing plan. They have some sort of incentive and discount with Uber and Lift. The final point is business hours of operation are subject to change, but we are opening up at 5:00, we are ending at 11:00 or 11:30 Monday through Thursday. We are not going to be open on Monday we don't think. On Friday and Saturday, it is going to be the same; we are going to open at 5:00, but we will close down at 1:30.

**Councilmember Driggs** said I'm trying to understand why the staff would recommend that we change a B-1 use to a MUDD rezoning just in order to remove the parking requirement. That would make sense if there was no need for parking spaces there and therefore, that parking requirement was kind of onerous, but in this case, there is a need for that much and more parking and I'm just not sure I'm hearing why we would support this. The way the parking works in a lot of areas like this it spills over and you get people walking across the streets and it's kind of affects the area. What is the basis for the recommendation; how do you see this working?

Mr. Pettine said there are other businesses in the area that are zoned B-1, have been in business for quite some time. This was operating as likely somewhat of a nonconformity under how it was established well back in the past and the parking requirements were just what they could fit on-site. Then zoning came in, established that put a specific recommendation or requirement on how many spaces per square footage you would have, but we have some other uses up and down Tuckaseegee Road that have about the same amount of parking spaces for a B-1 use and it looks like a new building or it has been renovated. That is because that status never changed; they just kept the building operational. This building has not been as well occupied so, we kind of lose some of that non-conforming status. They would have to do 60 spaces if I remember correctly for an operation like this based on the square footage. I think it was one per 75-square feet; the MUDD-O is one per 600 so, that is why we get about seven and a half spaces required and they've got eight. They are meeting the MUDD requirement so, we are not waiving any ordinance requirements, it is just the MUDD requirements are much less than the B-1 requirement. When we've got an adaptive reuse that is the one tool that we have to kind of facilitate adaptive reuse of a building without being overly onerous, but certainly understand the parking component of it is much different than if it were operational under B-1. Staff still felt that going to a MUDD-O allowed them adaptively to re-use the building in its historic state and as it has been and then provide some other solutions to parking through some other arrangements. They did try to get a parking reduction and that is where they ran into that challenge of folks not wanting to moralize it as much as we require so, this was really the only other option to keep the building as is, use it as is without having to go through and really the building not be operational in any form because I don't see where they would be able to fit 60 spaces on that site. The only other alternative would be to go to the Zoning Board of Appeals and get a variance if that would be applicable, but then you run into the whole scenario of hardship and all of that. This was really the solution that staff felt was appropriate just from the historic context of the building and feel that we still get an adaptive re-use and meet the MUDD requirements, but certainly I think there are other alternatives they are providing that could help alleviate some of the parking concern.

**Councilmember Johnson** said you said you had verbal agreements with several of the other businesses for parking spaces. Do you know the number of parking spaces that you have agreements for?

Mr. Howard said I do, not exact, but the church across the street has over 100 parking spaces there, we only require 58. Scott, which is right next door, his company, the air conditioning facility has over 20 we can put in there in addition to our 28. That is more than enough right there and [inaudible] across the street in the back portion of his convenience store, which is within the limits if we were to do a parking variance, which he doesn't want to do, has 43 to be exact and he said we could use the front, but that is not including the front at all. I will say this, we mentioned it seats like 83; you are not going to have 83 cars. Let's be realistic, when you have a venue that seats 83; people

come together, maybe two, three or four people so, realistically it would be like 30 or 40. I just wanted to mention that.

Ms. Watlington said you mentioned earlier that all of the businesses were willing to document. Did I hear that correctly?

Mr. Howard said no, if I said that I misspoke. Every three businesses that we asked were in agreement, which was the business right next to us, the owners of the church property and the owners of the convenience store agreed. If I said that then all but one other person, no that is incorrect. Everyone that we asked agreed.

Ms. Watlington said agreed to document?

Mr. Howard said agreed, yes.

Ms. Watlington said well, we don't have a problem here, you can get it documented. I was under the impression they didn't want to commit to the five-years so, they didn't want it to be recorded.

Mr. Howard said to be more specific Ms. Watlington, that is when you are dealing with a parking variance. That is a requirement with a parking variance; you have to have a five-year agreement and have it recorded. It is a parking lease.

Ms. Watlington said if people are going to park across the street in any way has there been any discussion about a crosswalk or anything that would facilitate them being able to do that safely

Mr. Obregon said we haven't had any conversations about that. Enderly Road is almost like a local road so, we typically don't put crosswalks on a local road where it is just going to be two-lanes. I think Enderly Road is wide enough to provide on-street parking so, with providing on-street parking, that in itself provides traffic calming so drivers go at less speed. I think it will be fine the way the road is if people park across the street and cross the road.

Ms. Watlington said I'm sorry; I'm thinking that you had an agreement with somebody across Tuckaseegee, that is not the case?

Mr. Howard said if we needed it yes, we did if needed. That is the convenience store.

Mr. Obregon said there is actually a pedestrian crossing right across there so, they could use the pedestrian crossing to get across Tuckaseegee Road and they can come across to the establishment. We already have some ways to get pedestrians across the road, it is right here.

Ms. Watlington said I don't see that at all, but I trust you.

Mayor Lyles said what I'm hearing is that having access or agreements to that for parking seems to be a significant part of this discussion. I want to make sure if there are any other questions; anyone have any questions aside from the parking issue? I think you heard from the Council.

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

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**ITEM NO. 23: HEARING ON PETITION NO. 2019-152 BY SPECTRUM COMPANIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 27.410 ACRES LOCATED OFF CAROLYN LANE AND JOE WHITENER ROAD WITH FRONTAGE AND ACCESS TO UNIVERSITY CITY BOULEVARD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just shy of 27.5 acres located off Carolyn Lane and Joe Whitener Road. It's got some frontage on University City Boulevard in that area of Twitter Lane and Rocky River Road as well. We are looking at an R-3 single-family residential zoning district for the property. The proposed zoning is an UR-2 (CD) zoning district. This property is a bit unique; we've got several area plans that have some policy on this site. We've got the University City Area Plan from 2015 as well as the Newell Small Area Plan from 2002 and we've got about four to five different land use recommendations. We've got some multifamily, office and retail, residential, office and retail, single-family residential and then multifamily residential on the back side of the property. There is some different guidance from each so, we've got some inconsistency, we've got some consistencies and it is really kind of a challenging parcel to really convey out what the recommendations are because there are so many mixes all along there. Overall, we've got different uses that are being recommended, office, retail, different density, some up to 22 dwelling units per acre. The remaining parcels in the Newell Small Area Plan are really recommended for residential at eight and four dwelling units per acre respectively and that is really for some of those properties that are going back to some of that single-family transition to the rear of the property that is in this petition.

The proposal itself, we are looking at 405 residential dwelling units at a density of 14.77 dwelling units per acre. We do have multiple transportation improvements which are outside of the ordinance requirements for this petition and also an 80-foot buffer that is going to be along the site's eastern boundary against existing single-family neighborhoods. So, with this petition, we've got a reconfigured intersection at University City Boulevard. We get a reconfigured intersection here that would improve this transition from Carolyn Lane onto University City; we've got a main road that is going to cut through the site and potentially provide a connection back to Dave McKinney Avenue which will get us back over to another alternative to University City Boulevard. We've got a connection to Twitter Lane which gives us another alternative out to Sanctuary Place to University City Boulevard or to carry back through that project and then we've got another public road that would be built back here for connection to Brooke Nicole Place so these folks will have another alternative to get back out to University City Boulevard or to get through from Rockland Drive and head back down south. The petition itself has multiple transportation improvements; we are looking at an area in University City that you can see where we are little bit in short supply of connectivity. We kind of end a project here, we end a road in this area and this is fairly well cut off so, one of the things we often hear in this area that is really starting to grow is we don't have the same infrastructure in University City as we did in parts of South End where we've got light rail as a form of transportation and we are starting to get a little bit more density within this area. The infrastructure for the transportation network isn't necessarily in the same frame to support some of that so, any opportunities we get to enhance that transportation network certainly are welcome and this petition certainly carries that forward.

Staff does recommend approval of this petition. We still have some outstanding issue to work through for transportation and infrastructure. It is inconsistent with the University City Area Plan and the Newell Small Area Plan as we've got a mix of uses and different densities for the site. The requested density does exceed some of those recommendations, but we do feel it complements the adopted vision for the University City Area Plan. It improves accessibility maximizing those local street connections, multimodal access. We've got different improvements for Dave McKinney Avenue Extension and we've got a mix of residential uses which provides some appropriate transition between some of the student housing and the single-family detached homes

on either side. We do achieve the Small Area Plan for Newell; the objective by providing a broad range of housing and we feel the intensity is reasonable considering that we are just over .5 but just under .7 miles to the University City Blue Line Station. So, with that in mind again, staff does recommend approval of this petition upon working through some of those outstanding issues.

**Keith MacVean, 100 North Tryon Street** said I am Keith MacVean with Moore & Van Allen; Jeff Brown of our firm and I are assisting Spectrum Companies with this petition. As you mentioned, with me here tonight representing the petitioner is Jason Fish and Ian Wagner; they will be available to answer any questions. As David mentioned, 27-acres located at the intersection of Carolyn Lane, or the southeast quadrant of the intersection of Carolyn Lane and University City Boulevard. Spectrum Companies is a local Charlotte Company, been in existence for about 37-years specializing in residential communities, mixed-use developments, office, and hotel developments. These are some of the most recent developments that Spectrum has done throughout the City. Their brand or what they try to do is find unique sites for unique development opportunities that can enhance the surrounding communities. We think we have done that here with this location. As I mentioned, 27-acres located at the intersection of Carolyn Lane and University City Boulevard just slightly more than a half-mile from the existing University City Station; less than a quarter-mile to the Toby Creek Greenway that is to the east. We do have additional connections around the site that will be extending as part of the development of the site as well.

From a land-use perspective, we are subject to land use plans, the University City Area Plan as well as the Newell Area Plan which recommends non-residential uses along the Highway 49 frontage as well as a mixture of residential uses as you get further back from the site. This proposed development proposes a mixture of residential uses both multifamily and townhomes for sale with a transition to lower density at the back of the site as recommended by the Newell Area Plan.

From a transportation perspective, Mr. Pettine has mentioned a couple items in terms of improvements. We did do a traffic study, worked with Transportation on a Transportation Impact Statement. We are making improvements along University City Boulevard, a directional crossover at Sanctuary Place, a signal proposed at the new realigned Carolyn Lane and Dave McKinney Boulevard Extension as well as left-turn lanes and right-turn lanes, reconfigured the intersection of Carolyn Lane and future extension of David McKinney Boulevard. Dave McKinney Boulevard, which is part of the University Area Plan is to be extended from the light rail station on Highway 29/49 through here across West Rocky River Road to the back of the site and then through the site. The petitioner is working with Transportation on a reimbursement agreement where the petitioner would build this portion of it and then through a reimbursement agreement would actually complete David McKinney Boulevard to West Mallard Creek Road; also look at signaling the intersection here. That would provide as part of the development of this site a two-lane road with bike lanes, sidewalks as well as street trees and on-street parking that would connect the site to the existing station on Highway 29/49. We are also connecting Twitter Lane to Sanctuary Place and as required by the subdivision regulations we are also extending Brooke Nicole Place to future Dave McKinney Boulevard, providing this neighborhood here an additional outlet to the University area. As I mentioned we are reconfiguring this intersection here and also doing a 12-foot multiuse path along University City Boulevard.

In terms of the site plan, as I mentioned, lower density, the townhome area is to the rear of the site making the transition to the existing single-family neighborhood and the adjacent student housing community, Arcadia Community here. The higher density apartments are located up toward University City Boulevard where the area plan supported higher intense non-residential uses, such as convenient stores and fast-food restaurants. We see this as a better location for a residential community composed of apartments and townhomes. As David mentioned, an 80-foot buffer here, 50-feet undisturbed and an additional 30-feet of landscaped. Buildings are over 100-feet away at their closest point along here. We do have some townhomes here that are a little bit

closer but maintain the 80-foot buffer, a large amount of open space areas that are part of the development of this site.

We did also commit as part of the conditional plan to install traffic calming devices in the Crab Orchard Neighborhood here if traffic on those streets increased to the point where they qualified for traffic calming devices such as speed humps. We do have some architectural renderings of what we think the buildings might look like. These are not part of the petition, but this is looking down Dave McKinney Boulevard at the apartments that are being proposed. We have a few images of those; four-story, quality materials. I'll be glad to answer any questions and I know Ms. Heater had some comments as well.

**Darlene Heater, 8110 JM Keynes Drive** said I am the Executive Director at University City Partners and I am here this evening to speak in favor of this development. We have been working with this developer for almost a year. We had been working on this site with another developer the year before and just could not get that development to a point that we felt it was going to add value to University City. We are very pleased with the site plans that they have presented and that they have put before you this evening; putting their density up towards University City Boulevard and stepping back with for-sale townhomes at the request of University City Partners, is most acceptable to us. It is important for us in University City that we make sure that we offer a variety of housing options and while across most of Charlotte we are seeing robust investment in apartments, it is also important to us that we try to, wherever we can, try to include for sale products that will also serve the employment in University City.

I want to talk a little bit about the road connections. When we first started working on the NIECE improvements to accompany the investment of Blue Line, the road connection of extending Dave McKinney Boulevard was very ambitious, but we stood fast behind that because we recognized the value of having parallel connectivity to North Tryon Street. I'll give you an example why. About three weeks ago we had a significant accident on North Tryon Street near the University that shut down the light rail and both side of North Tryon Street. We had nowhere for relief traffic to go. They ended up routing traffic through an apartment complex that fortunately connected to a utility area of a shopping center to allow mobility around that accident. But, all along North Tryon Street from Hidden Valley all the way up through University City we do not have parallel connectivity along North Tryon Street. We are thrilled that this project came before us and gave us that opportunity to add that connectivity. I also think it is going to be a remarkable enhancement for folks who travel on Rocky River Road because for a lot of the residents who live off of Rocky River Road or who traverse that it has no additional outlet. Traffic does tend to stack on Rocky River Road and Dave McKinney Boulevard will give commuters and travelers an alternative to only using Rocky River Road to North Tryon Street.

I also want to remind you of the importance, especially in our more suburban neighborhoods that are becoming more dense than urban, the importance of investing in grid. As I have mentioned several times before you, we cannot keep building our big roads bigger. We have to create more grid in the City of Charlotte, especially outside of Center City to accommodate vehicular commuters. This signal at Carolyn Lane that they are recommending is not currently supported by NC-DOT so we are going to have a heavy lift in front of us, but that is part of becoming urban. I will remind you that traffic signals are not just for cars, they are for people too. As part of their rezoning, they are going to be building a multiuse trail that will span the entire length of University City Boulevard. So, the City's vision for development in University City along this corridor is for people to be able to walk to place and to be able to cross the street to get to destinations. If you have any recommendations or ways that you can help us to convince NC-DOT that our big roads are not just for moving cars, that our streets belong to people too, we would so greatly appreciate that. Thank you for your consideration of this development proposal and if you have any questions I'll remain.

**Abey Dessie, 8121 Misty Eve Lane** said I want to start by thanking Councilmembers and Zoning Committee members for the opportunity to speak against Rezoning Petition

No. 2019-152. I want to take a quick poll real quick as far as the Councilmembers; how many of you have recently driven through that area in the last three months?

I have visuals in a PowerPoint which I hope will help you visualize the magnitude of this decision and really the impact it will ultimately have on three Charlotte neighborhoods. As a community, we would also like to extend an invitation to those of you who have not been there in the recent time to come visit, walkthrough, drive through the area so that way you are able to see as far as what will be impacted when you vote on this matter. I'm here, not only expressing my concerns, but also the concerns of my neighbors some of whom are here this evening. The individuals that are here tonight represent the majority view of this proposal among the residents of Crab Orchard and Shady Hills. Crab Orchard and Shady Hills are the two communities that are adjacent to this piece of land that is being considered for redevelopment. I do want to so a quick Segway to let you know that our rezoning process is somewhat similar to what was just on Agenda Item 14 just so you are kind of taking that into consideration.

In this brief speech, I hope to illustrate two main points to the Council. I hope you sincerely consider these two points when making a decision. The first is that the rezoning petition will permanently and negatively harm our two established subdivisions. Some of the residents in these communities have lived in their homes for over 20-years. The second point is that I hope to illustrate the ripple effect of this decision essentially on College Downs, Autumn Wood as well in Newell Neighborhoods. The proposal puts forward density that the existing nor future plan infrastructure is able to accommodate. It puts the West Rocky River Road project beyond capacity before it is even completed and undercuts the progress at the Northeast Corridor Infrastructure Plan hope to create in areas. It also negates the level of density that the City Council approved under the 2002 Newell Area Plan.

The first point is the impact on Crab Orchard and Shady Hills. This zoning will essentially replace what is currently allowed to be 79 single family homes to scale up to 405 housing units. The developers are planning three roads to help the residents of the 405 units come in and out of these homes. As you can see proposed road A and proposed road B and proposed road three are essentially how folks are going to be entering and exiting these 405-unit roads. This is significant shortsightedness in the proposed roads for the argument that I'm going to share with you. All three of these new roads feed into existing roads which currently do not have the capacity to accommodate the anticipated growth nor can they be expanded to accommodate the demand that will be created as a result of this rezoning proposal. Proposed street A which is this one up here is planned to feed into the existing Carolyn Lane which will directly affect and overwhelm the residents of Shady Hills subdivision. Proposed road C which is the one that is right over here is planned to feed into Brooke Nicole Lane, which is directly affecting and overwhelming the residents of Crab Orchard Subdivision. Proposed street B, and this one I want you all to kind focus on, hopes, and I stress the word hopes, to get public right-of-way on Twitter Lane which is currently a private road. By a report that was provided after the last community listening session facilitated by University City Partners, the traffic frequency in these two subdivisions will increase from the current 50 vehicle trips per day to over 3,000 per day once the project is complete. These two subdivisions cannot accommodate the traffic of this magnitude and allowing this rezoning to go through without addressing the real issues that I have mentioned would cause irrevocable damage to these two small and established communities.

As it currently stands school buses have a hard time navigating our roads when cars are parked overnight on Rockland Drive and that is in Crab Orchard. If a vehicle is parked on the street which happens on a daily basis, school buses and emergency vehicles have a hard time getting through with the current 50 vehicles a day. I ask you to imagine how we can keep our children safe as they board the buses and how emergency vehicles get through when the vehicle trip per day increases to over 3,000. Carolyn Lane and Brooke Nicole Lane were not designed to accommodate traffic of this magnitude, but this current proposal by the developer utilizes our small subdivision roads as the main artery for moving over 3,000 vehicles a day.

This is just a quick image which is actually on Twitter Lane. I'm obviously taking a first-person view when I was taking the shot. These plans for moving additional residents seem shortsighted. The big issue being connecting proposed street B to Twitter Lane which currently, as it stands, when one vehicle is parked two cars cannot pass and it works out to where actually bus for Arcadia was pulling up, which happens on almost every single hour and they take up one right spot as well.

The last thing I want to share with you is basically the second point in terms of how College Downs, Autumn Woods and Newell Neighborhoods are going to be impacted. This is the result of what will happen to West Rocky River Road project. I want to point you to number two and number four which is where West Rocky River Road; the two roads that are proposed are basically supposed to feed into this area. As it currently stands there is already a back-up here at number two, which is leading to North Tryon Street and so, this happened on Old Concord Road as well. We are not opposed to the development. What we are insisting is basically funding for completion of Dave McKinney Boulevard takes place before this project is able to move forward and then lastly, we urge you to think long-term about the impact that this will have on West Rocky River Road.

**Martin Zimmerman, 1616 Bonnie Lane** said my name is Martin Zimmerman and for those new members of City Council I am the former Director for Facilities Planning for UNC-Charlotte and actually have been involved in a number of capacities going back 27-years, at which time I actually represented the Chancellor in the very, very early planning of light rail to University City. I'm not actually opposed to this project although I signed up in opposition. What I would like to speak to very briefly is what is the consistent flaws in the process of rezoning that seem to repeat over and over again. This is just one of several cases in point that I've observed over a period of years. I would like to mention three examples where I think this process has been flawed and it has caused a lot of frustration obviously to members of the audience here and also to members of my Citizens Association in College Downs, to which I am an advisor to the Board of Directors. The first is the developer entitlement presentation that should have been made at the first community meeting. It is only now that we are seeing the actual drawings and other visuals that are essential to the explanation of this project. What I've seen in the past is some developers bring these drawings, the site plan and the architectures to the very first meeting. That is not what happened in this project and it doesn't happen frequently. The second point is University City Partners who do a marvelous job on a consistent basis, but the year-long negotiation that occurred generally outside contact with the community at large certainly didn't occur with the College Downs Community. Third is the staff analysis; there was no staff analysis posted on the website as of 4:00 this afternoon. So, instead, I have to call Keith MacVean to find out what is going on in the project and what their communication was with the staff. Those are three simple issues that relate to a flawed process and it is my intension to continue discussions with Mayor Pro Tem Eiselt and Mr. Jaiyeoba about this flawed process to see if there are ways we can bring this into the kind of process that we can be proud of.

Mr. MacVean said I would like to say in terms of impact on existing roadway systems, we are building the network as we had pointed out, extending Dave McKinney Boulevard not only through the site but working with the City on a reimbursement agreement that will extend it to West Rocky River Road and then that actually connects to an existing road here that gets us back out to the existing light rail station. That would be completed all as part of the development of this. We are exploring that and doing that because when we met with the residents of Crab Orchard and the residents on Carolyn Lane there were concerns about traffic on those residential streets. We do not intend our traffic to have to use these streets; that is why we are looking to extend Dave McKinney Boulevard to West Rocky River Road. Carolyn Lane is a loop road, there is no other outlet. We don't see any reasons why the residents of the community would need to enter Carolyn Lane unless they are visiting a neighbor. We are reconfiguring this intersection here; there will be left turn lane and right turn lane. We are hoping for a signal but if a signal cannot be approved by NC-DOT there will be a directional crossover here as well as a directional crossover here with appropriate left and right

turn lanes. We are improving and we are adding lanes to this part of Dave McKinney Boulevard and to Carolyn to make sure there is sufficient width in lanes and roadway to accommodate the traffic from the development and from the neighborhood here. I think that covers most of the points. We are building the network to address the issues of traffic impact on the adjacent neighborhoods. One of the things we did through this process was reconfigure how Brooke Nicole Lane and Twitter Lane come together. We originally had this as a straight connection through the site. We've reconfigured this so there are more turns making this a less convenient opportunity for people to cut through. There is public right-of-way here on Twitter Lane; we have an easement as well so we believe we can make that connection.

**Councilmember Winston** said I just noticed that site plan that you have up there and a few of these slides of renderings, it notes that it is not part of the petition. Is this just something to get an idea? How committed are we to this actual stuff on these slides?

Mr. MacVean said we don't have an illustrative site plan like this in the petition but this site plan does implement the conditions of the conditional plan. The conditional plan limits the apartment community to this portion of the site, limited to more than 340 units and the buildings, as illustrated here, have to be oriented toward Dave McKinney Boulevard or Carolyn Lane, they cannot move closer to the neighborhood than the buffer and setbacks we are showing here. Also, for the townhomes, this area of the site is limited to only townhomes between 65 and 105 so, if we develop less apartments here then there will be more townhomes here. This plan illustrates how that would be implemented. It requires the townhomes to front the streets with parking and access to the rear and it also shows where the stormwater detention and open space areas would be that are also committed to on the conditional plan in a more general term. This is one possible site plan, there could be more townhomes or less townhomes, there could be slightly different configuration to these buildings, but they would need to be oriented as you see them here.

Mr. Winston said how about these beautiful renderings we are seeing in the rest of the packet?

Mr. MacVean said these are to give the Council and the community an idea of what the architectural commitments are that are a part of the plan. There are design guidelines and architectural commitments that are in notes on the conditional plan. This is how those notes would translate to a proposed building.

Mayor Lyles said the notation not part of the petition applies to the drawings, not particularly to what they commit to do and the paperwork that you have submitted.

Mr. MacVean said that is correct Mayor.

**Councilmember Watlington** said I just wanted to make sure that I was clear about what the request was from the community as it related to infrastructure improvements ahead of development. You said something specifically.

Mr. Dessie said really the big piece is just to look at the bigger piece so, obviously, connectivity is an issue, but the three roads that are proposed in this development, roads A, B and C all are feeding into these smaller neighborhood roads, which are not designed to really, as you can see, Brooke Nicole Lane so, these roads here both of this main road also feeds into what essentially will become Twitter Lane. This road is currently not funded so, while it sounds like a good idea, but there is no funding for it and everything that comes through Brooke Nicole Lane ultimately ends up on West Rocky River Road. Our biggest concern is while we are all for development, but I think the density is what we are worried about. Our roads are not designed where if a car is parked, which happens on a daily basis, even the school bus cannot get through. So, increasing the volume of vehicles that go through we are worried. Like the gentlemen mentioned earlier, it sounds like this plan has been going for about a year but our residents are just now learning about it as of November or December. We were at a community hearing where one of the statements that we were told was obviously, it cost

money to send out mailers so there was even a decision that was made to limit in terms of what residents received that this was taking place. The impact while I know we are just talking about this, we have to be honest and say all of this traffic is going to go onto West Rocky River Road so, it does not only impact our two neighborhoods but really College Downs, Autumn Wood and Newell residents which ultimately anyone that wants to leave that apartment complex and get on Old Concord Road will be cutting through Rockland Drive because that is the most likely way to be able to get down here. You will come through the neighborhood, you will come down here. This road does not exist, but even if it does Newell Elementary School is right over here so, what you are basically doing is having all of these folks come out onto this road where you have an elementary school that cuts it off up here, but you are trying to get out to North Tryon Street as well. You can carve that street up in many different ways that you want but it just cannot handle that density. So, that is our biggest concern that we don't just make the decision saying here is a new development, we are about to have 400 units take place, but what we are really saying is this northeastern corridor plan that has been in place for a very long time. The City is still in the process of purchasing the land to be able to widen West Rocky River Road so, before we can even get to that phase we are about to create obstacles going forward.

**Councilmember Ajmera** said what is the timeline for Dave McKinney Boulevard? Would that be state or would that be City?

**Felix Obregon, Transportation** said Dave McKinney Boulevard would be a City maintained road. For Dave McKinney Boulevard it is a two-phase part. We are still in 70% design on a portion of David McKinney Boulevard. We are working with the petitioner that they come up with the additional design up to their property line so that they construct all of Dave McKinney Boulevard Extension as part of their development so, all of the road would happen whenever their development happens. That way from day one the road would be in place.

Ms. Ajmera said so, this would be addressed as part of the development?

Mr. Obregon said correct; it would be reimbursed and it would all happen at the same time.

Ms. Ajmera said I would like to address the questions or the concerns that were raised by Mr. Zimmerman about staff analysis that was not posted on our website. Do we usually post the staff analysis before the zoning meeting?

Mr. Pettine said yeah, they usually get posted Friday and it looks like this is the only petition where that didn't occur. I just need to check in with some other oversight as to why that happened, but certainly, that is something we can get posted at the latest Friday before the hearing, but again looking at all the other petitions, for some reason this seems to be the only one that that didn't occur on. We did have some late meetings on this petition, as late as Thursday morning almost to lunchtime and even Friday on this one so, we were still working through some transportation items. It may have gotten lost in that final push to get everything together. Again, that is something that we certainly need to go a better job of making sure that is posted on there, but typically they are getting Friday before at the latest.

Ms. Ajmera said I think in the case where the information has been delayed we should delay the petition to ensure that we are giving enough time to the residents. The details of the project that were not presented at the community meeting, so what was presented at the community meetings, if not this plan?

Mr. MacVean said didn't have that specific plan; the plan that we presented at the community had a different road configuration where these roads were straight through, didn't have as much detail on the townhome community development as that was still underway. We did show the road network and the connections. We had examples of buildings that Spectrum Companies had built, architectural styles that would be similar to the drawings you are seeing tonight. So, we did provide some of that information, it

did evolve over time, the proposed plan we are presenting tonight based on input both from the Community and from the City and Department of Transportation. There was some information slightly different. In terms of notice; I note there was a question about notice asked, we did hold a small meeting with a smaller group of residents initially. It wasn't a lack of wanting to send out more notices, it was trying to work with residents that were closer to site on the proximity before we had a large community meeting. As many were welcome as many as possible, but we just reached out to a small group to start a conversation initially.

Ms. Ajmera said what is the requirement around notifying residents nearby and what should be presented at the community meeting and how much information could be modified before it comes to City Council for a hearing?

**Terrie Hagler-Gray, Senior Assistant City Attorney** said the ordinance doesn't address specifically how much information has to be provided at the community meeting I think it is more so a policy decision by the staff so, that would have to be changed by policy if you would like to do that.

Ms. Ajmera said in terms of notifying residents is there a requirement around residents that should be notified within certain radius or certain miles that they live within this development? Is there a requirement around that?

Ms. Hagler-Gray said I can let Mr. Pettine rely, but there is a courtesy notice that goes out and there is also a statutory notice.

Mr. Pettine said the statutory notice is all adjacent property owners that are adjacent to the boundary of the rezoning. We go beyond that by providing that statutory requirement plus 300-foot radius of the property and they we take an extra step and notify any registered HOA's or community organizations within a mile of the site. We go a little bit beyond what the statutory requirements are, which are really just a mail notice 10-days prior to or no more than 25-days prior to the public hearing and we also provide a courtesy notice as soon as the petition is filed. Within about two weeks of that filing, we send a notice out to those same property owners that get the statutory notice just to let them know that a petition has been filed and when the earliest it could potentially be going to a public hearing. We provide dual notice, but one of those is a public hearing notice that is required by the State Statute.

Mr. Ajmera said so, we are meeting the State Statutory requirement, but I think in terms of what information is provided to the community at this community meeting, that could be decided by the Council as a policy item.

Mr. Pettine said that is correct.

Mayor Lyles said I would like to say we go way beyond the State Statute and do a lot more in terms of notice, but I also know that sometimes if you are like most of us you get a letter that has got a seal on it and it is in black and you kind of like, oh, something from the City. I'm not saying that everybody gets that and we understand that as well.

**Councilmember Johnson** said Mr. Dessie spoke about the roads A, B and C and the concern about the impact on connecting to Twitter Lane and several of the other existing roads. Can you speak to that, please?

Mr. Obregon said first Twitter Lane; actually, when this large development came into play years ago there was always the intent for that road to be connected as part of a second phase of this large development right here. So, with this development being proposed they are actually going to go ahead and make the connection to Twitter Lane right now rather than waiting for the Phase Two of the development to occur. As far as Brooke Nicole Place they are definitely going to make a connection to that. I think one of the things that we try to do is provide additional connectivity. Actually, the neighborhood only has one access off Rocky River Road so, having this additional access gives them another opportunity to get out of the neighborhood and then as far as the access right



off NC 49, with this development they are going to provide some additional improvements at the intersection to make it a little bit easier for them to enter and exit the development.

Ms. Johnson said can you back up to the slide where he took a picture from the car? My question was about the impact, not the plan. What they were saying is the concern about how narrow the road is, the concerns with school buses getting through or emergency vehicles. If we are increasing the impact from 50 trips to 3,000 that is my questions about the impact. Are we proactively going to do improvements or currently do improvements so that the impact doesn't affect them negatively?

Mr. Obregon said there going to be a connection to Carolyn Lane and with this development in working with the City and working with the reimbursement agreement then they would build Dave McKinney Boulevard Extension so that would also provide another way for folks to be able to exit the development. They can use Carolyn Lane which can get you to NC-49 and with the connection to Twitter Lane that could also give them another option to be able to do that. They are going to have different ways to be able to get out of the development. As far as doing something right here on Twitter Lane, it is a private road so, we don't necessarily get involved on private roads so, we won't necessarily do anything on Twitter Lane.

Mayor Lyles said if you will explain to us the road improvements that will be made as a result that increases the access; we would not be talking about a Twitter Lane connection if it is a private road. Is that what I'm hearing? Twitter Lane is a private road and it is not going to be connected?

Mr. Obregon said Twitter Lane is a private road and it will be connected as part of this development.

Mayor Lyles said as for the development and who maintains that road?

Mr. Obregon said it will be the developer.

Mayor Lyles said so, it is a part of the development that Twitter Lane will be. I know that people are saying no that are sitting behind you and you are saying yes so, I just want to make sure we understand private roads and who maintains them and how they are improved.

Mr. MacVean said if I may Mayor; I can also add to that if you choose. Felix is right, a portion of Twitter Lane is a private street, it is meant to be built to look like a public street. The portion of Twitter Lane that we will be connecting to actually will be a public street. Sanctuary Place and then Twitter Lane toward our site was shown on the previously approved plan as a public street and will continue to be a public street and we are connecting a public street to that. Beyond Sanctuary Place it converts to a private street.

Mayor Lyles said I understand now. Thank you.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.
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**ITEM NO. 24: HEARING ON PETITION NO. 2019-155 BY PLAZA MIDWOOD CHARLOTTE 2 LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.18 ACRES LOCATED ON THE SOUTH SIDE OF CENTRAL AVENUE, EAST OF PECAN AVENUE AND WEST OF THOMAS AVENUE FROM B-2 PED (GENERAL BUSINESS PEDESTRIAN OVERLAY) TO B-2 PED(O) (GENERAL BUSINESS, PEDESTRIAN OVERLAY OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 0.18 acres on the south side of Central Avenue, east of Pecan Avenue and west of Thomas Avenue so, we are back in the Central Avenue Corridor with this petition. It is currently a B-2 zoning with a PED overlay on that. We are looking at a B-2 PED with some optional provisions. This is under the Plaza/Central PED Scape Plan which does recommend retail mixed-use for retail, office, multifamily residential uses, part of the Village Center District and the two-block section of Central Avenue is really the heart of this District and preservation of the historic character is a priority. The Village retail area is the larger area east of the CSX Railroad tracks, including that Village Center and has the potential to be a highly walkable compact mixed-use retail village. This proposal is for a non-residential use permitted by right and then a prescribed condition in B-2 PED. It is really allowing up to 6,850 square feet of [inaudible] floor area which is equal to about the existing square foot building with some additional, about 258 square feet added on to it. There will be a new rear entryway, a covered patio and non-condition spaces such as a walk-in cooler, preserve the building with the ability to make renovations is part of this proposal as well. The optional request really allows for that B-2 PED without parking, an exemption from streetscape improvements along Central Avenue. Again, we are looking at a petition using an existing building, existing streetscape, existing conditions and really want to go through that adaptive re-use component of it to get some different outcomes for the building.

Staff does recommend approval of the petition upon resolution of some outstanding issues related to site and building designs, some technical revisions. It is consistent with the Central/Plaza PED Scape Plan which recommends retail mixed-use.

**Keith MacVean, 100 North Tryon Street** said I am assisting Central Avenue, Plaza Midwood petitioner with this petition 2019-155. As Dave has mentioned, a small site located on the main street of Central Avenue, a building that occupies 95% of the site, historically has been that way, has never really had parking since it was originally constructed as a retail commercial building. I'm not sure of the exact age of the building but it is one of the older historic buildings along Central Avenue. The request is to allow that building to continue to be used and adaptively reused with both retail and restaurant uses. We have been working with the Plaza/Midwood Merchants Association as well as the Plaza/Midwood Neighborhood Association as well as the Commonwealth/Morningside Neighborhood Association. They have asked us for two additional conditions to this petition, one that we limit the amount of area of the existing building that can be used for type two eating, drinking and entertainment establishments and we have agreed to do that. It is limited to 5,300 square feet; the remaining amount of the allowed square footage would be other uses allowed other than the type two eating, drinking and entertainment establishments and those other uses would also need to have frontage on Central Avenue. Those are two additional conditions that they have requested. We are also working and we have committed in the conditional plan to improve the alley in the rear with additional lighting and pavement to help improve that access in the back. There is a City parking lot on adjacent property here. We are also going to work with the Merchants Association to help partially fund improvements to the remainder of the alley. That will be something that will be done through the Merchant's Association and by the petitioner. This is the existing two retail storefronts as they look today on Central Avenue. They would be maintained, there would be some refurbishments and renovations to that frontage. This is one potential look for that but is not necessarily what it will ultimately look like, but again new windows, new detail to the existing material to make it look like it did the first day it was built.

**Councilmember Egleston** said I just want to say they have been working closely with the Plaza/Midwood Merchants. I expect that before the decision next month we will have a formal letter of support from them. The improvements on the alleyway are a big win for the neighborhood, both from an aesthetic perspective and from a safety perspective with the improved lighting. A lot of people use that to cut through from bar to bar, restaurant to restaurant. This is right in the middle of one side of that block of Central Avenue between Pecan Avenue and Thomas Avenue that I would argue that block is the single most defining feature of the Plaza/Midwood Business District. By locking this in as an adaptive reuse project and having an investment made there I think we assure the long-term preservation of that block without which I don't think Plaza/Midwood would be Plaza/Midwood any more. I'm very supportive of this and glad that they are doing what they are going to be doing.

**Councilmember Winston** said I don't know if we can tie this in, but I really do think we need to look at those handful of parking spaces, that on-street parking that is allowed on Central Avenue at certain times. I don't know if we can tie it in, but if we can I don't know why it is there. It creates some significant traffic situations and it really stands out. Again, if this is an eating and drinking establishment we want people to walk there being that it is a neighborhood or take Uber or Lift and other means of transportation. I hope we can look at that during this rezoning.

Mr. Egleston said they are very polarizing. A lot of the Midwood Merchants Association has long said they want to keep them both for the parking that it provides which is minimal, but also for I think the comfort level of people walking there. The sidewalks there are not very deep; they do provide some safety from travel lanes from people walking on that side of Central Avenue. They also slow traffic down significantly so, when we talk about roads like Sharon Amity Road and others where we complain that people do 50 on a 35, those spaces for all the headache that they cause, cause people not to do 50 on a 35 in an area that probably has as many pedestrians as anywhere in the City besides uptown. I'm a bit torn on that and I also would specifically not want to tie it to this rezoning because city curb to me has nothing to do with this petition and I wouldn't want to hold this petition to any expectation on those spots, but I do think it is worth the conversation. Also, we have to consider too, that obviously, the Gold Line Phase Three. If we go down that path we will be going down Central Avenue so, we would have to take that into consideration before we made any other decisions that would impact Central Avenue.

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

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**ITEM NO. 25: HEARING ON PETITION NO. 2019-157 BY ABP DEVELOPMENT LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.5 ACRES LOCATED ON THE SOUTH SIDE OF POLK AND WHITE ROAD, WEST OF MALLARD CREEK ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-8MF(CD) MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**Davie Pettine, Planning** said this is 8.5 acres on Polk and White Road just off Mallard Creek Road. We have an R-4 single-family zoning, we are looking at R-8MF(CD). It is multifamily residential zoning request. The adopted future land use is part of the Prosperity/Hucks Area Plan which is from 2015. It does recommend single-family uses up to four dwelling units per acre. We will get into some nuances in that plan that would accommodate some additional density as suggested by this rezoning and provide some appropriateness for it in the language of the plan itself. The proposal overall is for 68 dwelling units. We are looking at eight dwelling units per acre. We are looking at single-family dwelling units with a maximum building height of 48-feet. Some architectural standard commitments and then maximum height of free-standing lighting fixtures is 21-

feet, excluding streetlights. We are also getting some streetscape improvements with an eight-foot planting strip and six-foot sidewalk along the public frontage of the site as well as some internal streets that would provide future stub for potential connectivity should we have additional development in this area. We are looking at three development areas, A, B and C and again 68 dwelling units.

Staff does recommend approval of the petition. We have some outstanding issues we would still like to work through on Transportation, some technical revisions at eight dwelling units per acre. As we mentioned it is denser than what the Prosperity/Hucks Area Plan does recommend, however, the adopted area plan suggested some small clusters of slightly higher density that could be appropriate at a strategic location such as along the edge of open space. This site, in particular, abuts the Tradition Golf Club and some other dedicated open spaces and that can serve as a good buffer between this site and the slightly lower density site. Part of that language in that plan does suggest that the eight dwelling units per acres is not too far off from what the plan envisioned given that open space nearby. Just to go back and look at that you can see we've got park and open space here, park and open space in this general area. So, per that language in the plan we feel the eight dwelling units per acre is consistent and would be a good transition for this road so, we do recommend approval.

**John Carmichael, 101 North Tryon Street** said I am here on behalf of the petitioner. Frank McMann with Land Design is here as well and happy to answer any of your questions. Dave did a very good job going over the proposal so I will be very brief. Once again, it is about 8.5 acres on the southside of Polk and White Road just west of the intersection of Mallard Creek Road and Polk and White Road. You've got the Tradition Golf Course to the south and Mallard Creek Park to the north and this is the site. This is an aerial of the site that shows the park and the golf course as well. The site is currently zoned R-4; the parcels to the north and east are also zoned R-4. The Golf Course is zoned R-3. To the west you've got multiple zoning districts, R-8(CD), R-6(CD), R5(CD) and R-4(CD) which is an unusual configuration for districts, but that is what exists to the west of the site. The proposal is to allow a maximum of 68 dwelling units to be constructed on the site. The dwelling units can only be comprised of single-family detached dwelling units or single-family attached townhome dwelling units or a combination thereof. The developer would be doing streetscape improvements along Polk and White Road, installing new streetlights. There would be a street connection from Polk and White Road into the site, it would stub along the western property line. There are architectural standards including no vinyl siding would be allowed and we are happy to answer any questions that you may have.

**Councilmember Johnson** said I don't see anyone from the community here; what has the community feedback been?

Mr. Carmichael said you were at our community meeting and as I recall; none other than the community meeting, but after the community meeting, I sent our PowerPoint presentation to those individuals that attended the community meeting. I never got a response as to acknowledging their receipt or any questions or concerns. I really couldn't represent to you what their thoughts are, but the community meeting was not well attended as you know and we did reach out after the community meeting to those folks and sent them the PowerPoint presentation.

Ms. Johnson said I haven't heard a lot from the community either in much opposition.

**Councilmember Eiselt** said I always struggle and I say it when we take a fairly recently area plan like Prosperity/Huck which is 2015, and then go against it which would change it then. In this case, we would be going from the recommended four dwellings per acre to eight so, we are doubling it and the justification being that it is a long open space which is Tradition Golf Club. That Golf Club is in bankruptcy; the land is owned by the County I believe so, we don't really know that that will be open space forever. If the County decides they want to do something different with it, which I suppose they could you lose your natural buffer and then I wonder if you can really justify doubling the density.

Mr. Pettine said I think the slide we have up here and the Mallard Creek Park is another one that is close by. I think that was another part of that area plan that didn't just talk about it being just adjacent to, but in proximity to. I think that is part of when staff reviewed it they called out the Tradition Golf Club because it is adjacent, but I think the area plan does suggest that strategic locations along the edges of open space could be justified for an increase in some of that density. I think we looked at both areas being adjacent to the Golf Course but also in close proximity to that Mallard Creek Park. Those were two that we felt gave us a little bit more comfort with an increase between that four to eight and the home type as well. We are looking at single-family attached and detached and not apartments. We felt it was still somewhat compatible with some of the development you see along Polk and White Road and then back along Mallard Creek Road, but certainly understand.

Ms. Eiselt said I just think the density is too high. If the recent area plan calls for four then we have to do better than doubling it.

Mayor Lyles said I agree with Ms. Eiselt. I look at this and we just finished the plan and the park space to me if it were designated and adjacent directly to, that is one thing, but if you are talking about there is a park in the vicinity that to me doesn't help with the density increase. It is not like you are going to have tighter density and like a tree save area or open space that is guaranteed. That for me, I think the density shouldn't be increased like it is open space adjacent versus open space in the vicinity; two different things.

**Councilmember Winston** said to that end I did go through this and it is a bit confusing because in one sense you say it is inconsistent, but then you say that the plan does call for increased density so, this could be seen as following the plan. You kind of step on both sides of the line there. I read it as being consistent with the plan because it calls for these anomalies I guess that would be consistent. So, what is it?

Mr. Pettine said I think when you look at it from a base recommendation it is inconsistent, but from the nuances that it calls out other aspects of the plan where you can look at increased density then there is some general consistency with it. If you look at it just on a base recommendation then that is where we make that real policy standpoint from is that underlying recommendation and those nuances help to provide some of that support if we look at it from the standpoint that we did. We just called out the base policy recommendation of four DUA and then in the rational where we justified what our point of view is on it, that is where we pulled in some of the other nuisances of the plan that helped provide some of that support from the rational standpoint.

Mr. Winston said I would like to see between now and next month what hypothetical situation would look like where you would get that increase in density, that potential multifamily space so it would meet the definition of this plan. As Ms. Eiselt said, when do we consider getting into that nuance of the plan.

Mayor Lyles said I don't think we've got a lot of nuance when we adopt these plans.  
Mr. Winston said no, but it says it in the plan.

Mayor Lyles said I didn't say that it is not said in the plan, I said when we adopt the plan we generally don't get those nuances, what they are and what they would be like and how they are defined. Nuance is a very broad term. I just feel like at some point when Council is given a document and it is not quite clear what the word means I just wonder how it evolves. I think that is what Mr. Winston is asking, how does it evolve. That is an interesting concept.

**Councilmember Driggs** said I generally agree with the concept of needing to have a good reason in order to set aside a plan. The thing that I'm wondering though is in five years since we adopted that plan has the housing landscape changed and what is actually the shelf life of a plan. The fact is we are seeing a lot of development that is being called UR-2 and I've got a really difficult one in my District right now and it is

being done that way because what the market is looking for is smaller lots and lower overhead. It is a challenge to be a little dynamic and responsive to the market. Whether I think the open space argument is probably not a valid reason, but I'm just pointing out the difficulty of not being ridged with our plan and ignoring market dynamics. I could be this is appropriate in my mind.

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

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**ITEM NO. 26: HEARING ON PETITION NO. 2019-158 BY MPV PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.6 ACRES LOCATED ON THE SOUTH SIDE OF EAST WOODLAWN ROAD, EAST OF MURRAYHILL ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) AND UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) AND UR-2 (CD) SPA (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 3.5 acres on the south side of East Woodlawn Road, just east of Murrayhill Road. The site is currently zoned R-4 and UR-2, it is a previously approved conditional plan. That is that portion that you can see kind of split in this orange area, we are looking at an UR-2 for the entirety of the site. The previous conditional plan was a little bit smaller in size. The Woodlawn Station Area Plan which was 2008 does recommend residential land use up to 22 dwelling units per acre for the majority of the site. You can see there is still a slight portion of the site that wasn't part of that previous rezoning that is only recommended for that four dwelling units per acre. Again, we've got a pre-existing conditional plan, we've got a split land use recommendation for a little bit of the site so, we've got up to 22 and then just four DUA for another portion. This proposal overall is for 37 single-family attached units at 10.14 units per acre. We are looking at three stories in height, not to exceed 45-feet. We have a 19.5-foot buffer with fence around the boundary that is going to abut some of those single-family homes. An eight-foot planting strip and a six-foot sidewalk along East Woodlawn Road. Alley loaded units in this project and a number of architectural standards for building materials, roofs, porches, stoops and blank walls. The previously approved plan, as you can see, I think we included that in your packets, was a little bit of a different design from an architecture and layout from. It was a little bit less clustered than the plan that we are looking at this evening. This plan does provide a little bit more tree save and open space in the back. The previous plan brought the units all the way down, this one does stop those units here and provides some of that tree save area on the backside. We felt it was a little better design than what we had previously for this site.

Staff does recommend approval of the petition upon resolution of some outstanding issues. It is consistent with the Woodlawn Station Area Plan for that portion that is up to 22; that portion that is up to four is inconsistent. Overall, we are looking at just over 10 DUA so, we are a little bit in between on an average here.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I am here on behalf of [inaudible] Patrick; Ann Vermillion of Bailey Patrick is here with me as well. Mr. Driggs teed this up well for us in pointing out that he has seen more and more of these UR-2s. We are seeing demand for townhome housing in desirable areas; this is one of them. Dave had a good presentation so, this is 3.5 acres here; there is Woodlawn and this is right across from the Sam's Mart as you are getting down towards South Boulevard. I just want to reiterate what Dave said; the majority of the site, 2.5 acres are already zoned UR-2(CD). This is it, is approved for 20 townhomes already and so, what that left you with is these two sliver parcels here between what could be a townhome development and a single-family neighborhood. What MPV did was assemble that so that they have it all. Now that you have it together you can do a little bit better job on the site plan I think. As

Dave mentioned the area plan calls for up to 22 for this portion of the site, we are 10 so, we certainly are not maxing out what the plan calls for. We are over the four, but I think we've met in the middle.

Dave mentioned the buffer around the side of the property; this is a reorientation from our first site plan. We've clustered the homes in the middle and then we have a street going around to give more buffer from the neighbors. We've had two good community meetings; our team was out there on Friday afternoon meeting with a couple neighboring property owners to talk buffering and separation from their properties. I think we've made good progress. These are some conceptual renderings we've shared with the neighbors; these are not zoning commitments yet, but we did want to show them that type of development that could be going in there. I think we have gotten a good response from the neighborhood. I'm not saying anybody is clapping or cheering, but I think there was an expectation this site would be developed. The existing zoning allows it and I think they appreciate what the team has done to accommodate some of their concerns.

Mayor Lyles said when you assembled the land how many houses did you tear down?

Mr. Brown said none have been torn down now. There would be three lots, there could have been three single-family homes. There were three homes on the three lots, two of which are vacant.

Motion was made by Councilmember Bokhari, seconded by Councilmember Egleston, and carried unanimously to close the public hearing.
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**ITEM NO. 27: HEARING ON PETITION NO. 2019-159 BY ED ZEPAS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.95 ACRES LOCATED ON THE WEST SIDE OF NATIONS CROSSING ROAD, SOUTH OF VERBENA STREET FROM MUDD (CD) (MIXED USE DEVELOPMENT, CONDITIONAL) TO TOD-TR (TRANSIT ORIENTED DEVELOPMENT – TRANSITION).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said we've got MUDD (CD) currently on the property on Nations Cross Road. We are looking at a proposed zoning of TOD-TR. We just went through a rezoning back here on Verbena Street for a large landholding in this general area for TOD as well so, this will continue that up to Nations Crossing and bring that TOD zoning a little bit forward. We do have a land-use recommendation currently for mixed-use, retail, office, residential and that was part of a rezoning petition back in 2017 for that MUDD district. That would still be consistent with TOD in terms of uses and outcomes from that potential land use plan adoption from 2008. We've got newly adopted TOD zoning back here around Verbena Street so, this would provide some continuity and continue that forward.

Staff does recommend approval; it is consistent with the Station Area Plan from 2008 for that mixed-use component. It is within a half-mile of the Woodlawn Station and the LYNX Blue Line and the surrounding TOD district recently approved would be incompatible with this and again staff does recommend approval of this petition.

**Tom West, 224 Westinghouse Boulevard** said I am with West Engineering and we are located at 224 Westinghouse Boulevard in Charlotte. I'm here tonight representing the owner Zepa Properties, LLC on this rezoning petition. Mr. Zepa and his family have owned the property since 1992; it has also been his company's headquarters for their flourishing architectural woodwork and stair business until relocating it to a much bigger facility along Westinghouse Boulevard in 2017. The existing buildings are currently empty and in need of renovation. The existing building architecture is that of the 1940's postwar industrial era and with its iconic barrel roof. Mr. Zepa's vision of the

property is to revitalize and repurpose the existing buildings while preserving their character as well as the character of the surrounding neighborhood and I am here to answer any questions that you might have.

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

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**ITEM NO. 28: HEARING ON PETITION NO. 2019-161 BY CRESCENT COMMUNITIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.4 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 SPA (UPTOWN MIXED USE, OPTIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 2.4 acres at South Tryon Street and East Hill Street east of John Belk Freeway. It is currently a building that is under construction zoned UMUD-O; this would be UMUD-O with a site plan amendment. The crux of the request really is under the Charlotte Center City 2020 Vision Plan which doesn't make specific land use recommendations, however, the plan encourages future development that will contribute to the revivability and livability at Center City. This petition is not necessarily related to the actual development of the site, but the outcome of the development in regard to signage so, we are preserving all the previous option requests and design details in petitions in 2014 and 2017 respectively. What the petitioner is proposing is that the following optional provision would be applicable or applied to this site as a site plan amendment and that would be to increase the previously approved attached electronic signs, which are either video or LED from a maximum size of 300 square feet to 450 square feet each. So, it is an increase in sign allotment for the building and staff does recommend approval of this petition. We do have one outstanding technical item that we need them to clean up, nothing significant that would change the outcome of the requestor signage request that they are looking for. Again, we are maintaining all the other development approvals and optional provisions from those two previous petitions. This would be just a change in signage from 300 square feet to 450 square feet.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I am here on behalf of Crescent Communities; Elizabeth McMillan is here as well. Mr. Pettine did a good job on the overview; this is a simple sign request. I will fast forward and hit the highlights; five years ago, we stood before you are talking about the rezoning to accommodate what is now called the Ali Center. At the time we made requests for signage and at the time we requested two electronic signs up to 300 feet. Well, technology and signage has changed a lot in five-years and now what has happened is Ali would like to put their logo at the top of the building. We could put the Ali sign right there as a static sign, but now technology being where it is, they would like to take the technology to that electronic sign so that it can be purple, their color, on the Fourth of July it can wave like the American Flag. To do that we had already requested 300-feet of electronic signage. It just so happens that the Ali sign, the way we calculated in the ordinance is about 450 feet. We are asking for two of those so they can be at the eyebrow of the building; keeping up with technology.

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

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**ITEM NO. 29: HEARING ON PETITION NO. 2019-162 BY KENNETH SIMMONS FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.88 ACRES LOCATED ALONG THE NORTHERN SIDE OF OLD CONCORD ROAD NEAR ITS INTERSECTION WITH NORTH TRYON STREET AND IN CLOSE PROXIMITY TO THE LYNX BLUE LINE'S OLD CONCORD ROAD TRANSIT STATION FROM I-2 (INDUSTRIAL) TO TOD-TR (TRANSIT ORIENTED DEVELOPMENT, TRANSITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 2.88 acres on Old Concord Road close to the proximity of the intersection with North Tryon Street. The site is currently zoned I-2 which is industrial. They are looking at a proposed request of TOD-TR which is transit-oriented development, transitional. We are looking at the old Concord Transit Station Area Plan with this petition which was adopted in 2013. It does recommend office and retail uses for the site, it is also supportive of transit-supportive uses within 0.5 miles of the transit station. This petition is within a half-mile walking distance to that station so, staff does recommend approval. The request is for a TOD District and it is within that half-mile walking distance to the Old Concord Road Station. It states that existing employment base, non-residential areas are expected to remain. Approval of this petition would allow for this existing non-residential use to remain. That TR district is really intended to encourage some of that TOD in that transit station area where there is not a current market demand for more intense development before allowed transit-supportive. Staff felt this petition was reasonable with that request and we do recommend approval and will be happy to take any questions following the petitioner's presentation.

**Kenneth Simmons, 5801 Old Concord Road** said I am the Pastor of the Harbor Baptist Church and that is what this property is. We are petitioning for Harbor Baptist Church to become the TOD district. Our church is about 45-years old and we've been in this particular location for all 45-years and about 11-years ago our auditorium burned down on a Saturday night. You can imagine what that is like, but the church had built a Family Life Center and we've been meeting as a church in that Family Life Center for all this time. Our desire has been to build an auditorium, a separate worship center from the Family Life Center. What we have been thinking of doing and because half of membership comes in on buses. We run a bus ministry on Sunday Morning and we also advertise the light rail on our gospel tracts and on the website as well. We push that public transportation simply because when you look at our church, like I mentioned, half of the membership comes in on the buses; we don't really need the amount of parking that a new building would require. We thought we would somehow get some kind of a variance because of that, but we couldn't. We learned that the TOD rezoning you are offering and we thought this could be advantageous for us. We are not using this as a backdoor because we can't get parking on our site we are using because we believe in the pedestrian emphasis that you put on. I grew up walking to church if that makes any kind of sense and I believe that we are in a position where people can take great advantage of the light rail and use it for our church. Our church is a very multi-culture church. I believe a church ought to be a reflection of its community and when you look at Harbor Baptist Church it is a reflection of Charlotte, North Carolina. We've had people from all walks of life and we minister to the CCT community for a center transition next door to us. Some of those ladies are members of our church, we go and get them and we have a strong ministry on UNC-Charlotte Campus as well and we have some of those students come to our church as well. So, we want to stay in this place. We believe that we are going to have some significant growth over the next years and we've noted that the light rail will be very beneficial for us as a church as well. So, thank you for your consideration.

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

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**ITEM NO. 30: HEARING ON PETITION NO. 2019-164 BY PDAN HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.1 ACES LOCATED ON THE NORTH SIDE OF JOHNSTON OEHLER ROAD, WEST OF OEHLER BRIDGE DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF (CD) MULTIFAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over an acre on Johnston Oehler Road just south of I-485. We are looking a proposal from R-3 to R-8MF (CD) which is an R-8 multifamily conditional district. We recently had a large rezoning for the property that you see here in orange that went from UR-3 and UR-2 (CD). That was for a mix of apartments, some senior living, a daycare at this intersection here. We also have a decision this evening on some townhome development on both side of Johnston Oehler Road in this general area. This is a 1.1-acre tract that is looking at eight dwelling units, attached single-family so, eight townhomes. We've got connectivity to the project that we just talked through and had a daycare component along with some public infrastructure for a larger scale multifamily mixed-use development. We've got access via right in/right out on Johnston Oehler Road. We do have some internal connections as we've talked about and then some of the streetscape connections on Johnston Oehler Road and a setback of 12 to 24 inches for garages. [inaudible] for some architectural standards that we have as part of this petition, usable porches and stoops as well.

We look at the area plan for this; this is Prosperity/Hucks. This is a residential recommendation for up to four dwelling units per acre. This is one of those where we got a base recommendation for a residential dwelling unit although there is also some language in the plan that looks at where it is located along activity centers, a mix of housing types, transitions from denser mixed-use development surrounding lower density neighborhoods and then some of other strategic things in the plan that look at locations as elements of larger development. This could be looked at as a part of tying into this larger project here, particularly with the road connection that is being provided. We would end up with a component of multifamily apartments, daycare, some townhomes and then again, we've got the school on this end and then some additional attached single-family in this portion and then we transition back to some of the less dense single family as you get south of Johnston Oehler Road.

As we talked through this proposal staff did recommend approval of this petition. We do have a few outstanding issues related to transportation and site design. Mainly, that is trying to work through where that access point is going to be on Johnston Oehler Road. It really depends on location on how we deal with it being a right in/right out or dealing with some median breaks within that road as well. We still have a few issues that we need to work through, but overall staff does recommend approval.

**Nick Tosco, 301 South College Street** said I am with the Law Firm Poyner Spruill here in Charlotte and I am here on behalf of the petitioner, PDAN Holdings, LLC which is run by Dan Mckayhan who is here as well tonight and he is the developer and the owner of this site as well as our site designer, Shawn [inaudible] with Cole Jenest & Stone. Just a little bit of background; Dan is a small independent builder in this community. He has been doing it for over 30-years. He builds small affordable single-family and multifamily homes for sale and for rent. The goal of this zoning specifically is to allow development for up to eight residential units through a mixture of cost-effective housing types, most likely townhome and quadruplex structures. Just to give you a timeline, that is the timeline of what we've done in the process and I would just highlight for you that we met with the neighborhood association and Prosperity Village Association. They are supportive of the project and we had a community meeting. There were no major concerns raised, just some issues with traffic in the area generally speaking.

I have a site plan to show you that generally we just have the residential and the parking envelope shown there, and in addition to the parking envelopes you see there, we also showing the drive access and the connection to the rezoning that took place adjacent to

this site. You will see setbacks and everything, but we have discussed with staff the idea next resubmittal taking out the setbacks and just showing it will be conditioned upon the building layout and the orientation of the buildings. In case you are interested in knowing what this will look like when it is built, Dan tends to build duplexes and townhomes and this is an example of the duplex that will be built, one-bedroom, one bath. It rents for \$775 which in this area is pretty affordable and he also has these townhomes that is also the type of product that you will see on the site there. It is a three-bedroom, two-bath townhome that will rent for \$1,395. Again, pretty affordable for this area. As you can see these are southern style and a very Charlotte feel to them products and affordable compared to the area. There are only a couple outstanding issues which I think we've addressed and the primary one being the access issue which we have addressed.

**Councilmember Johnson** said you were saying that the primary issue is the pork chop or the entrance. Has that been worked out with zoning or are you guys still working on that?

Mr. Pettine said no, we just met recently, I think it was on the 10<sup>th</sup> of February so, after that meeting, I think the discussion was to look at some of the alternatives they proposed with Transportation staff and get some feedback. Between the prep, for this meeting, we haven't had a chance to get back, but that is something we will work through as they get to Zoning Committee. I will have that ironed out so we can present that to the Zoning Committee and they can make their recommendation based off what those changes are and then we will bring that with a decision to you all. Then we will evaluate that when it gets to be that point, but we still have a few things to work through with them.

Ms. Johnson said when we talk about the naturally occurring affordable housing; this isn't affordable housing but it is cost-effective and this is just the type of development I would like to see more of throughout the City.

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. 2019-165 BY WOOD PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.0 ACRES LOCATED ON THE NORTH SIDE OF WEST MOREHEAD STREET, BETWEEN MILLERTON AVENUE AND MORTON STREET FROM I-1 (LIGHT INDUSTRIAL), R-5 (SINGLE FAMILY RESIDENTIAL), R-2MF (MULTIFAMILY RESIDENTIAL) AND O-2 (OFFICE) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is four acres on West Morehead Street, it does have frontage back on Millerton Avenue with a parcel on Morton Street as well. It has got just about all of the zoning districts that we have on the site; I-1, R-5, R-22 and O-2 so, we've got quite a mix out there currently. We will go to the TOD-CC under this proposal and that would consolidate all those zoning districts into one. We would get a mix of uses that would likely be developed on the site under some of those other districts, but with more continuity and better design standards that what we've got currently out there. This is under the Bryant Park Land Use and Streetscape Plan which was adopted in 2007. It does recommend a mix of uses, there is a portion on the backside that is recommended for residential up to or equal to 22 dwelling units per acre. As you can see the majority is recommended for mixed-use as is much of the area out here. We've seen a mix of MUDD and TOD zoning in this area, both with the same general outcomes of being what would be transit supported in the area of the Silver Line which is just nearby. There are two stops within this general area that would come into play so we are in about a quarter to a half-mile of those sites that would be of that future Silver Line. Again, between the mixed-use land recommendation and some of the other

development ongoing TOD along that potential Silver Line would be something that would make general sense.

We do recommend approval of this petition; as we said, it is consistent with the mixed-e component. That slight inconsistency with that single-family up to 22 dwelling units is inconsistent, but overall, we've got general consistency with the adopted plan and feel the TOD district is appropriate and we do recommend approval.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I am here on behalf of Wood Partners and Banks Wood from Wood Partners is here tonight as well. David did a good overview with this being a TOD conventional rezoning. There is not a lot of detail for me to delve into. I did think it would be helpful to have a map of the proposed Silver Line so you can see those stations in proximity to this site here. Here it is again; this is another look at it. So, we've got a four-acre site, a pretty interesting assemblage and this property has some unique history. Had some uses that were very negative influence in the community and now mostly vacant. There are some off properties here; this is a look at it from the street, that is the use I mentioned has now been vacated. The question is what does this become? As you can see there have been a number of MUDD zonings that have occurred in the area. Our initial conversations with staff, we talked about that and staff said we have spent so much time on the TOD and we are confident in its design standards. About two months ago you approved a TOD zoning which extends right here so, that was staff's recommendation that we pursue that. We are proposing a TOD-CC and the site plan is consistent with staff's recommendation.

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

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**ITEM NO. 33: HEARING ON PETITION NO. 2019-169 BY THOMPSON THRIFT DEVELOPMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.9 ACRES LOCATED ON THE EAST SIDE OF RIDGE ROAD, AT ODELL SCHOOL ROAD, SOUTH OF MALLARD CREEK ROAD FROM CC (COMMERCIAL CENTER) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT) WITH FIVE-YEAR VESTED RIGHTS.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just under 16-acres on Mallard Creek Road and Ridge Road. This petition is currently zoned CC which is commercial center. We are looking at a request for CC with a site plan amendment. They do have a five-year vested right included. We did talk through a little bit of that at lunch and we will continue to talk to the petitioner about the need for that request remaining. As we move forward we are looking at the Northeast Area Plan from 2000. It does recommend multifamily, office, retail uses for this site. This site was part of a previously approved plan that had some previous entitlements that were shifted over to the north side of Mallard Creek Road. Essentially this potential is coming back and looking at trying to re-establish some of those entitlements on this side of the road as well. We are looking at 280 multifamily residential units, some general road improvements, planting strips, 12-foot multiuse path along Ridge Road, eight-foot planting strip and eight-foot sidewalk along all other streets. We will have an ADA compliant bus waiting pad which CATS will work with the petitioner on to determine where that is going to be located. Then we have other general development standards, on-site bicycle park language which will align with the City's Vision Zero principles, 50-foot maximum building height and then some architectural standards which are fairly standard for a project of this type of multifamily. We do recommend approval of this petition. We have a few outstanding issues related to transportation that we need to work through. It is consistent with the Northeast Area Plan from 2000.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I here on behalf of Thompson Thrift. The Thompson Thrift team is here behind me. One of the things I want to say with the property location, this is not currently in the City of Charlotte. This is land that is in Mecklenburg County that is in our ETJ. Thompson Thrift intends to annex in so, this is a potential upside for us. I know this seems like a long way out when I think this is past I-485. What I do want to point out; here is the County line, this is Cabarrus County, this is Bruton Smith Boulevard. It may be a long way from uptown, but it is very near the heart of Cabarrus County and Concord's economic engine. So, very good proximity and that is one of the reasons it is so desirable. You've got a huge economic center here and you have access to I-485 and I-85 so, it is a tremendous location. This is a look at it from Mallard Creek, the site is over here. The existing zoning as David said, it's got commercial center zoning already, it was one of the early ones in the early 2000s. We've spent a lot of time with staff unpacking this; another challenge on the site. I think we are consistent with the plan recommendation. Another challenge, when the original zoning was done I-485 wasn't there. NC-DOT has put some roads together so, we've spent a lot of time unpacking this; we had no attendees and we've done two community meetings. No-one showed for the first so we thought we would do another one, no-one showed at that one either. I think we are in a good spot; I think this is a good add for the City to annex it.

**Councilmember Driggs** said was this a conventional CC zoning before and if so why do we have to amend the site plan?

Mr. Brown said CC is a conditional district so, even though it just says CD, there is always a site plan.

Mr. Driggs said alright so, there is an existing site plan?

Mr. Brown said this is it from 2000. It was before I-485 was there so, a lot of things have happened.

**Councilmember Winston** said I asked about this of staff earlier in the 12:00 meeting. Are five-year vested rights really necessary?

Mr. Brown said I've already mentioned that you mentioned that and I'm going to talk with them and I think we will be happy to talk that.

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

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## ADJOURNMENT

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

The meeting was adjourned at 8:30 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 30 Minutes  
Minutes Completed: March 17, 2020