

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, April 20, 2020 at 5:33 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, James Mitchell, Matt Newton, Victoria Watlington, and Braxton Winston II.

\* \* \* \* \*

**Mayor Lyles** said tonight's Zoning Meeting is being held as a virtual meeting in accordance with the Electronic Meeting Statute. The requirements of notice, access, and minutes are being met through electronic means. The public and the media are able to view this meeting on the Government Channel, the City's Facebook page, on the City's YouTube site. I want to say to everyone; I hope that everyone had a good weekend. We are still in the midst of Coronavirus and the stay at home flatten the curve efforts and I want to say again, thank you to everyone that is continuing to serve this community to keep us all well and we greatly appreciate the efforts that you are making and the sacrifices. We are very much aware of it.

I would also like for you to know that Sam Spencer, our Zoning Committee Chair is also with us virtually. If there are questions about the decisions we have or if the Zoning Committee, who is also watching this by either the Government Channel or one of the other options, if they have questions during our hearings, they should let Sam know and then Sam will be able to present the questions for our Zoning Committee.

\* \* \* \* \*

#### **INVOCATION AND PLEDGE**

Councilmember Mitchell gave the Invocation followed by the Pledge of Allegiance by Councilmember Graham.

\* \* \* \* \*

#### **EXPLANATION OF THE ZONING PROCESS**

Mayor Lyles explained the Zoning Meeting rules and procedures.

\* \* \* \* \*

#### **DEFERRALS**

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to defer: a decision on Item No. 4, Petition No. 2019-111 by Hive Fitness, LLC to May 18, 2020; a decision on Item No. 5, Petition No. 2019-113 by Charlotte Mecklenburg Hospital Authority to May 18, 2020; a decision on Item No. 6, Petition No. 2019-114 by Charlotte Hospital Authority to May 18, 2020; a decision on Item No. 7, Petition No. 2019-146 by ALB Architecture, PA to May 18, 2020; a decision on Item No. 8, Petition No. 2019-166 by Canopy CLT to May 18, 2020; a decision on Item No. 9, Petition No. 2019-184 by Taft Mills Group to July 20, 2020; a hearing on Item No. 28, Petition No. 2019-168 by Suncrest Real Estate and Land to May 18, 2020.

#### **DECISIONS**

**ITEM NO. 2: ORDINANCE NO. 9777-Z, PETITION NO. 2019-152 BY SPECTRUM COMPANIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 27.410 ACRES LOCATED OFF CAROLYN LAND 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).**

The Zoning Committee voted 6-0 (motion by Wiggins, seconded by Gussman, to recommend approval of this petition. The Zoning Committee voted 6-0 (Motion by Wiggins, seconded by Ham) to adopt the following Statement of consistency: this petition is found to be inconsistent with the University City Area Plan and the Newell Small Area Plan based on the information from the post-hearing staff analysis and the public hearing and because the plans recommend office/retail, mixed-use, and residential uses of multiple densities 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 request compliments the adopted vision for the University City Area Plan in that it improves accessibility by maximizing the use of existing local street connections to provide a high level of mobility and multi-modal access. The project accomplishes that by committing to constructing, through a reimbursement agreement with the City, the Dave McKinney Avenue extension connecting the site and surrounding neighborhood directly to the University City Boulevard Blue Line Station. The proposed mixture of residential uses (attached single-family/multi-family) is an appropriate transition between student housing to the east of the site and detached single-family homes to the west. The proposal achieves the Newell Small Area Plan's land use objective by providing a broad range of housing. The proposed intensity is reasonable considering the site's proximity (over .5 mile but under .7 miles) to the University City Boulevard Blue Line Station.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-152 by Spectrum Companies and adopt the following Statement of Consistency: This petition is found to be inconsistent with the University City Area Plan and the Newell Small Area Plan based on the information from the final staff analysis and the public hearing and because the plans recommend office/retail, mixed use, and residential uses of multiple densities 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 request compliments the adopted vision for the University City Area Plan in that it improves accessibility by maximizing the use of existing local street connections to provide a high level of mobility and multi-modal access. The project accomplishes that by committing to constructing, through a reimbursement agreement with the City, the Dave McKinney Avenue extension connecting the site and surrounding neighborhood directly to the University City Boulevard Blue Line Station. The proposed mixture of residential uses (attached single family/multi-family) is an appropriate transition between student housing to the east of the site and detached single family homes to the west. The proposal achieves the Newell Small Area Plan's land use objective by providing a broad range of housing. The proposed intensity is reasonable considering the site's proximity (over .5 mile but under .7 miles) to the University City Boulevard Blue Line Station.

The ordinance is recorded in Ordinance Book 62, at Page(s) 805-806.

\* \* \* \* \*

## HEARINGS

**ITEM NO. 10: HEARING ON PETITION NO. 2020-036 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.56 ACRES WEST OF PECAN AVENUE, NORTH OF INDEPENDENCE BOULEVARD, SOUTH OF CENTRAL AVENUE TO B-2(PED) (GENERAL BUSINESS, PEDESTRIAN OVERLAY DISTRICT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is a petition by the Planning Department itself; we do have some un-zoned property in this area here along Pecan Avenue, just off of Independence Boulevard. This was a holdover from some NC-DOT right-of-way. As

we've had some interest in the development of the larger property, you can see these are part of those parcels, but that area in red does not have any zoning assigned to it. We've dealt with this issue on a couple of neighboring parcels over the years, so staff has moved forward with this petition to recommend that this 0.56 acres go to the B-2 zoning. That is consistent with the rest of the properties that it would be part of. This property will get assigned a Zoning District of B-2 and would have the PED (pedestrian overlay district) overlay assigned with it as well so all the zoning for the property would be consistent and they won't have any outstanding issue with the potential development of the property in that un-zoned area.

It is consistent with the Plaza/Central PED Scape Plan, does recommend a mix of uses, B-2 does support that. Our recommendation is for approval of this petition. As we said, it is consistent with the Plan and it is an item that will bring that zoning in line with the rest of the property.

**Councilmember Egleston** said this is a simple petition with no opposition and if there are no other questions I'll move to close.

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

\* \* \* \* \*

**ITEM NO.11: HEARING ON PETITION NO. 2019-176 BY CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT FOR A CHANGE IN ZONING FOR APPROXIMATELY 78.68 ACRES ON THE EAST SIDE OF STEELE CREEK ROAD, SOUTH OF BYRUM DRIVE AND WEST BOULEVARD FROM R-3 AIR (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO I-2 AIR (GENERAL INDUSTRIAL, AIRPORT NOISE OVERLAY).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is about 78.68 acres on the east side of Steele Creek Road, south of Byrum Drive and West Boulevard, you can see the entirety of the property that is under this petition. To give you some site context of the general area, I-485 and Steele Creek Road and the property is this bulk of land over in this area. The existing zoning is R-3; it does have Airport Noise Overlay on top of that property. They are requesting a conventional I-2 zoning and the Airport Noise Overlay would carry forward with that property as well through this rezoning. The adopted future land use does have some institutional land use recommendations as well as industrial. You can see the blue area is recommended for that institution. That is likely consistent with the church property that has been out there for a long time and then you've got the industrial recommendation here in that purple color.

We do have some inconsistency with the general adopted land use plan, but some consistency with a part of the property as well. It is located within the Shopton Road Industrial Activity Center per that Centers, Corridors, and Wedges growth framework so we do have consistency with that plan per that Centers, Corridors, and Wedges policy. This is a conventional petition, staff does recommend approval, as we said it is consistent with a portion of the plan for the Westside Strategic Plan Recommendation, it is inconsistent with that institutional land use. We do feel that the industrial land use, while inconsistent is consistent with the general pattern of development in that area south of the Airport. It is in an Industrial Activity Center, it is within that Noise Overlay which lends more towards compatibility with industrial uses over residential use. The Steele Creek Presbyterian Church Sanctuary Building and Cemetery are designated as Local Historic Property by the Charlotte Mecklenburg County Historic Landmarks Commission so we may have some questions about that, but I know the folks representing the Airport can potentially answer for you as well, but we do recommend approval of the petition. It will revise the future land use plan from institutional to industrial for the entirety of the site.

The meeting was recessed at 5:52 p.m. to resolve technical issues and reconvened at 5:55 p.m.

Mayor Lyles said we are back from our recess and will continue with the hearing on Petition No. 2019-176 by Charlotte-Douglas International Airport.

**Stuart Hair, 5601 Wilkinson Boulevard** said thank you for your time this evening to hear about Rezoning Petition 2019-176. As staff shared, it is about 78-acre parcel that the Aviation Department has acquired over the past 30-years. It is a property that was home to Steele Creek Presbyterian Church for many, many decades over multiple hundreds of years in fact. We acquired the last section of it per the request of the congregation in May of 2019. Since that time, we have received multiple inquires for the redevelopment of the site, and all of those inquiries are for a general industrial type of use of the property while preserving the Sanctuary. While we don't know what the best and final redevelopment of the site will look like, we do anticipate going and requesting some further information from the development community through the form of an RFI (Request for Interest) or an RFP (Request for Proposal) at some point. The historic property would be preserved and as staff shared, we have had conversations with the Historic Landmarks Commission and continue those conversations on how best to preserve the Sanctuary.

Since acquiring the property, CLT has taken measures to prevent vagrancy and vandalism by fencing around the historic Sanctuary, putting up security cameras and we've also leased the non-historic section of the facility to CMPD (Charlotte Mecklenburg Police Department), CFD (Charlotte Fire Department) and the Air National Guard for training and outreach activities so that we do have an active utilization of the facility.

The Steele Creek Presbyterian Session still retains ownership of the historic cemetery which is actually adjacent to the Sanctuary. We do not own that and are not requesting for that to be rezoned, it is just the approximate 78-acres made up of six parcels that are being requested to be rezoned from residential to industrial.

**Councilmember Watlington** said I was able to speak with the Airport and also [inaudible] this morning as a follow-up to this one and I was happy to learn that they are working with the Historic Commission and working on relocating the church itself. Right now, I'm good to go.

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

\* \* \* \* \*

**ITEM NO. 12: HEARING ON PETITION NO. 2019-171 BY ANTHONY KUHN FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.55 ACRES LOCATED AT 3000 NORTH TRYON STREET, WEST OF ITS INTERSECTION WITH 36<sup>TH</sup> STREET FROM 1-2 (INDUSTRIAL) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT, URBAN CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this 2.55 acres located at 3000 North Tryon Street, just around the area of East 36<sup>th</sup> Street and North Tryon Street. We've got our light rail stop about 2,600 feet from this petition. The petition itself is looking to go from an industrial I-2 zoning to a Transit-Oriented Development Urban Center zoning district, so TOD-UC (Transit-Oriented Development, Urban Center). You will see we have some TOD-UC right here around the 36<sup>th</sup> Street Station as well as some TOD (transit-Oriented Development) in this area as well. Again, we are in very close proximity to that 36<sup>th</sup> Street Station so, the TOD district is being requested. The adopted future land use from the North Tryon Area Plan does recommend a mix of office and retail for the site so the petition would provide those uses even though it is technically inconsistent, it does provide office and retail uses through that TOD zoning district. We are recommending approval. It is

inconsistent but given the proximity of that 2,640 feet from the 36<sup>th</sup> Street Station, that TOD ordinance would be applicable here. Most of the surrounding land uses are zoned at a higher intensity which would help make this zoning district compatible with those surrounding zoning districts and gain, will likely be consistent with what we see development-wise around that general area. We do recommend approval; it will change the future land use in the area to a Transit-Oriented Development for the site, but again, we feel that is consistent with the long-term development in that area around the 36<sup>th</sup> Street Station, particularly within this close proximity. We don't have any other presentations and will be happy to answer any questions if there are any for staff.

**Councilmember Egleston** said a completely appropriate place for TOD. The neighborhood is supportive, there is no opposition.

**Councilmember Winston** said I do think this is an appropriate use. I can take the answer offline from staff, but the intent of TOD is to be contiguous. While this is appropriate, how do we kind of think about promoting the type of rezoning that we want to get into that contiguous fashion because that is how TOD is supposed to work best?

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

\* \* \* \* \*

**ITEM NO.13: HEARING ON PETITION NO. 2019-185 BY FREEDOM COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.67 ACRES LOCATED ON THE SOUTH SIDE OF TUCKASEEGEE ROAD, EAST OF GASTON STREET AND WEST OF KARENDALE AVENUE FROM R-5 (SINGLE FAMILY, RESIDENTIAL) TO UR-C (CD) (URBAN RESIDENTIAL, COMMERCIAL, CONDITIONAL DISTRICT).)**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 1.67 acres located on Tuckaseegee Road between Tuckaseegee and Rogers Street. We do have a request from R-5 residential to UR-C (CD); mainly that conditional district is to facilitate this property that will continue to be used as a church and will accommodate more of a daycare on the property. The conditional plan does limit all of the uses on the property just to a religious institution and a childcare center. It essentially will just operate as a zoning district that would allow both the church and daycare. It does maintain the existing building and the existing parking lot. We do have some modifications to the driveway as it fronts both Tuckaseegee Road and Rogers Street. Those will be improved to better meet code standards for driveway entrances. We will also get streetscape improvements on both road frontages for an eight-foot planting strip and six-foot sidewalk, both on Tuckaseegee Road and Rogers Street. It will also use the existing play areas that they have in place now for that continuing childcare use. Again, the R-5 to UR-C mainly just to limit those uses to a religious institution and childcare center. Staff does recommend approval.

It is inconsistent with that Central District Plan which recommends single-family uses up to five dwelling units per acre, however, the proposed rezoning does just continue to facilitate the existing use of the property as a church with that daycare use being part of it now. Also, most of our district plans and plans, in general, do not specify when we go into where institutional uses typically would fall so, even though it is inconsistent with residential it will continue the general use of the site and still be compatible with the rest of the properties in the area as it has been for the years it has been operating. So, we do recommend approval and will be happy to take questions after Mr. Talbert's presentation.

**Mark Talbot, 2225 Freedom Drive** said this is a project that is being done obviously by Freedom Communities. We are a non-profit working in the Freedom Drive Corridor. I won't go into all the details of all that we do, but one of the things we uncovered was a huge need for quality pre-school in the area, preparing children and their families for entering the school system and preparing that well. We have identified a great provider;

Bright Future Learning Academy and they will be moving into what is the Sunday School Building on this property and converting that to a commercial pre-school. There are two buildings; there is a sanctuary building that will be maintained as a church facility and then we will convert the old Sunday School Building into a pre-school to serve the community. We are excited as well to be in a preserved 1950's church building in the community instead of being developed in other ways. We feel like this is a great project for the neighborhood; the neighborhood has been very supportive as well.

You can flip through these slides; I don't think there is anything that new. That just shows the two buildings, one is for the preschool and one is for the church. That one is a little bit weird because the pictures in the site plan are facing different directions so, something happened there. This is just an example, this is the church, they will be moving in the sanctuary, the two pastors that serve there already. They already meet over on Freedom Drive in the Movement School. This is Bright Future Learning Academy that will be running the pre-school in the Sunday School Building. They operate now over near Ashley Park School in a wonderful facility there. A couple of the outstanding issues that were mentioned, one was a landscape buffer in the side yard of the playground area. We are planting and have already incorporated the landscaping in that so that the actual playground area will not come too close to the property line. The second was that we have removed the office and business uses out of the permitted uses.

**Councilmember Watlington** said I don't have any questions about this; I am super excited about this one and was able to go to the Daycare and the community meeting on this one and the neighborhood is excited and look forward to this one. Thanks for the work you all are doing.

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

\* \* \* \* \*

**ITEM NO. 14: HEARING ON PETITION NO. 2019-174 BY 2901, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.12 ACRES LOCATED ON THE SOUTH SIDE OF COLTSGATE ROAD, EAST OF SHARON ROAD, NORTH OF FAIRVIEW ROAD FROM O-6 (CD) (OFFICE) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just a little over an area in the SouthPark area, just off Sharon Road on Coltsgate. The petition is requesting a zoning change from O-6 (CD) which is an office district to a MUDD-O which is a mixed-use development district. They do have some optional provisions within that conditional plan, so we have the optional list down there. The adopted future land use is from the SouthPark Small Area Plan is for single-family, multifamily, and office for this site. However, the vision also articulated in that plan does call for this area to have a transition from more suburban shopping and business environment to more of a town center with a mixture of land uses. This petition does provide two different land-use options that they've got within the proposal. We've got up to 92,500 square feet of office and 3,500 square feet retail so, we do have two different use proposals within this site. The maximum building height would be 90-feet, six stories. The parking structure is to be five stories which would also be located on the site in this general area off to the side here. Design standards and architectural standards for the building, particularly for those ground floor streets facing facades. We've got those incorporated to make sure that the street facades articulate the vision for the plan in the area. We have a single drive-way off Coltsgate Road with a stub for future connection to existing properties to the back. Also, some streetscape improvements for sidewalk and planting strips and some open space that is being provided. The optional provision is for off-site parking which would facilitate some of that phased construction. That is something that staff understands as they build the site; they are going to have to transition some parking to some other areas while they build that parking structure.

Staff does recommend approval of this petition. There are some outstanding issues we need to work through related to site and building design, some transportation items, and some minor technical revisions. As we said, it is inconsistent with the SouthPark Small Area Plan, we do get the office uses for the site, but the single-family/multifamily uses aren't consistent, but again, we have a retail office mix for this one. We do feel that it does facilitate some of the vision of the plan and also the Centers, Corridors, and Wedge's framework, so we do recommend approval. It will revise the future adopted land use from that single-family/multifamily/office to just office retail for the site. Again, we recommend approval and will be happy to take questions after the presentation by the petitioner.

**Stephen Overcash, 2010 South Tryon Street** said we feel like this is consistent with what is going on in the SouthPark area. There is a two-story office building that is very suburban with a big surface parking lot. We would like to add density to this area; very little retail, but we do have an office and we feel like that would be important to supplement, there is a good bit of retail in the area. We've worked with the staff, we've worked with the SouthPark Area Neighborhoods on a couple of occasions and are currently working with them with the last few issues. They wanted to see some additional renderings and as you can see it is in keeping with SouthPark architecture, a six-story office building that connects over to the parking structure. The parking structure is compatible with the office building. Retail on the first floor of both and we feel like the scale is very appropriate for what is happening in this area. This shows how we are pushing back the first floor to pick up some urban open space, create a [inaudible] for outside seating and benches, artwork. There was an expression by SouthPark to add more artwork on the site which we are going to accommodate. They wanted to see the maximum heights and so this is an elevation from Coltsgate Road which identifies heights and materials.

**Councilmember Bokhari** said I had a chance to meet with the SouthPark Neighborhood Association today and I know Rob was on here with us as well. I would just ask Mr. Overcash; we have the next month, I don't think there is anything that is drastically on fire here, but there are six loose ends in their minds, and I believe that they have always been a group that has been very fair to work with. I think they would like a little more engagement, particularly around those six, which I will be looking at very closely in a month from now when this comes to decision time. I would really appreciate it if you could spend a little more time with them and get to the bottom of the questions and outstanding asks they have.

Mr. Overcash said absolutely.

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

\* \* \* \* \*

**ITEM NO. 15: HEARING ON PETITION NO. 2019-156 BY PARKWOOD PLAZA FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.52 ACRES LOCATED AT 1118 PARKWOOD AVENUE, ADJACENT TO PEGRAM STREET IN THE BELMONT NEIGHBORHOOD FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO UR-3 CD (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over a half-acre on Parkwood Avenue and Pegram Street at that intersection. Currently it is zoned R-5, we are looking at a UR-3(CD) plan which is an urban residential conditional plan that is being requested. The Belmont Area Revitalization Plan from 2003 does recommend residential uses up to 22 dwelling units per acre for the site so it would support a density of up to 22 DUA with multifamily. The current request that we are looking at this evening under this petition is up to 17 dwelling units on the property. It is 33.5 dwelling units per acre, so it does exceed that recommendation in the area plan. It does include at least three affordable units within the

project. The maximum building height is 42-feet which is generally consistent with the single-family residential home. It commits to architectural standards, they do have some streetscape improvements as well for eight-foot planting strip, the six-foot sidewalk along both street frontages. We are looking at the replacement of the CATS waiting pad and bench with more of an ADA accessible pad that can be put out there and it does provide cut-off type lighting, excluding that decorative accent lighting so something to think about in terms of how lighting will impact some of those residential properties.

As we had mentioned earlier, the staff does not recommend approval of this petition in its current form. We do have some general concerns with the overall layout of the site. It is denser than the land use plan recommends for this area. We are looking at 33 DUA, the plan recommends 22. This plan also does recommend these properties that are included in this petition for more of a townhome and single-family infill which would help more of a neighborhood-scale mixed-use at this general location, providing more of a neighborhood scale connection also to the adjacent rezoning petition which is Petition No. 2020-005. They are proposing townhomes, single-family attached, some multifamily and commercial which is a petition which is forthcoming. We feel establishing that connection, so we are looking at a rezoning that is also coming in on some properties that are adjacent to this which you can see are outlined in red. We've been asking consistently for this petition to work together to try and provide some cross connectivity to at least have these properties interact. Essentially what we are looking at between both petitions is a complete redevelopment of the street frontage along Parkwood Avenue all the way to Pegram Street. Right now, we are looking at single-family homes. The petition adjacent is a single-family attached townhomes, this petition that we are looking at this evening is just more of a traditionally multifamily building. Again, we've tried to get those petitioners to work a little bit more together to at least provide some of that cross-connection to make those interact a little bit better and really make that project and that infill development along Parkwood Avenue be a little bit more consistent and compatible with one another rather than treat them as two separate, we are trying to treat them as one project if possible. That is the main reason why we don't support it currently as it stands. We would like to see some changes made to the petition as it moves forward and we will continue to work with the petitioner, but I will be happy to take some questions following both presentations by the petitioner's team and then the public, but as it stands right now staff does not recommend approval in its current form.

**Reginald Jones, 700 Parkwood Avenue** said I am Executive Director for the Belmont Community Development Corporation or the Belmont CDC. We have been in this particular neighborhood for over 30-years. The organization was created in 1990 and I started as the Executive Director in 2005. Our mission is to preserve the historic integrity of the Belmont Community and create affordable homes because of the original neighborhood strategy forces need back then that they faced a lot of challenges and one of the problems was adequate safe decent affordable housing. To date we have built over 25 units of affordable single-family housing in that community. We've worked on Sparrow Run Apartment Complex as well as Belmont Springs, a six-unit apartment complex. Our mission again is to develop affordable housing. We are partners with the community, we've been with the community from day one and we always accept their input and we have been working with the current Belmont Neighborhood Association and their Land Use Committee and comments they've had towards the project.

I have a partner that created Parkwood Plaza LLC, Mr. Bruce White, and his sons. He has been a resident/owner of the property in that area and had grocery stores back in the past well over 40-years. His goal is to give back to the community as well as being in community involvement. Having said that, we decided these two lots that we are combing have been vacant for over 30-years and as you see progress in the community as well as [inaudible] in the community, there is a need to actually start developing this particular project. What we decided was to develop mixed-income units or apartments which is what we felt would be best and working with the Neighborhood Association at that corner of Parkwood Avenue and Pegram Street. Also, in our effort to create mixed-income units in this area we decided to propose a 17-unit, three-story building on the corner of Pegram Street and Parkwood Avenue which would consist of six two-bedroom units and 11 one-bedroom units. We understand that the rezoning recommendation was for R-22



multifamily, but that would only allow us 11 units on the site. We felt it was important to increase the density which allows for more affordable units on that particular site as well. The building is about 42-feet and the ground floor amenities are located on the corner of Parkwood Avenue and Pegram Street, adjacent to the outdoors which we have a green area or the creation of a courtyard possibly to give that community feel. A lot of these changes that we made were in partnership or collaboration and comments from the Neighborhood Association who we have met several times, and actually today we've responded back and forth on some comments for clarity as well. We decided to take the AC units and place those on the roof and face the units outward toward Parkwood Avenue to give it more of a community feel as well with balconies or what have you.

I do stress that feedback is important from working with the community as we have quite a few and also, we've met with Councilmember Egleston on a couple of occasions as well. Also, on the project, we are looking at 22 surface parking spaces which are about five more than what is required by the code. The ground floor units have exterior patios and that is per the land use comments from the Belmont Association. We have a plaza that I mentioned before that is on the ground corner level that has some amenity space that we can use to enhance the main view of that area right on that corner. That particular corner is key so, we really want to make sure we create a very good project that will create a sense of neighborhood and create that neighborhood feel in that particular area.

I know there was a community regarding the vehicular connection. The vehicular connection is something that kind of came out of nowhere for us as the owners, but we looked at it as we had a couple of issues that we had. One was safety and security for our potential future residents and also, we were concerned about the traffic outside of the two projects that would come [inaudible] between Allen Street and Pegram Street. That was kind of an issue for us. We are open to discuss it further, but we felt that at this point we did not want to put that in the plans but will have further discussions and the option is on the table. Regarding our security and safety questions for this new project we were just not comfortable with that at the time. We have reached out to the developer and spoken for a brief moment. We have the follow-up call, we were not able to meet because of a lot of the crises that have come up in this environment, but we are open to having that discussion as well.

That is all that I have in terms of my presentation again, I want to make it important that we are open and are partnering with our community and partnering with the Neighborhood Association to make sure that we come up with a project that is doable for those in that community.

**John Amon, Sr. 1017 Harrill Street** said I have concerns about the rezoning Petition 2019-156 and have voiced them to the petitioners. I do not think we have met all the neighborhood's requests, including connectivity to the proposed rezoning Petition No. 2020-005 at Allen Street and Parkwood Avenue. The connectivity to the adjacent proposed project is important to the neighborhood and both projects. There is a proposed fence as the south edge of the curbing in the parking lot that as planned will [inaudible] from the project. I feel that the fence is not good for the project or the neighborhood. I think the residents of the proposed apartments would benefit from having the fence at the property line rather than at the curb for the parking lot so they could more easily access [inaudible]. I would like to see the sidewalks that are proposed to be replaced along Parkwood Avenue for both projects to connect seamlessly. The project is assembling two parcels, one of which is owned by the Belmont CDC. The Belmont CDC acquired the parcels from the City of Charlotte to be used to build affordable housing. I request that the petitioner limit the use of any of the affordable units to be used for short-term rentals such as Air B&B. This would negate the original intent to provide affordable housing options in an area that has become attractive to short-term rental investors. I appreciate your time and consideration.

In rebuttal Mr. Jones said the first one I'm going to refer to my architect if he can speak regarding the fence. I can speak regarding the Air B&B. He mentioned about the fence and he mentioned the sidewalks. Originally, we had a different sidewalk appeal, but because of the new subdivision next door I think we are working to probably connect

those two together so, I don't think that will be a problem unless the architect says it will be a problem. Regarding the fence, I don't think there is a problem with moving the fence as well and I think the architect can further go into that. We had a discussion today also with the Land Use Committee regarding the Air B&B and when they mentioned it, I assumed they were talking about a long-term lease agreement. It is my understanding of the short-term Air B&B short-term, and we don't want to allow that so there is going to be wording to deal with those kinds of short-term stays, especially with the affordable units that we have. It will more than likely go for the entire building, but that is something we have to work out. We are open to remedy that if it is wording or whatnot.

**Jason Dolan, 610 East Morehead Street** said just to add to Mr. Jones, we are replacing all of the sidewalks along both frontages. The fence is being moved to where the Land Use Committee has asked us as of today.

**Councilmember Egleston** said Mr. Amon brought up the main sentiment I've heard from the neighborhood as far as concerns. I appreciate Mr. Jones and Mr. Dolan for saying that were things that they can and will continue to work on. Particularly, the connectivity, that sounded like it was a big sticking point for staff as well and the Air B&B came up to me from other leaders in the neighborhood and Mr. Amon echoed that. I would highly encourage Mr. Jones and Mr. Dolan to follow through with their commitments to continue working with the Land Use Committee and the Belmont Community. I can tell you if you are starting out with staff not recommending approval, and the Neighborhood Association who have informed me that currently they are neither supporting nor opposing at this time. If you don't have either one of those you are really behind the eight ball and probably not off to the start you would like to be off to. So, I would encourage you to continue with those. My question is for staff; it sounded like one of the big hurdles for staff was that parking lot connectivity. Would staff be potentially supportive of the project with the changes that Mr. Amon and the Neighborhood Land Use Committee have pointed out? If those were to be rectified would staff be able to be supportive or would they still not recommend it on the basis of some of the other things they outlined?

Mr. Pettine said I think those are certainly items that we would like to see addressed. If they would take things in a much more positive direction, I think once we get those in place and see what the outcomes are in regard to that driveway connection, and the fencing. I think we also talked a little bit in some of our comments about the AC units along Parkwood Avenue, I think those had been mentioned by Mr. Jones that they've been moved also. I think we certainly heard some positive things that we will look forward to working with them on that does move things in a good direction for us. Once we see those, I think that puts things moving forward in the right direction and we will evaluate them and hopefully see those before Zoning Committee and before this gets back for decision for you guys.

Mr. Egleston said Mr. Jones; I hope that gives you and your team the clarity you need to move forward and get this on track to be successful. I certainly appreciate everything that you have done and continue to do in the Belmont Community. It sounds like not too far from some agreement here. Hopefully, you guys can continue to work those items off the line and have this as something that everybody is happy with a month from now.

Mr. Jones said absolutely; thank you.

**Councilmember Winston** said do we have the authority to put short-term rental conditions during the rezoning process?

Mayor Lyles said do we have the authority to prevent Air B&B short-term rentals?

**Teri Hagler-Gray, Senior Assistant City Attorney** said we do not currently regulate short-term rentals.

Mayor Lyles said in my neighborhood they are done by a deed restriction. I think it is not regulatory, it is in how you agree to the property use.

Mr. Pettine said we have seen a couple of conditional plans in the past that put notes in there that said rentals of the property wouldn't be any short of duration than six-months so, we have seen some conditional notes where they address how long a property could be rented if it was rented, but that is about the extent of what we've seen. Now the enforcement of that is another subject, but we have had conditional plans that did address it to some degree.

Mayor Lyles said Mr. Pettine; did you say in the present form that the density was from 32 to 22?

Mr. Pettine said the density in the recommendation in the plan is 22 and what they are proposing is 33.

Mayor Lyles said is that a part of the concern of the staff?

Mr. Pettine said the density is not as much of a concern. I think the form of the building is something we've looked at and again, some of the location of the AC units and then that cross-connection I think was a really big item that we would like to see addressed to that parcel next door that is being redeveloped as well. It is not as much the density as it is the form and function of the site in regard to how it is going to function with that rezoning that is going on next door.

Mayor Lyles said my other question was that he said in surface spaces there were five more than required by code. This is none of our TOD areas and I thought that we were trying to actually get parking down and have more use of transit. I was surprised and I don't know how that jives with what we've invested in for the rail line. But just a question that I have and how we do that.

**Councilmember Johnson** said I wanted to see the map of the two petitions that you showed earlier so I can understand the issue with the connectivity.

Mr. Pettine said if you can see on this map here, it is a little covered up by the text box, but it essentially runs into the red line along this bottom property. It is right next door and comes up along Parkwood Avenue. What is bounded in red right next to this one is the adjacent rezoning that is pending right now, and that is Petition No. 2020-005. It takes up the rest of the block between Parkwood Avenue and Allen Street and then it comes down to that red line just below that text box.

Mayor Lyles said I think it is page 4 of 6 in the Pre-hearing Staff Analysis as well. You can see it outlined there.

Ms. Johnson what is it that you wanted to see, the sidewalk, or what is the staff recommending?

Mr. Pettine said that there is at least a driveway or drive through the connection between both sites. They've got a commercial drive that ends at really towards the adjacent property for them; we'd like to see that driveway continue through and provide some cross connectivity through both sites between Pegram Street and Allen Street, just so they function together as kind of one site in terms of traffic flow and pedestrian connectivity.

Ms. Johnson said Mr. Jones addressed some of the other items that were discussed; if the commercial driveway or the connectivity changed with staff then recommend it?

Mr. Pettine said again, as I answered Mr. Egleston, it certainly points things in the right direction and I think we would have to take a look to make sure that other issues have been addressed as well. That is not the only one, but that certainly is one of the big ones that we are looking for so we certainly would be positive if we saw that and then we will evaluate the other changes they make and adjust our recommendation as we need to base on some of the changes that they make, but that certainly moves things in a positive direction, as I said earlier.

Ms. Johnson said one of the things that make it challenging as you know for Council is when it is not consistent with the plan because we just approved Petition No. 2019-152 today. I just want to be clear on again, when they are recommended and hopefully, we can remove the barrier in order to move forward with this development.

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

\* \* \* \* \*

**ITEM NO. 16: HEARING ON PETITION NO. 2019-115 BY NORTHWOOD DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 454.24 ACRES LOCATED ONO THE NORTH SIDE OF BALLANTYNE COMMONS PARKWAY, SOUTH OF I-485 ON BOTH SIDES OF JOHNSTON ROAD FROM BP(CD) (BUSINESS PARK, CONDITIONAL) AND O-3 (CD) OFFICE, CONDITIONAL) TO MUDD-0 (MIXED USE DEVELOPMENT, OPTIONAL)**

**Mayor Lyles** declared the hearing open.

**Dave Pettine, Planning** said this is 454.24 acres located on the north side of Ballantyne Commons Parkway, south side of I-485 and it does take up both sides of Johnston Road. As we can see this is an area that has multiple zoning districts; we've got a BP(CD) which is a business park conditional and an O-3 office conditional zoning district that is out there currently. What is being requested for the acreage that is involved in this rezoning is a MUDD-O, mixed-use development, optional. We are looking at an adopted future land use for this area from the South District Plan which recommends office, retail and industrial, warehouse distribution, also with office and residential for the site so a good mix of uses that are recommended as part of that South District Plan. We see a mix of some of those uses currently; this petition certainly brings a good bit of those mixes forward to even more potential.

The proposal itself, the overview of this project, as we said is about 455 acres; we are looking at a MUDD-O zoning request. There are some 2011 entitlements that are not included in this rezoning. Those are due to them not being petitioner owned property, so they have been excluded from this, so not the entirety of the corporate park is part of this petition, but the bulk of it is. You can see some of those in that area currently. Again, 455 acres is what we are looking at for this petition

For Phase I of this project we are looking at about 300,000 square feet of non-office commercial; we've got 200 hotel rooms that are being proposed as well as up to 1,000 multifamily units. This project also has a second phase that is considered and that is about 400,000 square feet of office, another 1,000 multifamily units so that gives us 2,000 between both phases. We have 300 single-family attached/detached units which, could also be converted to multifamily at a one to one ratio and then we've also got a third phase of this project which is generally the area west of Johnston Road. That part of that project would really be activated only through significant transportation events and an updated traffic study. We've got total in that area about 1.5 million square feet of office, 50,000 square feet of non-office commercial, 220 hotel rooms, and an additional 1,800 multifamily units in that section as well. We do have an affordable housing component for this project. There are some commitments in each phase. For Phase I we've got units that are being proposed for affordability in this part of the project and that would be 80 of those units would be at 80% or less AMI for 30-years, 20 would be at 60% AMI and then those would be issued prior to that final CO for that thousandth unit. Phase II also has a similar commitment to affordability and Phase III also has a commitment that is carrying forward some affordability components to that as well. Right now, we've got a minimum of 100 acres of open space also being proposed and that would also have active uses, passive uses, and some other items that will be incorporated into that open space area. Generally, the connectivity and pedestrian connections are shown throughout the site, those are being enhanced to provide a lot more cross connectivity. With this infill of

development, we also have some cultural and community uses that are going to be incorporated throughout the site as well.

As you can see this area also has some transportation improvements that we will get into. I'm going to get into some of that with Felix Obregon; we've got some slides that are particular to some of those transportation improvements and I'm going to jump into those and let Felix take over and talk a little bit about the traffic impact analysis.

**Felix Obregon, Transportation** said this petition was required to provide a traffic impact study by both NC-DOT (North Carolina Department of Transportation) and C-DOT (Charlotte Department of Transportation). As part of our review we coordinated with CATS to perform a comprehensive review of this development. The first couple of slides will focus on intersection improvements and the future slides will focus on the more robust review of the future development commitments. To get some bearings I-485 runs east/west, 521 runs north and south, and then you've got Ballantynes Commons Parkway that runs east/west. The development is this pink polygon and the traffic impact study reviewed Phase I and Phase II development uses. The Comprehensive Traffic Impact Study reviewed 21 intersections and are shown with the red and yellow circle. The study would require mitigations at all the intersections. Phase I completion will be in 2025 and Phase II completion will be in 2030. Each phase has its own mitigations. There is a future Phase III, it will have its own traffic impact study and it's on transportation mitigation requirements.

As part of the Comprehensive Traffic Impact Study Review, we coordinated with CATS (Charlotte Area Transit System) and NC-DOT on the upcoming roadway projects. The purple line indicates the I-485 express lanes that will be constructed by NC-DOT and used by CATS and cars. NC-DOT had a future Johnston Road widening project that is shown in red. The project limits go from I-485 all the way to the South Carolina line. The Development Traffic Impact Study is also providing improvements along Johnston Road. For this slide we want to highlight some of the improvements by taking a deeper dive into the site plan. Just as a reminder, this slide is not showing all the improvements, there are going to be more improvements associated with the development. As part of the robust review we strategized with the development team, CATS, and NC-DOT to provide mobility options for the area. From a regional connectivity perspective one of the ideas that rose to the top in working together as a potential future connection to I-485 that is shown with the purple dash line on the north of the site plan.

The petition is going to preserve the right-of-way for the connection. NC-DOT is studying the feasibility as part of its long-range plan. From an activity center connectivity, the purple lines show the two east/west roads and one north/south road. The streets have enhanced pedestrian and bicycle facilities to promote walkability and bicycle use within the development. From a local connectivity you guys will be able to see the red lines that show the local street network. All of the local streets will have wide sidewalks to increase walkability and encourage it. The site has a comprehensive street network to improve mobility for all users. In addition, the project will also provide future traffic signals that are shown with the little traffic signals.

This slide shows the long-range mobility commitments as part of coordination with CATS, NC-DOT, and C-DOT. For a multimodal commitment we will work with CATS to determine the future light rail alignment as well as the future three light rail stations. The site is going to preserve the light rail corridor through Ballantyne that will connect to the Blue Line. The Blue line running east/west is the light rail corridor and it actually crosses Johnston Road on a bridge. The white dots with the larger purple circles show the future stations. The development will also connect to the greenway on the west side and will extend and come down onto Ballantyne Corporate Place as shown in the green dotted line. In addition, the development will provide a Transportation Demand Management Plan; the plan will provide a menu strategy promoting transportation alternatives like bike-sharing, ride-sharing, walking, biking, and transit use. As part of the TDM (Transportation Demand Management) Plan the development will have an onsite TDM Manager that will coordinate with all of the tenants to strategize transportation alternatives.

Mr. Pettine said as we had mentioned earlier the staff recommendation for this petition is for approval. We do have some outstanding issue that is related to the site and building design, some transportation items, and some requested technical revisions that need to be addressed, but the petition is generally consistent with the South District Plan and the recommended uses within that plan. It is also consistent with the plan in supporting an integrative mix of uses in the Ballantyne Town Center and the Regional Mixed-Use Center as well as the goals in the activity center found in Centers, Corridors and Wedges that call for a mix of uses in the pedestrian-oriented form which this project is proposing. So, with those plan consistencies and facilitation of some of the goals in some of those plans, we have in front of us we do recommend approval. It will revise the adopted future land use plan as specified in that South District Plan to a residential, office, retail uses for the site, but again staff does recommend approval. I will be happy to take questions after the other presentations that we have this evening.

**Ned Curran, 11605 North Community House Road** said I am here this evening with John Barton and David Ravin of Northwood and Jeff Brown and Bridget Grant of Moore and Van Allen. Before we talk about the rezoning, I just want to take an opportunity to thank all of you for your stable leadership in what is obviously great challenging times. The virus has tragically taken lives, it has upended all of our lives, it has affected Northwood as an organization, and you all are under great stress and challenges and we are very appreciative of your public service. I might add that you've also demonstrated great patience this evening as you work with some of the logistics challenges of this meeting.

In the months and years ahead, our community is going to have maybe pressing needs and Ballantyne Reimagined helps to address some of those needs by providing jobs and also providing tax revenues that are going to be needed for all of us. It was a timely project before the virus; it is certainly a timely project now. As we move through the slides, I want to thank all the members of the City staff; I won't name all of them, it will consume all of my time, but they all have been simply outstanding to deal with.

This is a bold plan, it takes a suburban office center, a golf course, and transitions it to an urban mixed-use, vibrant community. Throughout the entire process we have been very engaged with the community and want you to know that. These pictures represent who Northwood is. Northwood is largely owned by Pension Funds that represent public sector employees, also non-profit organizations, and endowments that do things like address poverty and disparities and apply suited now, medical types of solutions to diseases and those types of things. Northwood has operating type forums where we have a product type specialist that works in each product type and two of those are headquartered here, headed by David Ravin for Northwood Ravin and John Barton for Northwood Office and a substantial presence of employees.

As I said, this is very broad, and as you've seen from the slides from the staff presentation, this is a very broad plan and it is a very ambitious plan. It takes what is today a \$1.3 billion base and turns it into a \$2.8 billion base by the commitment of another \$1.5 billion of investments. A plan like this should embrace the values of the community and this plan certainly does that. Each of those boxes you see checked, whether it is for schools or affordable housing or any of the boxes means that we have endeavored to work very hard and work closely with constituencies that are a part of each of those to address those needs and to make sure that we've incorporated or addressed them somehow in our plan.

There is a public investment component to this rezoning and so, it is natural for you to want to expect that you have reasonable returns on investment, and I think this slide demonstrates that those returns are substantial. When we talk about the tax base created that I alluded to earlier, then you see the City's share of tax revenue both during the tax increment grant (TIG) period and after the TIG and then you see the substantial jobs that are created, almost seven thousand jobs, with under a thousand of those being in retail, hospitality, and amphitheater and timely for these times 55 temporary construction jobs over the first two phases and substantial retail tax revenues. The [inaudible] scale of this rezoning when we talk about acres, to put that in perspective, what you see outlined here in green are the 2,000 acres that represent the original master plan of Ballantyne. What

is outlined in white is what we refer to today as Ballantyne Corporate Park and it is the area that is largely impacted by this rezoning. If we take that same area and we put it over the commercial district of SouthPark or even our Center City, you get the magnitude of the area that is involved here and the importance of what we are trying to achieve here to all of Charlotte. I think it is also fair to point out here that this is part of the argument for public investment when we are talking about an area of this magnitude.

This is Ballantyne today as many of you might recognize the hotel in the left-hand corner, the office buildings up to the right, and a magnificent golf course and green area in between. In the next slide you see the same situation with the hotel in the lower left-hand corner and the original office buildings outlined in the back and they have been shaded. What is not shaded is all of the product that is part of the ambition and dream of Ballantyne Reimagined and it is large multifamily with some retail components, a park that I will talk more about and an amphitheater, but you don't hear me talking about the office and that is because what we are talking about here is bringing a different type of uses here and make it quite an activity center. This gives you some of the street scale sense of what we are trying to achieve here. I know all of us long for the opportunity to go back to this type of setting to engage with others, to window shop, and to enjoy restaurants and dining and an amphitheater as you see in the lower left-hand corner. We will return to that normalcy and this will be an exciting by-product of Ballantyne Reimagined.

This slide captures both Phase I and Phase II; what you see outlined in green in that lower left-hand corner or what you've seen in the last few slides, that is largely where the hotel is and what I just described as the Extreme Park and the Amphitheater. Outlined in blue is Phase II and that really takes out what most of us would think of today as the golf course and instead we are bringing residential here. You see some substantial park and green space commitments as part of Phase I and Phase II. I've said over and over again a commitment to green space; this slide gives you a real feel for it. When we talk about 500 acres and then we say 100-acres of open space, recognizing that they are broken up onto many small units. What you see in the dark dots are existing parks, almost a dozen of them. What you see in the light green are new parks that will be created and that is almost a dozen, so imagine if you cannot multiple parks the size of Romare Bearden disbursed in a 500-acre. There is not another place like this, not in Charlotte, not in the southeast United States, not in Austin or Nashville. This will truly create a unique product for all of us.

This gives a little more detail on what I talked about earlier about the Stream Park which is just outside of the hotel and then the Amphitheater which will seat around 3,000 folks. Imagine the opportunity to take advantage of Romare Bearden Park but have a water feature that goes through it and walk through that park and go up to an Amphitheater. This is going to be an area that will anchor South Charlotte, but also be something that all of Charlotte will be proud of. I talked at the outset that this is a bold plan and that it should incorporate the values of our community, certainly affordable housing is something that all of us recognize is an essential element of any ambitious plan and Northwood is very proud of the approach that we've taken to affordable housing. We studied rezoning's in the last year or two and so we want to set levels that exceed those that we have seen historically. That is why in both phases we have commitments to a substantial number of units and have included some at 60% AMI levels and have not done just 15-year commitments, but 30-year commitments. Unfortunately, you've seen other projects struggle to achieve their ambition and, in this case, we've said well if that happens to us because we can't get the appropriate financing, we will make land available so that we can look everyone in the eye and say affordable housing will come to Ballantyne.

I won't go through the road network because the staff team did an excellent job; you can see here on this green grid and two red lines, we are going to be bringing lots more opportunities for folks in the southern part of the City to get around and have mobility options. We talked about this commitment to light rail; it is an incredible commitment when you think about a reservation of right-of-way through all of Ballantyne at no charge and the extension here equals the entire light rail line through the Center City of Charlotte. We are hopeful that we all can achieve that dream of light rail to Ballantyne.

I won't belabor what was already said, you see all the intersections that were studied here, all of these intersections provide for improvements. We are working with NC-DOT and C-DOT on a plan that might say we will take out some of these intersection improvements along 521 and instead widen Johnston Road and 521 from Ballantyne Commons Parkway to Providence Road West and you now that is something everyone in South Charlotte would find very compelling.

In summary and in conclusion you look at the boxes that we've tried to check here, this is an ambitious rezoning. We've been very thoughtful about making it equal to the values of our community while we take a part of the City that has been very important and refine it and build it for the future and it is right for the times. Those that know the history of Ballantyne know that there have been other times when we have stepped up and been [inaudible] and said we believe in Ballantyne, we believe in Charlotte, we believe in the Carolinas and that is where Northwood is today. This is the right project for these times to show folks we intend to build for the future.

**Marianne Gaffney, 6819 Windyrush Road** said thank you for the opportunity to speak tonight regarding rezoning Petition No. 2019-115. It has been said if you want to go fast go alone if you want to go slow go together. I am here to request that the City Council press the pause button on this petition and work together with the Board of Ed, the County Commissioners, and the public to go far and build a great city that includes a well-planned and well thought out educational system for children. When it comes to educational planning in Charlotte, we have a poor job of developing a superior educational system for our most valued citizens, our children. Rezoning Petition 2019-115 is an example of moving too fast. This petition seeks to construct over 4,000 residential units in an area of Charlotte where the schools are already heavily overcrowded. The petition seeks to move ahead with a plan that has strong public opposition and many unanswered questions. I am asking you to take a hard pause now and slow down. I'm asking that you consider your current residents and consider the children. Work with the public, CMS and the County Commissioners to develop an amazing and equitable public-school system. Have a public plan in place with [inaudible] deadlines and funding prior to approving any new development in South Charlotte. The report provided by CMS paints a picture of woefully inadequate educational settings at the high school, middle school, and elementary levels. The report states that the additional housing may add 827 students to list three schools. According to the North Carolina Government the average household in North Carolina supports 1.7 children under the age of 18. With 4,100 new family residents that work out to 6,970 children. There is no way only 827 students will come into CMS with 4,100 residences. The report provided by CMS list that AK (Audrey Kell) will be at 171% capacity with a completion of Phase I through III. The only reason it is only at 171% capacity is that the CMS Board of Ed voted to increase the average class size from 20 to 25 and that assumes that each class will cap at 25. AK already has trailers with classes cap at 25, 28, 30, and 35. You can't just add teachers and trailers to solve the problem. For example, in science labs you need sub-stone tables for experiments and equipment. We heard from a student at the Board of Ed meeting in February that at AK there are even enough textbooks to go around. Textbooks are distributed by need and every student does not get one.

What about gyms, there is only one; one cafeteria and one library. Technology labs would have to have to be added. How will inadequate planning impact student learning and when does overcrowding and safety become an issue? When do they become your issue? My answer is now. This is your issue now and you are going forward too quickly to develop responsible well throughout answers to these questions. [inaudible] now and people will also be impacted moving it to 149% capacity. The increased student enrollment growth some 647 to 1,060; that is not the size of an elementary school, that is the size of a small high school and you will have four and five-year-old's in that building, still with only one cafeteria, one gym, and one library. Again, when do safety and education become an issue? They are your issue now. I implore you to hear the public, I implore you to stop and think, to work with the public, CMS and the County Commissioners to plan in a way that will allow our City to grow and go far, to be an example for others, to value children more than dollars or size, to value children more than new homes and high rises, to simply value children more.



**Heather McAfee, 14023 Lissadell Circle** said I live in Ballantyne and I am the parent of three children who attend CMS schools, Elon Park Elementary, Community House Middle School, and Audrey Kell High School. I am speaking this evening to make sure that we truly are considering the stress that this development will have on the Ballantyne infrastructure, specifically Ballantyne CMS schools. On page 9 of the petition it states that this development is projected to produce 872 extra students to the schools that Marianne mentioned. This impact is being measured in this document by classroom utilization which is calculated by the number of teachers divided by the number of classrooms. This is an increase of students who would result in the three impacted schools going from an average of 141% utilization to 163% from overcrowded to overcrowded. I would like for you to look at the utilization from a different point of view, a student's perspective looking at 20 [inaudible] enrollment divided by planned enrollment. This is how the school district looks at utilization. For those not familiar it is looking at what the school is built for and how many students are currently attending the school. Using these numbers, the current utilization numbers look a little different. AK's current utilization is 174% utilization which makes Audrey Kell the most overcrowded school in the district. This means the building was built for 1,920 students and currently has 3,342. Did you know Community House School is already the most overcrowded middle school in the district and the largest middle school in the state? Community House is already at 166% utilization, the building was created for 1,160 and now it has 1,925. The numbers are staggering. For Community House there is no relief in sight, no alternative school and no bond relief, no county dollars. With Ballantyne Reimagined Community House will without question be truly bursting at the seams. Remember Community House is already at 166% utilization.

I realize this is a financial decision for most of you, but I urge you to think again from a different point of view. Think of it from the student's perspective; how is the student going to learn in an environment with so many children? What does their social, emotional, mental health look like when they can't be a part of a school play, or a member of a sports team because 100 people are trying out for 15 spots, or just struggling to find a place to fit in in such a big school? These schools have amazing administration and staff which makes these schools some of the best in CMS, but there is a tipping point. In closing, when we are thinking about approving or not approving Ballantyne Reimagined Project, I hope that you view things from the viewpoint of a student. We have great schools in Ballantyne, but there will be a tipping point, a tipping point in safety, social, emotional, and mental health and learning. Please don't lead us to the tipping point.

**Elyse Dashew, 6501 Ciscayne Place** said good evening to my friends and partners in the City of Charlotte. I prepared these comments a while back before the Coronavirus turned our world upside down. Over the weekend I reviewed my comments to make sure they are still relevant and in fact I think they are more relevant today than they were six weeks ago. We on the Charlotte Mecklenburg Board of Education are not opposed to growth nor are we in opposition to any specific petition or petitioner. We are however, in strong support of our students, our staff, our families, and our schools. In general, the Board of Education is asking for all of our out public sector partners to consider the impact upon our existing educational infrastructure in the same way that consideration is given to housing, roads, and even sewer systems. Housing is undeniably important, everyone needs a safe home. The current situation that we are all living through highlights that, the next step addressing inequity and economic mobility however is education. I suspect that another lesson being learned or perhaps relearned in this historic moment in time is how important teachers are, how important schools are, how precious each and every classroom is with the space for teaching, learning, and the free flow of ideas and information. Our children ought to be more important than the fact that something conforms to a small area plan. Our students ought to be more important than utility capacity or the width of a travel lane. If we believe that our students are truly the future of our community, we much invest in them at least on par with the way that we ensure our developers invest in other items for the public good. I'm asking tonight that we all think through the ways that our decisions, the decisions that are in each elected body's purview have consequences. Unintended as it may be on schools and on students and hopefully, together we can then identify options to drive positive outcomes with intentionality and

alignment for the betterment of all of our shared constituents. Thank you elected colleagues for hearing me tonight and for giving your consideration.

The same written comments were received from the following members of the public:

**Sandy Gwizdak, [sanddygwizdak@yahoo.com](mailto:sanddygwizdak@yahoo.com)**

**Lisa Burg, [areische@att.net](mailto:areische@att.net)**

**Allison Stanford, [anstanford22@gmail.com](mailto:anstanford22@gmail.com)**

**Melany Nelson, [mkbryan72@yahoo.com](mailto:mkbryan72@yahoo.com)**

**Kim Rusch, [kimrusch@me.com](mailto:kimrusch@me.com)**

**Kelley Moore, [kjbm579@gmail.com](mailto:kjbm579@gmail.com)**

**Danielle Edwards, [drivendanielle@gmail.com](mailto:drivendanielle@gmail.com)**

**Wesley Shaw, [wesshaw513@gmail.com](mailto:wesshaw513@gmail.com)**

**Kimberlee Carpenter, [gramkim@gmail.com](mailto:gramkim@gmail.com)**

**Terry Hamrick, [terryh61@gmail.com](mailto:terryh61@gmail.com)**

**Teresa S. Wilde, [terriwilde@bellsouth.net](mailto:terriwilde@bellsouth.net)**

**Jennifer Boyd, [jennboydsmiles@gmail.com](mailto:jennboydsmiles@gmail.com)**

**Carolina Ko, [Carolina.ileana.ko@gmail.com](mailto:Carolina.ileana.ko@gmail.com)**

**Janet & John Martinie, [jbmartinie@icloud.com](mailto:jbmartinie@icloud.com)**

**Stefanos Kotsokalis, [skotsokalis@gmail.com](mailto:skotsokalis@gmail.com)**

**Teresa Mitchiner, [Teresa@mitchiner.com](mailto:Teresa@mitchiner.com)**

**Anne Presley, [anne.g.presley@gmail.com](mailto:anne.g.presley@gmail.com)**

**Stephanie Bruinooge, [sbruin554@gmail.com](mailto:sbruin554@gmail.com)**

**Lynne B. Wall, [lwall@carolina.rr.com](mailto:lwall@carolina.rr.com)**

**Sherry Ferguson, [sferguson413@carolina.rr.com](mailto:sferguson413@carolina.rr.com)**

**Paula Buhner, [pbuhner@hotmail.com](mailto:pbuhner@hotmail.com)**

**Hillary Ryland, [hcg723@yahoo.com](mailto:hcg723@yahoo.com)**

**Robin Berkman, [looneyyyyy@bellsouth.net](mailto:looneyyyyy@bellsouth.net)**

**Rebecca Rusnak, [rjrusnak@icloud.com](mailto:rjrusnak@icloud.com)**

**Sally Trufan, [sallytrufan@gmail.com](mailto:sallytrufan@gmail.com)**

**Karen Harris, [karenmharris1982@gmail.com](mailto:karenmharris1982@gmail.com)**

**Margo Posnanski, [margopoz@gmail.com](mailto:margopoz@gmail.com)**

**Robert Hubbard, [rhubbard10@carolina.rr.com](mailto:rhubbard10@carolina.rr.com)**

**Sarah Prochaska, [sarahtpro@aol.com](mailto:sarahtpro@aol.com)**

I am writing to request that you vote no to Item No. 16 on your agenda - Rezoning Petition Number 2019-115, Ballantyne Corporate Park, and Golf Course. Please work with CMS to coordinate the placement and development of adequate schools in South Charlotte before approving the addition of 3800 multi-family units and 300 single-family units. Ardrey Kell HS is presently at 173% capacity. South Mecklenburg HS is at 125% capacity, and Myers Park is at 121% capacity. Community House is the most crowded middle school in the state at 164% capacity. Please do not approve this rezoning petition until a plan to equitably educate all of the children in South Charlotte has been established and agreed to by CMS, the County Commissioners, and the City Council. Please work together to put children first.

**Mike Wall, [mwall@carolina.rr.com](mailto:mwall@carolina.rr.com)** It seems very unreasonable to me that rezoning should go ahead with this project when the school situation in the Ballantyne area is WAY out of hand. Most schools, elementary, middle, and high school are way over 100% of capacity NOW and planning for keeping up with the growth is far from complete. Adding this many residential units is just adding more people without the proper support structure. This not only includes schools but also includes road, traffics, and other support. Maybe this decision should be made when the proper support structure can be better ascertained.

**Mollie Smith, [magaffney1@gmail.com](mailto:magaffney1@gmail.com)** Please work with CMS to coordinate the placement and development of adequate schools in South Charlotte before approving the addition of 3800 multi-family units and 300 single-family units. Ardrey Kell HS is presently at 173% capacity. South Mecklenburg HS is at 125% capacity, and Myers Park is at 121% capacity. Community House is the most crowded middle school in the state at 164% capacity. Please do not approve this rezoning petition until a plan to equitably educate all of the children in South Charlotte has been established and agreed to by CMS, the County Commissioners, and the City Council. Please work together to put our children first.

**Rhonda Rhino, [rhondarhino@icloud.com](mailto:rhondarhino@icloud.com)** As a grandmother with grandchildren in the Charlotte-Mecklenburg school system, I am writing to request that you vote no to Item No. 16 on your agenda - Rezoning Petition Number 2019-115, Ballantyne Corporate Park and Golf Course. Please work with CMS to coordinate the placement and development of adequate schools in South Charlotte before approving the addition of 3800 multi-family units and 300 single-family units. Ardrey Kell HS is presently at 173% capacity. South Mecklenburg HS is at 125% capacity, and Myers Park is at 121% capacity. Community House is the most crowded middle school in the state at 164% capacity. PLEASE do not approve this rezoning petition until a plan to equitably educate all of the children in South Charlotte has been established and agreed to by CMS, the County Commissioners, and the City Council. Please work together to put children first.

**Richard Boner, [csacavalry@gmail.com](mailto:csacavalry@gmail.com)** It is my understanding that the Council will consider a request on Monday evening to rezone property in Ballantyne for the construction of multiple single-family residences. High School age children in the area currently attend South Mecklenburg High School which is overcrowded. The other high school that serves Ballantyne, Ardrey Kell, is also overcrowded.

I have lived in Charlotte since 1975. In the years since I moved to Charlotte, I have watched past city councils rezone property for development without giving sufficient consideration to the adverse impact that such development would have on the existing road system, water and sewer service, and area elementary, middle and high schools. I hope that the current council will delay any rezoning in the Ballantyne area until the Charlotte-Mecklenburg Board of Education can do something to alleviate the current overcrowding of the area's public schools. Allowing the construction of more housing in the area will only exacerbate the overcrowding of the schools.

I am not opposed to growth in Charlotte. However, I do believe that growth should be controlled and gradual to allow municipal and county services time to accommodate the growth.

**Janelle Clemons, [janelleclemons@nc.rr.com](mailto:janelleclemons@nc.rr.com)** My name is Janelle Clemons and I am a resident of District 7. I am writing to you today to request that you vote NO to Agenda Item #16 on your Zoning Agenda today – Rezoning Petition Number 2019-115, Ballantyne Corporate Park, and Golf Course.

I have 2 children who are in 6th and 9th grades, who attend Community House Middle and Ardrey Kell High School. I have been the chairperson of the Community House Middle School Leadership Team for the past 3 years. Over the last 2 ½ years, our SLT has been proactively and positively been working to address the overcrowding at Community House Middle School which is the largest middle school in NC and the most overcrowded Middle School within CMS (utilization is 154%). Likewise, Ardrey Kell is the most overcrowded high school in CMS (utilization is 161%). We have been working with the Superintendent, CMS Board of Education, and County Commissioners as we need relief for both of these schools. And while in the 2017 bond, a South County high school is supposed to be built, there is still no site that has been determined/purchased and the date for the high school opening has been pushed back by at least 1 year. Further, there are currently NO plans to provide relief of overcrowding for Community House Middle School which has over 1900 students.

The Ballantyne Reimagined project will add over 3800 multi-family units and 300 single-family units to our community. The school feeder pattern that will be impacted by these proposed residences is Endhaven Elementary, Community House Middle, and Ardrey Kell High School. This will further tax our schools and increase the utilization of the already very overcrowded schools to as follows (i.e. these are facility utilization, whereas the student overview for utilization is substantially higher):

- Community House Middle School – 154% to 168%
- Endhaven Elementary – 109% to 149%
- Ardrey Kell High School – 161% to 171%

Please work with CMS Board of Education to coordinate the placement and development of adequate schools in South Charlotte before approving the addition of these 2200 residences. Please do not approve this rezoning petition until a plan to equitably educate all of the children in South Charlotte has been established and agreed to by CMS, the County Commissioners, and the City Council.

I am pleading with you to please work together so that we are putting all of our children first.

**Jeff Pinnow, [jeffpinnow@gmail.com](mailto:jeffpinnow@gmail.com)** I am writing to request that you vote "NO" to Item No. 16 on your agenda - Rezoning Petition Number 2019-115, Ballantyne Corporate Park, and Golf Course.

**Carol Pinno, [cjpinnow@yahoo.com](mailto:cjpinnow@yahoo.com)** I am writing to request that you vote no to Item No. 16 on your agenda - Rezoning Petition Number 2019-115, Ballantyne Corporate Park, and Golf Course.

The recent events surrounding the COVID 19 Virus epidemic should cause us to take pause and rethink the future of Charlotte. We should be considering how the 'new normal' will look; how we educate our children, how the density of neighborhoods will affect our quality of life, how venues for sporting events will look, how we cast our votes in future elections. I don't believe life as we know will really ever return to what was the old 'normal'.

I believe the situations in New York City show us that more dense urban populations are not healthy, either physically, mentally, or economically for Charlotte, North Carolina.

I urge you to put your decisions on rezoning and future school buildings on hold while you step back and rethink the future of Charlotte and what is best for the future citizens of Charlotte. To forge ahead with new developments, new schools and even new sporting venues does not appear prudent now or anytime in the near future.

**Scott Clark, [sclark0002@gmail.com](mailto:sclark0002@gmail.com)** Someone really needs to put some thought into 'decreasing' the number of available apartments. Unless they have plans to bring in additional business and corporate jobs to Charlotte (without bribing companies with tax incentives) there's no way to sustain that growth long term. Rezoning the golf course area also takes a LOT of green space and natural areas away from the landscape. People use this space for walking the trails, exercise, play areas for kids, and a lot of reasons other than golf. This area is already overpopulated, and the tiny roads can't sustain the traffic. Adding additional apartments just means more congestion for everyone else that's not getting fat pockets from being a developer

In rebuttal Mr. Curran said I want to thank the speakers and applaud the service of particularly the Chairwoman for her service. I recall my time as Chairing the Health Advisory Council for Charlotte Mecklenburg Schools. I know there was a reference to the submittals; I would encourage you to look at the petitioner's response to those submittals. We met with the Superintendent on more than one occasion, staff members of CMS on multiple occasions to talk about the ratios that are being used. They need to be refined because the type of housing that we are bringing in Ballantyne has older children and fewer children because this housing bid is for empty-nesters or young folks where there is not the family formation yet. So, the numbers are overstated, and they include Phase III and Phase III is more of an ambition type of element of the rezoning. Only Phase I and Phase II ought to be included from the math standpoint. I would also say that the Ballantyne Reimagined is a refinement of the original master plan. You remember that image that was 2,000 acres and in that original master plan two school sites were identified where they made sense for safe access by children in school buses or walking to school and they were placed in particular approximation within the 2,000 acres, not within the heart of Ballantyne where traffic would be a challenge for students. Hawk Ridge, for example, sits on one of those school sites today and so we've always tried to be thoughtful and we've always tried to be very good partners with Charlotte Mecklenburg Schools and will continue to do so. Again, I appreciate the comments by the folks and would wholeheartedly agree that we all need to look at investing more resources in our schools.

**Councilmember Driggs** said I have been familiar with this project for a year. I don't have questions, but I would like to make just a statement. From the outset I regarded this project as an exciting opportunity for District 7 and for Charlotte as a whole. As you know from our information packets it represents a huge investment in Charlotte, it will create great jobs and present a significant landmark on our broader cityscape. With its open space, parks, special features, and mix of uses I believe it offers many advantages compared to uncoordinated piecemeal development of a property of this size. One factor that has influenced my thinking recently is the effect of the COVID virus. Northwood's operations have been severely affected and the uncertain economic outlook may make this project riskier than it was before. It could prove to be a good thing for us that we even still have a private investment partner who can move quickly on a \$1.5 billion investment that would help jump-start our economy during the COVID recovery period. One notable feature of the rezoning petition is the inclusion of affordable housing. The City requested these units, Northwood responded and in the course of negotiations the mix was improved to incorporate some 60% AMI units as well as 80% but because of the high priority, Charlotte places on affordable housing discussions are still going on with the developer to determine if an improvement on the support for housing solution is possible. Tracey Dodson will brief us on May 11<sup>th</sup> about public infrastructure funding and where the affordable housing talks come out. In the meantime, if there is a discussion of this petition tonight, I hope we will focus on land use issues and avoid the appearance that our zoning approval depends on affordable housing which as you know is not allowed. I would say also about the schools; I've been in office for six years, we've been through many conversations in the context of other rezoning's about the schools and haven't yet experienced an outreach from any of the bodies that are responsible for managing our schools to try and initiate the kind of cooperation that is not being proposed. At this point it feels to me like we are being asked to make policy on the fly, introduce requirements or issues that were not part of our existing zoning process and I don't know whether we are going to be able to fix this quickly. I think we need to work with CMS, and I am very eager to do so, but the way this is now being brought to us that we should defer this rezoning



when for several years we have failed to come to grips with exactly the issues that have been mentioned tonight. I don't think it is appropriate to try and just do this on the fly on an ad hoc decision on a thing this size. We have a month until the decision is made, and I look forward to working with CMS and talking with constituents and with schools to see whether we can work out an answer about the schools or how we should go about it. I just find it difficult that we are now trying to do that in the span of a few weeks when we have not been able to do so for years.

**Councilmember Winston** said my question is for Ms. Dashew. Ms. Dashew; thank you so much for joining us tonight. I am glad that you, as a School Board Member have joined us for our rezoning meeting. As you know the City of Charlotte and CMS interact minimally during our land-use decisions around development in our City in general. All we as City Council get as we are reviewing our land-use decisions is a small paragraph, in our three-inch binder that tells us just about every school in CMS is at capacity or over capacity. It doesn't tell us about plans that CMS already has in place to deal with growth. There is no collaboration that informs us of any contingencies that CMS has in terms of adapting to the growth of our City and County. I have brought this up to two Superintendents; I've spoken to several individual Board Members and you and Board Member Marshall have met with me and Councilmember Bokhari in an intergovernmental setting to talk and this did come out. How is the School Board going to guide their staff to work closely with our Planning Department so we can take a more comprehensive view, to not just these land-use decisions, but the overall decision-making processes as our City continues to grow because it going to have to keep growing?

Ms. Dashew said Mr. Winston that is a million-dollar question. I believe that we had a meeting on the books before Coronavirus turned our world upside down with some of the people that you mentioned as well as the Mayor, Mayor Pro Tem, City Manager, and our Superintendent. I think if we can move that forward; I know we are all trying to kind of get out [inaudible] mode and back into real-world mode. I think there is definitely a lot of work to do to shift these systems and to get us more in alignment, but there is a lot of willingness on our side to do that. I think it is just going to take putting our heads together and doing the hard work. So, I welcome that.

Mr. Winston said I do believe Alana was sending out messages, it is still on my calendar next Monday or Tuesday I believe, so I look forward to that and hopefully we can all have a better answer for our folks in Charlotte and Mecklenburg County.

Ms. Dashew said yeah, I got a reminder about that today so, I welcome that.

**Councilmember Graham** said first let me say that I am very excited about the Ballantyne Reimagined project. It is literally building an edge city with all the components necessary to be successful from parks and greenways to arts and culture and obviously taking into consideration the transportation issue as well. I think it is well put together, it is very comprehensive, it is literally what we probably needed as indicated as we get on the other side of trying to redevelop our development economic activities as a City, so I am excited about the project. I'm really excited about the parks; Ned and Northwood team in terms of creating more open space, more parks, more active space. I think that is really important for that side of town. We talked earlier when they met with me about active space, not just open space; tennis courts, soccer fields, and those things that really make a community, so I'm really excited about that. It can go a long way in terms of working with Mecklenburg County and Park and Recreation really to enhance our park system. I do have two concerns though; one, and I think Ed mentioned it, that he is willing to work with the development team. Obviously, our School Board Chairperson is on the line as well in terms of the impact on the schools, so I would just defer to my colleague Mr. Driggs in terms of working with the development team and the citizens over there to address those concerns. I think those concerns are real and that we need to make sure that the school is involved in a meaningful way in terms of deciding what is in the best interest in terms of the space and in terms of the development impact on the schools. I think that is a real issue. Lastly, affordable housing; obviously, I chair the Affordable Housing Task Force as well as working with the Great Neighborhoods Committee and we need more affordable housing. Although, this is not a part of the rezoning decision I am happy to

hear that there is still a willingness to talk more about affordable housing and getting more included in the development. Obviously, I think what is here is a very good start, I think it more than a good start, I think it is a meaningful contribution to the development, but I took notes of what you said; 7,000 jobs. I believe most of those jobs are going to be service industry jobs so, it would be nice to have the people who will be working there to have the ability to live in the community themselves. I'm not sure that 100 units are going to do it so, I would like to have more conversation between now and when we take a final vote to see if we can sharpen our pencil even further to really ask the question about affordable housing and if there is any creativity that can happen between the City and a developer to really kind of take a giant step forward in terms of having even the City possibly in the future, being more involved and helping you guys solve the issue around affordable housing. Great presentation and I'm looking forward to hearing more between now and voting time.

Mayor Lyles said I just want to note to Mr. Curran that Mr. Graham made three key points, the school issue, the housing issue, and the tennis courts.

**Councilmember Ajmera** said I echo some of what my colleagues have already mentioned so, I'm not going to repeat, but I appreciate the District Councilmember Driggs doing an outreach. I had a conversation with him, and I know this is going to be an exciting opportunity for our region as it creates almost \$1.5 billion of new [inaudible] especially in times like this and new jobs. My concerns are similar as have been all along around affordable housing and just having 10% in Phase I and 8% in Phase II is not going to be enough as my colleagues have mentioned earlier. I am mentioning this, because I know this has nothing to do with our rezoning decisions because that is going to depend on our land-use decision however, I would like to see some sort of resolution on affordable housing in the next couple of weeks. I do have a question around our educational system and this question would be for the petitioner. Has there been any land set aside for schools? I did not see any mention of that in the presentation.

Mr. Curran said in the original master plan for Ballantyne if you recall the slide that showed the 2,000 acres, in that plan we were thoughtful about where the employment center would be, where different residential intensities would be developed and where retail would be developed. In that master plan school sites were identified that would make sense from a traffic mobility standpoint, from a student safety standpoint and the like. One of those school sites was used by Charlotte Mecklenburg Schools and the other site, they indicated at the time that they did not need that site and it has since been developed. So, as we have worked with Charlotte Mecklenburg Schools, and as I said, we have met with the Superintendent on a couple of occasions, I have talked to the Chair Woman, have talked to our School Board member here and met several times with CMS staff. We have tried to work with them to identify other options that might exist in South Charlotte and when we look at the challenges around the higher-priced land that exist in South Charlotte, we've talked about the substantial tax revenues that Ballantyne Reimagined would generate to help support and justify why a greater investment may be required to get enough land for a high school for example and that the additional taxes generated on \$1.5 billion fresh investment can help support the School Board and the Administration as they endeavor to try and find those sites. We would like to think that we are working very hard hand in hand with them, but we commit to you that we will continue to work with them in the coming weeks.

Ms. Ajmera said I have a question for Ms. Dashew; could you talk about a specific ask that you would like to see in this proposal to address the educational needs that you had brought up?

Ms. Dashew said I would rather have staff answer that as part of this specific petition. I think the constituents that spoke today, and we actually didn't coordinate our remarks, but they spoke to the crisis level crowding that we are experiencing in South Charlotte and Mr. Curran spoke to the challenge of finding land to relieve overcrowding. Any bit of land that we can squeak out we want to do because we will need to use everything that we can get, but as far as the specifics in this petition, I don't think I'm the best person at this point in time to speak to that tonight.

Mayor Lyles said Ms. Dashew; I think that we would be glad to get a report from your staff to include in the follow-up report if you would like to do that.

Ms. Dashew said okay, sounds good.

Ms. Ajmera said I think that addresses my questions; having a follow-up from the School Board as to what they would like to see in this development to address the overcrowding of the schools and certainly continue the conversation on affordable housing. I appreciate the petitioner's outreach, I think we've come a long way. I know when I had met with Mr. Curran a couple of months ago, the original presentation had only 80% AMI affordable housing units, now it also includes 60% AMI so that is a step in the right direction and I applaud the petitioner's promise on that and I hope we can come to the middle ground to address the needs around schools as well.

**Councilmember Watlington** said it's been covered.

**Councilmember Eiselt** said Mr. Curran; thank you for the presentation; I went to the Ballantyne Public Meeting on this project and have had the opportunity to look at it with you all for a few months now, and it really is reimagining of the Ballantyne Area. It is beautiful and it really creates a center where we've called it an activity center. We've got everything there that one would need to be able to live and work and play or go to school. So, I think for me this COVID-19 experience has really highlighted how important access is because I live kind of close to Freedom Park and I'm hearing people that live close there saying once they close the park to car traffic people were parking all over the neighborhood to be able to have access to that park. That is a really important point because so many people don't have access to greenways and parks and open space, and we can see now how many people really crave that and need that demand that. I think that is really true when it comes to arts and culture and schools and affordable housing. I know that is not part of this, but I'm talking about the whole overall ecosystem of where you live and work and play. In particular, I think one of the things that I'm a little bit concerned about is that we are planning for multimodal transportation but if we are limited as to who can live in this area by virtue of the income they make then all of this planning, I don't want to see it be just for a certain level of income. I hope that as many people that want to work there or go to school there could also live there and again, this isn't about affordable housing, it is about land use, but this is just this opportunity which I think is really most of the way there to have this incredible part of town that is its own village and could be welcoming to all sorts of different people. So, I like where this is going, I like what I see and I do hope we can work on the school aspect of it, and housing so that we know the land is there to be able to add later to whatever it is that housing or schools that we still need to make this a really beautiful place to live. So, far I would say it is a wonderful project.

**Councilmember Johnson** said it is a really beautiful project and I'm excited to learn more. I do have a concern about the overcrowding of the schools and the affordable housing. I wanted to ask the School Board Chair a question or to add to the follow-up report. Ms. Dashew; to see you at a Council meeting is just so profound for you to be here and it is very impactful, and when you state that the schools are an average of 154% overcrowded that sounds so extreme, but we know that in many of our zoning decisions there is an overcrowding of greater than 100%. So, can you provide maybe a graph or some data to provide to us any schools or how many schools that are over 100% or a range? While 154% sounds really extreme we know that there is another petition in our book today that is at 120%. I want to know how far out of the range this is and like Mr. Driggs was saying, it is not that we've been doing it this way so, we continue to do it this way, I'm not saying that, but just so we can compare this school along with the other CMS schools, and if this is a challenge that we have to address with this petition or if it is something that we know is a bigger issue. If we could get some type of graph or some type of data on how this overcrowding compares to the rest of the schools in the District, I know that would help me in making a decision.

Ms. Dashew said we certainly do have the data on overcrowding numbers, the capacity numbers in our schools throughout the District and can get that to you. I recognize that



this is a tough nut to crack, I just don't want us as a community and as elected colleagues to become numb because the crowding is so intense at so many schools. We can't let it just make us shrug our shoulders, but I also recognize it takes some real ingenuity in ways of doing things and thinking which we can't snap our fingers and make that happen overnight. I'm glad that we all have a collective will to do that hard work together. Yes, Ms. Johnson; we can get you that data of the Task Force.

Ms. Johnson said thank you Ms. Dashew; I've gotten a text to correct that, sorry about that.

Mayor Lyles said I want to thank Ms. Gaffney and Ms. McAfee and of course our School Board Chair for bringing forward the issues that I think really are a concern as we are a growing City and a growing community and a growing county. How we plan for education and what is going to be different about it; I think this is one of those things that we have an issue like this come up, but it is really much bigger when you start thinking about it. I think an issue like this one just raises for us all, what are we going to do about education and the opportunities that we have to build something that addresses every student's need. I think it is a really big question for us, it is requiring the School Board, the County, the Towns, and the community and the City, so I'm looking forward to ideas around how we can do that. I want to thank the Northwood team for working with a staff in a way that you can have really honest conversations, honest dialogue, and get to a good place. That has been helpful; we will continue that. I know that we are planning as Mr. Driggs said the meeting on May 11<sup>th</sup> that will address the other issues that go along with this decision and I look forward to that.

Thank you to the members of the South Charlotte Community that have participated in this effort. When you look at our Community Meetings and the participation, I really believe, if I've asked Mr. Driggs, I think he has talked to everybody that lives in his District about this, maybe not everyone, but a good percentage. I also think that the Northwood Team has done an exceptional job to do that.

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

\* \* \* \* \*

**ITEM NO. 17: HEARING ON PETITION NO. 2019-183 BY RHYNO PARTNERS COFFEE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.241 ACRES LOCATED ON THE WEST SIDE OF THE PLAZA, NORTH OF COMMONWEALTH 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 just a little less than a quarter of an acre located on the west side of The Plaza, just north of Commonwealth Avenue and McClintock Road. We have a request for B-2 PED and to keep the B-2 PED zoning, but to go with an optional provision. That optional provision is mainly to address some parking that is affiliated with the site and some additional redevelopment that would happen as a result of this site changing to a Coffee place. We are looking again at a land-use recommendation mixed-use in this particular area of The Plaza. This petition does continue to allow all B-2 PED uses, it does permit 242 square feet of building expansion and you can see that building expansion highlighted in the yellow areas. That would be just an addition to the existing building and 242 square feet would be allowed. There are currently seven-car lifts that are out there so, if anybody has been out to the site or been in the general area you may have seen the car lifts out there. Those are going to be removed so that is why we have the optional provision to reduce those parking requirements for an eating and drinking establishment. We do have the site maintaining that existing 10-foot planting strip and eight-foot sidewalk. So again, overall not much will change, it will be a small expansion

to the building and those parking lifts will go away and we would be dealing with that optional provision to address those parking reductions.

Staff does recommend approval of this petition upon resolution of some outstanding issues. It is consistent with The Plaza/Central PED Scape Plan which does recommend retail mixed-use. The site is located within the Plaza/Midwood Business District and the PED Scape Plan identifies this as being in a retail area so all of that is consistent. We also do want to note, some of you may have received a letter of support from the Commonwealth/Morningside Neighborhood Association, they are also supportive of this petition so, I wanted to make sure we were all aware of that. That was an e-mail that was sent over the weekend. Staff will be happy to take any questions following the presentation by the petitioner, but again we do recommend approval of the petition.

**Keith MacVean, 100 North Tryon Street** e-mailed the following comments:

I am Keith MacVean with Moore & Van Allen we are assisting Rhyno Partners Coffee, LLC with rezoning petition no. 2019-183.

In the meeting with me is Carson Clough the Petitioner's representative and the future operator of the Giddy Goat Coffee shop, the proposed use for the existing building located on the Site. He is available to answer questions.

We very greatly appreciate the City Council and City Staff making all these alternative arrangements to allow the Public Hearing process to move forward during the COVID-19 pandemic.

As Dave Pettine has indicated this Petition will rezone the .241-acre Site from B-2(PED) to B-2(PED)(O) to allow a reduction in the number of required parking spaces for EDEE uses that utilize the Site or the existing building.

The Site currently has seven (7) parking lifts that have been provided to meet the parking requirements. The rezoning petition will allow the removal of these lifts, which have proven to be difficult to utilize. The rezoning request will reduce the number of spaces required for the site from 25 to no less than 15 spaces. The Site will have after the removal of the seven (7) parking lifts spaces a total of 17 on-site parking spaces plus one on-street parking space.

The Site is located in a highly walkable neighborhood where customers can easily walk and bike to the Site. It is also anticipated that customers will also access the Site via ride-sharing programs.

The Petitioner has met with representatives of the Commonwealth-Morningside Neighborhood Association as well as representatives of The Plaza Midwood Merchants and The Plaza Midwood Neighborhood Association. These organizations have provided letters in support of the petition.

We are happy to answer any questions. We will be submitting a revised site plan to the Planning Department to address the one minor outstanding issue listed in the staff analysis.

**Councilmember Egleston** said I imagine Keith was going to reiterate what staff pointed out that there is neighborhood support there. There is no decent; this is a simple modification to remove parking lifts that were not actually being used in the first place and actually just cause more difficulty on the site than relieve any issues so, unless Mr. MacVean is on, or others have questions, I would move to close this one is pretty simple.

Mayor Lyles said we will get Mr. MacVean's comments and put them in the record because we can't hear because of the complications.

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

\* \* \* \* \*

**ITEM NO. 18: HEARING ON PETITION NO. 2019-172 BY SHARON ACADEMY PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.12 ACRES LOCATED ON THE NORTHEAST CORNER OF TYVOLA ROAD AND WEDGEWOOD DRIVE, WEST OF MARION DIEHL PARK DRIVE FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over four acres on Tyvola Road and Wedgewood Drive in close proximity to Marion Diehl Park. The property is currently zoned R-4; they are proposing a conventional institutional district. The site is governed by the adopted future land use of the Park/Woodlawn Area Plan from 2013 and it does recommend a single family with up to eight units per acre for this site. This is an institutional request, so it is inconsistent with the plan however, the staff does recommend approval. Area plans don't typically recommend locations for future institutional uses. They are typically considered compatible with residential uses. The site currently has a religious institution on it so, we do already have institutional uses out there. The proposal in front of us would be consistent with the current uses and expected uses associated with this land use. It is primarily being requested to add, as we saw a similar petitioner earlier, a daycare facility to the site along with the main use of the church. Again, it is inconsistent, but the staff does recommend approval. It is conditional, so no conditions associated with it and we will be happy to take any questions following Mr. Carmichael's presentation.

**John Carmichael, 101 North Tryon Street** said I am working with the petitioner, Sharon Academy Properties. Dave did a thorough job going over the site, so I won't belabor that point. I will just confirm once again that Wedgewood Church is located on the site and it has been on the site for decades. The request to rezone the site to an institutional district is to accommodate institutional uses which are generally considered to be compatible with residential uses and even though it is a conventional rezoning we did have a meeting with the neighbors on February 20<sup>th</sup> of this year and we invited property owners within 500 feet. I'll be happy to answer any questions. I signed Mr. Crutchfield to speak, but he is not logged on.

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

\* \* \* \* \*

**ITEM NO. 19: HEARING ON PETITION NO. 2019-178 BY DRB GROUP FOR A CHANGE IN ZONING OF APPROXIMATELY 11.48 ACRES LOCATED ON THE EAST SIDE OF ROZZELLES FERRY ROAD, WEST OF WEST TARDE STREET, NEAR JUDSON AVENUE AND ZEBULON AVENUE FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO UR-C(CD) (URBAN RESIDENTIAL, COMMERCIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is under 11.5 acres located on the east side Rozzelles Ferry Road, west of West Trade Street near Judson Avenue and Zebulon Avenue. The site is currently zoned I-2 conditional and they are requesting a UR-C conditional district which is an urban residential commercial conditional district. We are looking at the Central District Plan for this one and guiding our land-use decisions. That plan from 1993 does recommend industrial land uses for the site, however, as you can see the site has been vacant and remains vacant at this point. There is some existing residential development

out there adjacent to some potential greenway uses and some other uses that are non-residential along Rozzelles Ferry Road. The petition itself is for a request of up to 133 townhomes which is just under 12 dwelling units per acre at 11.6. The maximum building height is 60-feet, it does require architectural standards because they are in that urban residential district. There will be new sidewalks on the southside of Zebulon Avenue, the townhomes will be alley loaded with garages. We have standards related to building materials, massing of the buildings as well as roof form, and the articulation on how they will face the proposed and existing streets. There is some flexibility to convert development area B to some commercial, office and retail uses that this general in the front which would be fairly compatible with what we see out there with some of the non-residential uses on Rozzelles Ferry Road and would provide some additional uses for the folks that may live in this area to continue utilizing. There will also be a new CATS waiting pad on Rozzelles Ferry Road as part of this petition as well.

Staff does recommend approval of the petition. There are some outstanding issues we need to work through related to transportation and some environmental items that we need to address. As we said, it is inconsistent with that Central District Plan for industrial land uses however, we haven't seen that industrial development in the area. There is some residential development that is existing out there. It is generally compatible with the office and retail that is existing in the area. The site was rezoned in 2007 to that industrial district, however, it has remained mainly vacant with some office and retail uses, but never those industrial uses as we had stated. Again, the proposed density is supported by the General Development Policies and it is also within a mile of the LYNX Gold Line stop, adjacent to a bus route and greenway, so we do feel that residential infill is appropriate, and we do recommend approval. I'll be happy to take any questions following Mr. Carmichael's presentation.

**John Carmichael, 101 North Tryon Street** said I am working with the Petitioner, James Martin and the petitioner is with me tonight and available to answer any questions. The site is about 11.5 acres located on the east side of Rozzelles Ferry Road and the north side of Judson Avenue and the west side of Zebulon Avenue on the West side of West Trade Street. The site is located within the Greenway Business Center and the Stuart Creek Greenway just southeast of the site. The site is currently zoned I-2(CD) and as Mr. Pettine said it was rezoned back in 2007. The petitioner is requesting the site to be rezoned to UR-C(CD) to accommodate the development of up to 133 townhome units on the site. The alternative scenario is that 105 townhomes could be developed and a maximum of 12,000 square feet of office and commercial space could be developed on the corner of Rozzelles Ferry Road and Judson Avenue in that area designated as development area B. This is the site plan; north is on your left, south is on your right so, the greenway is on your right. Access to the townhome units would be from Judson Avenue, West Trade Street, and Zebulon Avenue. As Mr. Pettine said all the units would be rear and alley loaded townhome units so, one of those units abut the public street, they would front the public streets. Each unit would have a garage and additionally, there would be guest parking which you can see scattered throughout the site, so there should be an abundance of parking. As you can also see there is a good bit of open space as well. There are architectural standards, for instance no vinyl siding, only vinyl on windows, doors, garage doors, soffits, trims, and railings. The petitioner would install a bus waiting pad, additionally, the petitioner has spoken with and met with the Park and Recreation Department and the petitioner will either install or pay for the installation of three benches on the Stuart Creek Greenway. We appreciate the staff's positive recommendation and we will have no issues resolving the remaining outstanding site plan issues prior to the Zoning Committee submittal deadline, which is April 27<sup>th</sup>. As Mr. Pettine said, there has been little demand for these parcels in the last 13 years from uses allowed under the current zoning. The density is supported by the GDP (Gross Domestic Product), we think the townhome units will be compatible with the existing zoning and uses in the area. We are happy to answer any questions that you may have.

Mayor Lyles said I've heard from some folks in the neighborhood, not for this project, but in the past, there has been some concern about townhomes when they are built and they are built-in groups of four or five, whether or not institutional owners would come in and purchase and then have it for rentals. Mr. Carmichael; will there be limits on rentals in the

development? Are there rules or not because we've seen that happen or at least they have seen some of that happen in this community.

Mr. Carmichael said there are no limits on the rezoning plan that speak to that. Mr. Martin may be able to speak to whether or not they put such limits in their declarations.

**James Martin, 227 West Trade Street** said we generally would apply restrictions in our covenants, conditions, and restrictions, the deed restrictions for the property, not so much limiting the number of rentals because it is extremely hard to enforce, but we do want to restrict the duration. We want to have a minimum lease if they are. They have to notify the Townhome Association Management Board if they going to lease their unit. That is something that we consistently place in all of our declarations of covenants, conditions, and restrictions.

Mayor Lyles said I think that is really important in these communities because when you are doing this number and it is easy for institutional investors to buy and say this is what we are going to do, and they are always going to be rentals or whatever. I say that because I've seen it mentioned in a number of areas as we are doing some of these new larger developments, particularly where it is close to amenities like Stuart Creek and close to the Gold Line. So, protecting those investors who are going to buy the single units, I think it is an important thing to do. I don't know if we can put that in a note or not, but I really believe some evidence of that is important.

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

\* \* \* \* \*

**ITEM NO. 20: HEARING ON PETITION NO. 2019-181 BY CLAY COOPER – WODA COOPER DEVELOPMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.54 ACRES LOCATED ON THE EAST SIDE OF NORTHLAKE CENTRE PARKWAY, NORTH OF NORTHLAKE MALL DRIVE 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 about 6.5 acres located on Northlake Centre Parkway right near Northlake Mall. It is currently zoned R-3 and requesting a UR-2(CD) zoning for the property. They are looking to construct up to 78 multifamily residential units. These would be workforce housing units for households earning 80% or less than the area median income. The building would be five-stories max and 60-feet in building height. They did commit to constructing a portion of Hucks Road Extension on the site and they also have an eight-foot planting strip and six-foot sidewalk on Northlake Centre Parkway. They would dedicate all rights-of-way to the City of Charlotte of NC-DOT whether thought simple fee conveyance before the first CO (certificate of occupancy) is issued. Also, the 100-foot SWIM (Surface Water Improvement & Management) buffer would be dedicated to Mecklenburg County, which is along Dixson Branch and there are also some specifics for architectural detail for building materials, elevations, façade features, and roof forms and lines. The adopted future land use is from the Northlake Area Plan which calls for residential, office, and/or retail and the residential development should be up to 22 dwelling units per acre. This petition is consistent with that, we do have the multifamily uses going in at 11.92 dwelling units per acre, so we are consistent with that 22 DUA recommendation. We do have workforce housing as part of this petition as I had mentioned. Building height is less than what adopted policy would allow, so we have a lot of positives in terms of our rationale for our recommendations. The main point is that it is consistent with the Northlake Area Plan and we do recommend approval. There are a couple of minor issues we still have to work through, but we will be happy to take any questions following Mr. Carmichael's presentation.

**John Carmichael, 101 North Tryon Street** said I am working with the Petitioner, Clay Cooper -Woda Cooper Development. Clay Cooper of the petitioner and Jeff McCluskey his Engineer are available to answer your questions. The site contains about 6.5 acres located on the east side of Northlake Centre Parkway and is just north of Northlake Mall. It is currently zoned R-3. The Northlake Areas Plan recommends residential, office, and retail on the site. The maximum residential density that is recommended is 22 dwelling units per acre. The petitioner is requesting that the site be rezoned to UR-2 (CD) to accommodate the development of a single building on the site that would contain up to 78 multifamily dwelling units. The overall density would be just under 12 units per acre. For a period of at least 30-years the monthly rents would be income-restricted to households earning 80% or less of the area median income.

This is the site plan, access would be by way or right in/right out off Northlake Centre Parkway plus an access point off Hucks Road Extension. The petitioner would construct a portion of the Hucks Road Extension that is located on the site. The petitioner would also dedicate right-of-way for Hucks Road Extension. There are architectural standards on the plan. There is no vinyl allowed except on windows, soffits, and handrails and railings. The maximum height is five-stories or 60-feet. This is less than the building height limitation recommended under the Area Plan which I believe is 10 to 12 stories. The petitioner will dedicate a portion of the SWIM buffer for a future greenway and we appreciate the staff's support. As Mr. Pettine stated we shouldn't have any problems addressing the outstanding issues that are set out in the prehearing staff analysis. We are happy to answer any questions. Thank you for your consideration.

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

\* \* \* \* \*

Mayor Lyles said because of the scheduled that we had and the changes that we are having with the COVID-19 reaction to Council meetings, we sent to you today a new revised calendar that starting with today's Zoning Meeting that we would continue April 27<sup>th</sup> and on May 4<sup>th</sup> we would have the Manager's recommended budget presentation by a virtual meeting. May 11<sup>th</sup> would be a Budget Public Hearing and we don't know whether that will be virtual or not; the May 18<sup>th</sup> Zoning Meeting and May 20<sup>th</sup> we've got for budget adjustments, but we are not sure how we are going to do all of that because we just don't know what the limits are, so while we designated these things, I think what we wanted to do was go as far as to say that we would go through at least May 18<sup>th</sup> with this and not be open to scheduling changes for the 20<sup>th</sup>, 26<sup>th</sup>, and the 27<sup>th</sup>. I think this was sent out today by Denada so is everybody aware of this? It is just to be flexible that we would recognize that we would continue the Manager's budget recommendation will be virtual. The 11<sup>th</sup> meeting we plan for virtual and the Zoning meeting we plan to be virtual as well and we would then have to come back and address the remainder of the calendar. With that I would like to make the adjustments, if you will notice the changes in time. Because we are virtual, we are starting earlier than we probably would have for the regular meetings.

Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, and carried unanimously to approve the schedule until May18th with the changes.

\* \* \* \* \*

## ADJOURNMENT

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

The meeting was adjourned at 8:21 p.m.



---

Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 2 Hours, 45 Minutes  
Minutes Completed: May 12, 2020