

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, May 18, 2020 at 5:07 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.

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**Mayor Lyles** said we are conducting our Zoning Meeting, and I call this meeting to order and welcome all of you who are watching us on either the Government Channel, the City's Facebook page, or the City's YouTube page. We want to especially thank the media for participating with us in this as well as all of our residents. Tonight's Zoning Meeting is a virtual meeting and it is being conducted in accordance with the Electronic Meeting Statutes and those requirements are of notice, access, and minutes. I also want to remind the Council that all votes will be taken by roll call verbally today all the way from the closing of the hearings, every vote will be a roll call vote.

Before I begin, I want to say Happy Birthday to Councilmember Mitchell. I would bake him a cake, but I would probably eat it all myself and that wouldn't be a good thing.

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### INVOCATION AND PLEDGE

Councilmember Winston gave the Invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Mitchell.

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### INTRODUCTION OF THE ZONING COMMITTEE

**Mayor Lyles** said I want to recognize Sam Spender, Chair of the Zoning Committee, is on the phone and will be able to address questions as we go through the hearings and can ask questions that the other members of the Zoning Committee would text or send to him on any given petition.

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### EXPLANATION OF THE ZONING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

**David Pettine, Planning** said I just wanted to take a few moments to recognize one of our staff members in Planning Development that is going to be retiring at the end of the month, Kent Main. A lot of you have seen Kent presenting meetings; he is not with us this evening because we are going virtual, but I'm sure he is out there watching us. I just wanted to thank Kent for almost 20-years of service to the City of Charlotte and the Planning Department and want to thank him for helping me transition into this role and thank him for all that he has done for us as City Government and being a part of this process for everyone.

Mayor Lyles said thank you Kent; I'm sure you will be recognized by many of your friends and colleagues before this is all done and over.

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### DEFERRALS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve the withdrawal of Item No. 3, Petition No. 2019-006 by Amerco Real Estate Company and Item No. 16, Petition No., 2019-166 by Canopy CLT.

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to defer the following petitions until June 15, 2020: Item No. 15, Petition No. 2019-146 by ALB Architecture, PA; Item No. 17, Petition No. 2019-168 by Suncrest Real Estate and Land; Item No. 18, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC; Item No. 19, Petition No. 2020-002 by The Drakeford Company and, Item No. 23, Petition No. 2020-004 by Boulevard Real Estate Advisory, LLC.

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## DECISIONS

**ITEM NO. 4: ORDINANCE NO. 9792-Z, PETITION NO. 2019-126 BY HARRISON TUCKER AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.397 ACRES HAVING FRONTAGES ALONG A PORTION OF EAST 17<sup>TH</sup> STREET AND NORTH DAVIDSON STREET GENERALLY SITUATED ALONG THE NORTHERN PORTION OF NORTH DAVIDSON STREET BETWEEN EAST 17<sup>TH</sup> STREET AND EAST 18<sup>TH</sup> STREET IN THE OPTIMIST PARK COMMUNITY FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-1 (motion by Wiggins, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Parkwood Transit Station Area Plan with respect to land use, based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends residential development up to 12 dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the petition will provide a dense housing project in a walkable location only 3/10 of a mile from the Parkwood Station. This petition achieves the BLE Transit Station Area Plan's overall land use goal of "accommodating higher intensity uses that support various transportation systems throughout the corridor while protecting the residential fabric of residential neighborhoods and providing the opportunity for housing choices." The fabric of the residential neighborhood remains intact as this petition, if constructed, will be developed on vacant land and does not require the demolition of existing single-family homes. Housing choice is further enhanced in Optimist Park through the creation of new multi-family units and the addition of one affordable unit. The petition's request of a maximum height of 40 feet matches the by-right height on surrounding R-8-zoned single-family parcels and the desired height noted in the Parkwood Transit Station Area Plan. The request closely matches a previously approved petition (2018-012) both in density and housing type. The petition commits to providing at least one affordable housing unit through the Federal Housing Choice Voucher Program.

The written changes were made after the Zoning Committee's recommendation:

- Amend the site plan to commit to C-DOT's required 8' Planting Strip and 8' sidewalk along North Davidson Street and along 17<sup>th</sup> Street.
- Revised primary ingress/egress point to illustrate a 20' total width (street and clear zone) as requested by C-DOT.
- Removed their request for 5-year vesting.

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

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-126 by Harrison Tucker and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Parkwood Transit Station Area Plan with respect to land use, based on the information from the final staff analysis and the public hearing and because the Plan recommends residential development up to 12 dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition will provide a dense housing project in a walkable location only 3/10 of a mile from the Parkwood Station. This petition achieves the BLE Transit Station Area Plan's overall land use goal of "accommodating higher intensity uses that support various transportation systems throughout the corridor while protecting the residential fabric of residential neighborhoods and providing the opportunity for housing choices." The fabric of the residential neighborhood remains intact as this petition, if constructed, will be developed on vacant land and does not require the demolition of existing single family homes. Housing choice is further enhanced in Optimist Park through the creation of new multi-family units and the addition of one affordable unit. The petition's request of a maximum height of 40 feet matches the by-right height on surrounding R-8-zoned single family parcels and the desired height noted in the Parkwood Transit Station Area Plan. The request closely matches a previously approved petition (2018-012) both in density and housing type. The petition commits to providing at least one affordable housing unit through the Federal Housing Choice Voucher Program, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 33-34.

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**ITEM NO. 5: ORDINANCE NO. 9793-Z, PETITION NO. 2019-156 BY PARKWOOD PLAZA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee vote 7-0 (motion by Nwasike, seconded by Wiggins) to recommend approval of this petition adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan (2003) with respect to land use, based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends residential uses up to 22 dwelling units per acre (DUA) 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 although the density that this project is proposing is greater than the plan's recommendation for up to 22 DUA, the requested housing typology is consistent with what can be constructed by-right subject property's existing zoning and proposed future land use. The project proposal achieves the plan's vision of "promoting...affordable housing..." through its commitment to providing no less than three affordable-rate units. The petitioner is committing to providing a neighborhood-scale connection to the adjacent rezoning petition 2020-005 (which is proposing single-family attached, multi-family, and commercial uses) is critical in bringing the plan's overall recommendation for multifamily housing units along this frontage to life and fulfills the plan's overall goal for transportation through creating a more pedestrian-friendly community and allow an easier flow of vehicular traffic.

The following changes were made after the Zoning Committee's recommendation:

- Amended the site plan to commit to inter-parcel connectivity with adjacent parcel (RZP 2020-005).
- Committed to conditional notes to provide an improved open space component at the corner of Pegram Street and Parkwood Avenue.
- Removed the proposed fence against the shared property line with 2020-005.

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

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-156 by Parkwood Plaza and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan (2003) with respect to land use, based on the information from the final staff analysis and the public hearing and because the Plan recommends residential uses up to 22 dwelling units per acre (DUA) 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 although the density that this project is proposing is greater than the plan's recommendation for up to 22 DUA, the requested housing typology is consistent with what can be constructed by-right subject property's existing zoning and proposed future land use. The project proposal achieves the plan's vision of "promoting...affordable housing..." through its commitment to providing no less than three affordable-rate units. The petitioner is committing to providing a neighborhood-scale connection to the adjacent rezoning petition 2020-005 (which is proposing single family attached, multi-family, and commercial uses) is critical in bringing the plan's overall recommendation for multifamily housing units along this frontage to life and fulfills the plan's overall goal for transportation through creating a more pedestrian friendly community and allow an easier flow of vehicular traffic, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 35-36.

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**ITEM NO. 6: ORDINANCE NO. 9794-Z, PETITION NO. 2019-171 BY ANTHONY KUHN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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 I-2 (INDUSTRIAL) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT, URBAN CENTER).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the North Tryon Area Plan with respect to land use, based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends office/retail uses for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because although this parcel was not within the study area of the 36th Street Station Area Plan, the location is approximately 2,640 feet from the 36th Street Station. The City's TOD ordinance states that the TOD-UC zoning district may be applied to parcels within a half-mile of a rapid transit station. As most of the surrounding land uses and zoning in this area is zoned at a higher intensity which is oftentimes not considered compatible with mixed and/or residential uses, this petition has the potential to transform a portion of North Tryon Street by potentially integrating a mixture of uses in a homogenous area. The petition's request for a TOD-UC zoning district will likely, once constructed, address many of the North Tryon Area Plan's goals for land use, transportation, and community design.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-171 by Anthony Kuhn and adopt the following Statement of Consistency: This petition is found to be inconsistent with the North Tryon Area Plan with respect to land use, based on the information from the final staff analysis and the public hearing and because the Plan recommends office/retail uses for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because although this parcel was not within the study area of the 36th Street Station Area Plan, the location is approximately 2,640 feet from the 36th Street Station. The City's TOD ordinance states that the TOD-UC zoning district may be applied to parcels within a half-mile of a rapid transit station. As most of the surrounding land uses and zoning in this area are zoned at a higher intensity which is oftentimes not considered compatible with mixed and/or residential uses, this petition has the potential to transform a portion of North Tryon Street by potentially integrating a mixture of uses in a homogenous area. The petition's request for a TOD-UC zoning district will likely, once constructed, address many of the North Tryon Area Plan's goals for land use, transportation, and community design.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 37-38.

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**ITEM NO. 7: ORDINANCE NO. 9795-Z, PETITION NO. 2019-172 BY SHARON ACADEMY PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee vote 7-0 (motion by Ham, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Park Woodlawn Area Plan (2013), based on the information from the post-hearing staff analysis and the public hearing and because The Plan recommends residential at 8 DUA 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 area plans do not typically recommend locations for future institutional uses. Institutional uses are considered compatible with residential uses. This site is currently a religious institution. The proposed zoning is consistent with the current use and expected uses associated with this land use.

Motion was made by Councilmember Bokhari, seconded by Councilmember Watlington, and carried unanimously to approve Petition No. 2019-172 by Sharon Academy Properties, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Park Woodlawn Area Plan (2013), based on the information from the final staff analysis and the public hearing and because The Plan recommends residential at 8 DUA 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 area plans do not typically recommend locations for future institutional uses. Institutional uses are considered compatible with residential uses. This site is currently a religious institution. The proposal zoning is consistent with the current use and expected uses associated with this land use.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 39-40.

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**ITEM NO. 8: ORDINANCE NO. 9796-Z, PETITION NO. 2019-176 BY CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Nwasike) to approve this petition and adopt the following Statement of Consistency: This petition is found to be consistent for a portion of the site with the Westside Strategic Plan and inconsistent with the land use recommendation for the remaining portion of the site, based on the information from the post-hearing staff analysis and the public hearing and because The plan recommends office/business park/industrial land uses for a portion of the site; and the plan recommends institutional for a portion of the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed industrial use, while inconsistent with a portion of the site recommended for institutional uses, is consistent with the industrial development pattern in the area south of the Airport. The site is within an Industrial Activity Center, as per the Centers, Corridors and Wedges Growth Framework. The site is within the airport noise overlay, which lends to compatibility with industrial uses over residential uses in the area. The Steele Creek Presbyterian Church sanctuary building, and Cemetery are designated as a local historic property by the Charlotte-Mecklenburg County Historic Landmarks Commission.

Motion was made by Councilmember Watlington, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2019-176 by Charlotte Douglas International Airport and adopt the following Statement of Consistency: This petition is found to be consistent for a portion of the site with the Westside Strategic Plan and inconsistent with the land use recommendation for the remaining portion of the site, based on the information from the final staff analysis and the public hearing and because The plan recommends office/business park/industrial land uses for a portion of the site; and the plan recommends institutional for a portion of the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed industrial use, while inconsistent with a portion of the site recommended for institutional uses, is consistent with the industrial development pattern in the area south of the Airport. The site is within an Industrial Activity Center, as per the Centers, Corridors and Wedges Growth Framework. The site is within the airport noise overlay, which lends to compatibility with industrial uses over residential uses in the area. The Steele Creek Presbyterian Church sanctuary building, and Cemetery are designated as a local historic property by the Charlotte-Mecklenburg County Historic Landmarks Commission.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 41-42.

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**ITEM NO. 9: ORDINANCE NO. 9797-Z, PETITION NO. 2019-178 BY DRB GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 11.48 ACRES LOCATED ON THE EAST SIDE OF ROZZELLES FERRY ROAD. WEST OF WEST TRADE STREET, NEAR JUDSON AVENUE AND ZEBULON AVENUE FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO UR-C(CD) (URBAN RESIDENTIAL, COMMERCIAL, CONDITIONAL).**

The Zoning Committee voted 6-1 (motion by Watkins, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the

plan recommends industrial land use for this site. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed residential development, while inconsistent with the industrial land use recommendation, is compatible with the office, retail and residential development pattern in the area. The site was rezoned in 2007 to I-2(CD), however, it has remained mainly vacant with some office and retail uses, but never with industrial uses. The site is more appropriate for a mixed-use development including residential, as it is located within a Wedge and is within one mile of a Lynx Gold Line stop, adjacent to a bus route and greenway. The proposed density of 11.6 dwelling units per acre, is supported by the General Development Policies.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-178 by DRB Group and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends industrial land use for this site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed residential development, while inconsistent with the industrial land use recommendation, is compatible with the office, retail and residential development pattern in the area. The site was rezoned in 2007 to I-2(CD), however it has remained mainly vacant with some office and retail uses, but never with industrial uses. The site is more appropriate for mixed-use development including residential, as it is located within a Wedge and is within one mile of a Lynx Gold Line stop, adjacent to a bus route and greenway. The proposed density of 11.6 dwelling units per acre, is supported by the General Development Policies.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 43-44.

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**ITEM NO. 10: ORDINANCE NO. 9798-Z, PETITION NO. 2019-181 BY CLAY COOPER – WODA COOPER DEVELOPMENT, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.54 ACRES LOCATED ON THE EAST SIDE OF NORTHLAKE CENTRE PARKWAY, NORTH OF NORTHLAKE MALL FROM R-3 (SINGLE-FAMILY, RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential development up to 22 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the Northlake Area Plan recommends a mix of residential and nonresidential uses for this site, but also supports residential development up to 22 dwelling units per acre as a single-use. At 11.92 dwelling units per acre, the petition is less dense than the recommended maximum density. The petition commits to providing a workforce housing program to ensure that the residential units are reasonably priced for a person earning less than the median income for the area. For a period of 30 years, the petition commits to preserving all residential units on the site for households earning less than 80% of the area median income. The maximum building height is less than what the adopted policy would allow. The plan recommends limiting building height to 10 – 12 stories and the petition limits building height to five stories. The petition commits to enhancing the pedestrian environment through site design elements which include internal sidewalks on both sides of the constructed public street. These improvements connect the site to existing pedestrian amenities along Northlake Centre Parkway and connect to nearby points of interest. The petition commits to increasing street connectivity by committing to construct the portion of Hucks Road that is located on the site. Hucks Road could eventually

connect to future development on the parcel on the eastern side of this petition. The petition is committed to dedicating the greenway portion of the Parcel to Mecklenburg County Park and Recreation, fulfilling the area plan's goal of preserving this area of the site for open space and eventual development of a pedestrian-oriented greenway.

The following changes were made after the Zoning Committee's recommendation:

- Added a note that allows the number of principal residential buildings to be developed not to exceed 2 buildings within the building envelope.

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

Motion was made by Councilmember Mitchell, seconded by Councilmember Driggs, and carried unanimously to approve this petition by Clay Cooper – Woda Cooper Development and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential development up to 22 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the Northlake Area Plan recommends a mix of residential and nonresidential uses for this site, but also supports residential development up to 22 dwelling units per acre as a single-use. At 11.92 dwelling units per acre, the petition is less dense than the recommended maximum density. The petition commits to providing a workforce housing program to ensure that the residential units are reasonably priced for person earning less than the median income for the area. For a period of 30 years, the petition commits to preserving all residential units on the site for households earning less than 80% of the area median income. The maximum building height is less than what the adopted policy would allow. The plan recommends limiting building height to 10 – 12 stories, and the petition limits building height to five stories. The petition commits to enhancing the pedestrian environment through site design elements which include internal sidewalks on both sides of the constructed public street. These improvements connect the site to existing pedestrian amenities along Northlake Centre Parkway and connect to nearby points of interest. The petition commits to increasing street connectivity by committing to construct the portion of Hucks Road that is located on the site. Hucks Road could eventually connect to future development on the parcel on the eastern side of this petition. The petition is committed to dedicating the greenway portion of the Parcel to Mecklenburg County Park and Recreation, fulfilling the area plan's goal of preserving this area of the site for open space and an eventual development of a pedestrian-oriented greenway, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 45-46.

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**ITEM NO. 11: ORDINANCE NO. 9799-Z, PETITION NO. 2019-183 BY RHYNO PARTNERS COFFEE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 7-0 (Motion by Gussman, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Plaza Central Pedscape Plan, based on the information from the post-hearing staff analysis and the public hearing and because



the plan recommends retail mixed-use: retail/office/multi-family residential uses with a pedestrian overlay district. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site is located within the Plaza Midwood business district. The Plaza Central Pedscape Plan identifies the site as being located within the Village Retail Area, a larger area east of the CSX railroad tracks with the potential to be a highly walkable compact mixed-use retail village. The Gold Line streetcar is proposed to run along Central Avenue, north of this site, which will provide an alternative mode of transportation.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-183 by Rhyno Partners Coffee, LLC and adopt the following Statement of Consistency This petition is found to be consistent with the Plaza Central Pedscape Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends retail mixed-use: retail/office/multi-family residential uses with a pedestrian overlay district. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is located within the Plaza Midwood business district. The Plaza Central Pedscape Plan identifies the site as being located within the Village Retail Area, a larger area east of the CSX railroad tracks with the potential to be a highly walkable compact mixed-use retail village. The Gold Line streetcar is proposed to run along Central Avenue, north of this site, which will provide an alternative mode of transportation.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 47-48.

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**ITEM NO. 12: ORDINANCE 9800-Z, PETITION NO. 2019-185 BY FREEDOM COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 7-0 (Motion by Ham, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family up to 5 DUA for this site. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed rezoning for daycare in an existing church structure, while inconsistent with the recommended residential land use for the site, is compatible with the existing context of the neighborhood. The conditional plan will limit uses to a religious institution and daycare. Additionally, the plan improves the site by improving the driveway access and providing streetscape improvements. The proposed use for a daycare fits with the existing church building.

Motion was made by Councilmember Watlington, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2019-185 by Freedom Communities and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends single family up to 5 DUA for this site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed rezoning for a daycare in an existing church structure, while inconsistent with the recommended residential land use for the site, is compatible with the existing context of the neighborhood. The conditional plan will limit uses to a religious institution and daycare. Additionally, the plan improves the site by improving the driveway access and providing streetscape improvements. The proposed use for a daycare, fits with the existing church building.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 49-50.

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**ITEM NO. 13: ORDINANCE NO. 9801-Z, PETITION NO. 2020-036 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT TO ESTABLISH ZONING FOR APPROXIMATELY 0.56 ACRES LOCATED WEST OF PECAN AVENUE, NORTH OF INDEPENDENCE BOULEVARD, SOUTH OF CENTRAL AVENUE TO B-2(PED) (GENERAL BUSINESS, PEDESTRIAN OVERLAY DISTRICT).**

The Zoning Committee voted 7-0 (Motion by Watkins, second by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Plaza Central Pedscape Plan, based on the information from the post-hearing staff analysis and the public hearing and because the petition is consistent with the intent of the Plaza Central Pedscape Plan. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the subject property is located in the Plaza Central Business District and was part of the right-of-way for Independence Boulevard. The un-zoned property was unneeded ROW that has been incorporated into the overall property and did not have zoning established on it. The Plaza Central Pedscape Plan recommends retail mixed-use for the properties adjacent to this petition. Properties adjacent to this site are located within the Village Retail Area as identified in the Plaza Central Pedscape Plan.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-036 by Charlotte Planning, Design and Development and adopt the following Statement of Consistency: This petition is found to be consistent with the Plaza Central Pedscape Plan, based on the information from the final staff analysis and the public hearing and because the petition is consistent with the intent of the Plaza Central Pedscape Plan. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject property is located in the Plaza Central Business District and was part of the right-of-way for Independence Boulevard. The un-zoned property was unneeded ROW that has been incorporated into the overall property and did not have zoning established on it. The Plaza Central Pedscape Plan recommends retail mixed-use for the properties adjacent to this petition. Properties adjacent to this site are located within the Village Retail Area as identified in the Plaza Central Pedscape Plan.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 51-52.

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## HEARINGS

**ITEM NO. 20: HEARING ON PETITION NO. 2010-044 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT DEPARTMENT – TEXT AMENDMENT TO (1) MODIFY THE TOD REQUIREMENTS TO PROVIDE GREATER FLEXIBILITY, ADDRESS UNINTENDED CONSEQUENCES, PROVIDE CONSISTENCY BETWEEN SECTIONS, ADD MISSING STANDARDS, UPDATE SELECTED STANDARDS, REVISE ADMINISTRATIVE AUTHORITY, CORRECT INACCURACIES, AND UPDATE SECTION REFERENCES (2) MODIFY AND PED APPLICABILITY REGULATIONS AS RELATED TO TOD AND (3) UPDATE, DELETE, AND ADD DEFINITIONS AND GRAPHICS.**

Mayor Lyles declared the hearing open.

Allen Goodwin, Planning said we are proposing the TOD Text Amendment, and just to bring you back a little bit, as you recall last April you approved four new Transit Oriented Development Zoning Districts. We followed that up by proactively rezoning over 1,500 parcels of land along the Blue Line Transit Corridor in what we call the TOD alignment rezoning to get the right zoning on the ground to implement the new ordinance. The staff has been using the new ordinance as well as design professionals and property owners for several months now, and as with any new ordinance there were some things that were found to be the areas that we could improve or clarify, and in some cases correct inaccuracies and other adjustments to make the ordinance effective. The reason we are doing this, or the purpose of this Text Amendment is to modify the TOD development requirements, to update and delete definitions and graphics and we also need to modify our PED applicability section to correct an oversight. You can see on the screen some examples of how the actual ordinance will be adjusted; you can see some deletions and some new additions, removing graphics, etc. This Text Amendment focuses on nine general categories and modifications; it provides additional clarify in regulations, it provides greater flexibility, adds missing standards, it addresses unintended consequences of the new TOD ordinance, it provides consistency between sections, it corrects inaccuracies, revises administrative authority, it updates, and revised graphics and updates add and deletes definitions.

The UDO (Unified Development Ordinance) or the OAC (Ordinance Advisory Committee) has been involved with us as we crafted this Text Amendment. They have been briefed on it and then provided an opportunity to provide their comments and feedback and several committee members have done so and their comments have been incorporated into our proposed Text Amendment that you are hearing about tonight. This petition is consistent with City Council's adopted Transit Station Area Plan along the LYNX Blue Line and LYNX Blue Line Extension.

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

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**ITEM NO. 21: HEARING ON PETITION NO. 2019-113 BY THE CHARLOTTE MECKLENBURG HOSPITAL AUTHORITY – TEXT AMENDMENT TO ADD “HELISTOPS, LIMITED” AS AN ACCESSORY USE ALLOWED WITH ONE PRESCRIBED CONDITION IN THE MIXED-USE DEVELOPMENT DISTRICT (MUDD).**

John Carmichael, 101 North Tryon Street said I am here on behalf of the Petitioner, and the request as you stated, is just to add helistops, limited as an accessory use in the MUDD Zoning District. Allowing helistops would be consistent with allowing helistops in other offices, business, and industrial districts in Charlotte and helistops as an accessory use are allowed in office and business districts, they are allowed in institutional districts, research districts, and industrial districts. A health institution is allowed in MUDD under the current ordinance so, it would only be logical that a helipad would also be allowed in MUDD. My sense, without knowing, of course, is this was just probably an oversight when

the ordinance was drafted. I don't know that, but that would be my sense because it is allowed in so many other business and office districts.

**Councilmember Egleston** said if staff could quickly address if they have any concerns about types of use existing in MUDD that we might not want to see this and if we should be honing-in more specifically or if they feel comfortable that this doesn't open up unintended consequences.

**David Pettine, Planning** said I am not aware of any concerns from a staff standpoint. If there is some limited direction that we would like to continue to look at between the hearing and the final decision to see if there is any refinement that needs to be done to specify that it is for office buildings in MUDD or buildings of a certain height in MUDD we can certainly take a look at that, but I'm not aware of any concerns that have been brought up to this point at a staff level. Certainly, we can continue to flush those out between the hearing and decision.

**Councilmember Driggs** said I wanted to clarify just for the record; it is the Charlotte Mecklenburg Hospital Authority, the petitioner.

**Councilmember Winston** said just wondering; I think Mr. Carmichael said they were just going through the text and thought this might have been an oversight, but what has the current ordinance limited; what problems have we run into given the current language of the ordinance?

Mr. Carmichael said I'm not aware of any. Was the question what problems you've had with helipads in other districts, was that the question?

Mr. Winston said no, what problems have we had in terms of the current language for helistops?

Mr. Carmichael said I'm not aware of any problems that we had with the current language of the ordinance other than in the petition that you are going to hear next. You would need the Text Amendment in order to accommodate a hospital in MUDD; they've had a trauma center that requires the ability to land helicopters and have patience come by way of helicopters.

Mr. Winston said I think what you are saying is that further development of hospitals, access to those hospitals for patients could be limited given the current ordinance language.

Mr. Carmichael said yeah, that is right and if a health institution is allowed in MUDD, at least to me, it seems logical that a limited helipad would also be allowed because hospitals care for patients who have experienced severe trauma and they are transported by helicopters. Yes, I would agree with what you just said.

**Councilmember Watlington** said this goes along the lines of what some others have said, but currently in our mixed-use development residential, what if any, are the current restrictions having limited helistops near residential? I realize that the zoning designations are listed here but is there any proximity consideration? I think about noise and the noise ordinance as it relates to the Airport, but with helicopters what protects a resident from having a helipad essentially in their back yard? Is there anything else that would protect our neighborhoods?

Mr. Pettine said that would be something we would have to take a look a little bit further into it and give you some feedback in a follow-up report. I don't know the helistop ordinance off the top of my head so I would be happy to look that up and give you some information back. A lot of the other districts where these are allowed do allow residential uses so, there may be some conditions in there that apply to put a helistop in some of those districts if there is residential nearby, Without having the ordinance in front of me I would have to take a look and put that in a follow-up report to you.

Mr. Carmichael said I could further that too if you like. The condition in our ordinance now for helistops in all the districts that I referred to earlier in the office and business district, the conditions that it complies will all applicable FAA regulations.

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

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**ITEM NO. 22: HEARING ON PETITION NO. 2019-114 BY CHARLOTTE MECKLENBURG HOSPITAL AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 70 ACRES BOUNDED BY SCOTT AVENUE, EAST MOREHEAD STREET, AND LITTLE SUGAR CREEK FROM O-2 (OFFICE) O-6 (CD) OFFICE, CONDITIONAL), B-1 (NEIGHBORHOOD BUSINESS), B-2 (GENERAL BUSINESS), R-6 (SINGLE-FAMILY RESIDENTIAL), AND R-22MF (MULTIFAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 70-acres out in the Dilworth and Kings Drive area as well. This is the Atrium Main Campus in Mid-Town. The current zoning as we have discussed has several different zoning districts on it; O-2, O-6, B-1, B-1Ped, B-2 Ped, R-6, and R-22MF. The petition itself is proposing to go to MUDD-O so all the 70-acres would be consolidated into one zoning district, which would be a MUDD-O district. The plan policy guideline is for the Mid-Town/Morehead/Cherry Plan and it does recommend some different uses, residential office, residential office retail for portions of the site and then the Dilworth Land Use and Streetscape Plan is also in play with this petition and that also recommends institutional uses, greenway uses, residential up to five units per acre and residential up to 22 units per acre. There is also a small portion of the site which is located in the PED Overlay and the MUDD-O would supersede that PED overlay, but some of the design standards would still be incorporated as a result of that MUDD zoning district.

The petition itself is broken down into eight development areas. We noted that development areas E and F are really devoted only to open space and tree save areas, so there is no real development that will go on in those; they are dedicated to just open space and tree save. There are some maximum gross floor areas involved, 425 multifamily dwellings are being proposed within the site, also some detached duplex, triplex, or quadruplex units. There is also a provision for the helipad should that text amendment that we just heard on Petition No. 2019-113 be approved. Development areas A, B, and D would have an allotment for helipads would only be allowed in those areas even though the site would be zoned MUDD, it is still restricted to those areas through that conditional plan. There is also a number of transportation mitigations and improvements, which I will defer to C-DOT on a brief moment. There are also buffers and landscapes adjacent to the single-family uses and the petition also commits to greenway improvements during construction as well as a detour route during some of those improvements and a minimum of three accessible connections from the site to the greenway, which runs right in front of the campus. As you can see, this just gives you a highlight of the development areas; D and H are the ones mainly along Kings Drive along with D and portions of A and then E and F you can see those open spaces and tree save areas. We do have a potential open space and tree save area along with some BMP areas there right by the greenway, next to development area H. That is just a breakdown and then you can see the greenway improvements with that red arrow down towards the bottom of the colored part of the map.

Just a visual view of some of the landscape buffers that would be proposed. I know there have also been some ongoing discussions with some of the residents in these areas about the landscape buffers and the type of trees and vegetation that would be proposed to be planted there. I'll let the petition speak to any developments that have occurred since this plan has come in. Again, a lot of those discussions have been ongoing even up

through this past Friday, so I will defer to the petitioner on those. Just to give you some idea of the traffic impact analysis, there was a TIA done for this project with substantial improvements that would be proposed. They did study 22 intersections so I'm going to turn it over quickly to Felix Obregon with C-DOT so he can walk you through some of those from the TIA.

**Felix Obregon, Charlotte Department of Transportation** said to give you some bearings, you've got Kings Drive on the top part of the slide, you have Morehead Street that runs east/west and then you've got Kenilworth Avenue and Scott Avenue that runs parallel to each other, you have East Boulevard that runs east/west and then you've got the Sugar Creek Greenway that runs along with the site. The petitioner was required to provide a traffic impact study analysis by C-DOT and NC-DOT (North Carolina Department of Transportation). As part of our review, we coordinated with CATS (Charlotte Area Transit System) to provide a comprehensive transportation review. The development had studied 22 intersections as David mentioned. It is being developed in two phases; Phase I will be completed in 2025; Phase II will be completed in 2030.

The development will provide multimodal improvements; it will provide vehicular capacity and pedestrian improvements at several intersections within the site and around the site. The petitioner is going to reconstruct and widen the current multiuse path for Little Sugar Creek Greenway, which is the blue arrow that is running north/south. The development is going to construct new streets within the development that will accommodate vehicles, bicyclists, and pedestrians. We coordinated with the Dilworth Community Association, surrounding neighbors, and the development team on a new loop road connection onto Scott Avenue. The Loop Road will connect at Scott Avenue right here where the current driveway connection is located. Also, as part of the loop road, they are going to provide a multiuse path that will connect this neighborhood to the new Sugar Creek Greenway that is going to get reconstructed. In addition, the petitioner is going to provide a Transportation Demand Management Plan that will provide strategies that will encourage employees to use transit, rideshare, and bike facilities to reduce vehicular trips in the surrounding area.

Mr. Pettine said the staff does recommend approval of this petition upon resolution of outstanding issues related to the environment and I believe requested technical revisions, so just some minor things that we need to run through. Again, this plan has been somewhat fluid and lots of ongoing discussions between staff, C-DOT, the community. As Felix mentioned the realignment of Loop Road is something that just came about late last week and into today, so again, this is a lot of moving parts, but staff does recommend approval of this petition and we will continue to work with the petitioner and the community and C-DOT and NC-DOT and look forward to bringing this to you guys for a decision in the coming months.

**John Carmichael, 101 North Tryon Street** said with me tonight are Dr. Joy, Atrium's Chief Medical Officer, and our rezoning team. The subject site is the Carolina's Medical Center Main Campus and certain adjacent parcels of land. This request is the result of Atrium's need to modernize and update its facilities. This shows the ages of some of the facilities; Dr. Joy will speak to this in a moment. This is a video that depicts some of the proposed improvements including those adjacent to the Little Sugar Creek Greenway.

Due to technical difficulties, Mr. Carmichael's presentation was paused, and Dr. Joy spoke.

**Dr. Saju Joy, 1318 Lost Oak Road** said I appreciate the opportunity to present to this Council and Mayor. I am the Chief Medical Officer at Atrium Carolina's Medical Center and I'm here to discuss the challenges with our aging hospital facility and why this rezoning is an exciting and critical step in our ability to improve health, elevate hope, and advance healing. I would like to begin by telling you why Atrium Carolinas Medical Center is such an amazing place. Above all, we are here to serve our community, and our passion for caring for people is what drives our team every day. CMC (Carolina Medical Center) cares for the most critically ill patients in our region and we take pride in our ability to deliver the most advanced care for any and all who arrive at our door. We are the go-to-

facility in our region for health-related crises and emergencies such as the COVID-19, and we handle them seriously, efficiently, and effectively. Each year we see more emergency visits, hospital admissions, babies delivered, surgeries, and organ transplants than any other hospital in the State of North Carolina.

Here are some of the other reasons we need a new bed tower and rehabilitation hospital. Number one, our facilities are outdated. As Mr. Carmichael shared, there are sections of our hospital that are over 70-years old. So, we are proud of the upstanding care we deliver, but medical advancements require different spaces than 70-years ago, even 30-years ago when many of our buildings were opened. The equipment, the care for the most complex cardiac procedures, for example, requires the size or the equivalent of two of our rooms today. Our current operating rooms are 40% smaller than the industry best practice with infrastructure that is at the end of its useful life. For example, our IMRI, a cutting-edge machine used in brain surgery can't fit in many of our current operating rooms, and using multiple types of equipment during a single case is challenging. Number two, our Emergency Department is maxed out. We are the region's most advanced trauma center, but our ER isn't large enough to handle the volume of patients seek our care each day, resulting in long wait times and as anyone who has needed that service at CMC has likely experienced. We even had to add a temporary tent expansion to handle the COVID-19 community needs. Number three, the halo effect of a new facility improves our reputation and chance to recruit and retain the best providers. This allows things like our advanced COVID surge forecasting as well as the in-house laboratory testing that we had available because of our specialists who work with Atrium Health allowed us to anticipate the volume increases as well as the rapid turnaround times for testing that other parts of the country really didn't even have. This enabled us to keep our community spread low and to serve PPE.

Our plan is to totally redesign the patient care space to fix these issues and care for a greater number of more complex patients. How are we going to do that? We have flexible floor plans that will provide adaptability to care for patients with different needs. With the larger spaces that allow clinicians and equipment to reach a patient, we will have a universal room designed that will prevent errors that are going to occur when providers work in a non-standard environment. Transportation of patients and families and visitors, that will be kept separate from where patients, teammates, providers, and resources are transported. Finally, and most importantly, we strive to deliver the best and most outstanding patient and family experience we can. We want to invite healing spaces with more light and better design. We will learn from our former patients and design around their experiences.

In summary, as Mr. Winston referred to Dr. King's speech, our destinies are tied together. Charlotte is a World-Class City, we want it to be the very best, and to continue to provide World Class healthcare, the type of care our City needs and deserves. We are proud of our history and of the care, we deliver to our patients and families. This project allows us to continue our mission. This investment back into our community will allow us to take care of friends, families, and neighbors for decades to come. Thank you for allowing me this opportunity to speak.

Mr. Carmichael said we have run out of time so we will skip some slides. I just want to tell you about some of the changes to the plan. We've had many meetings with area residents, we thank them for their time. Development area D is next to Kings Drive, we've stepped down the heights from 250-feet to 200-feet and the 40-feet towards Kings Drive. Development area H is the next slide; this is the southern edge of the site; we reduced the height of the buildings to form 150-feet to 100-feet; we've stepped down the heights of the buildings from 100-feet to 60-feet, there are 40-feet towards the exterior boundary lines. Removed parking structures as an allowed use, removed the connection from the greenway trail to Lombardy Court. The development areas E and F next to Fountain View Street would be abutted to open space and tree save, however, the Loop Road could encroach into the edge of those areas. The Loop Road has been realigned from the green to the purple as Felix mentioned and Fountain View Street would not connect to the Campus as a result of this development. Development area G, we've worked hard with the DCDA, we've divided development area G into four areas, designated as G1 through

G4 and we've limited the uses on G2, G3, and G4 most specifically limit it to residential uses in area G4. We've also agreed to put a landscape buffer along the east side which is the Kings Drive side of Little Sugar Creek shown in this exhibit to provide additional screening.

**Mary Gaetner, 711 Romany Road** said while I am in favor of the rezoning, I would like to share a story about Atrium that shocked me and shows the serious shortcoming in part of this plan. A while back I was headed into Old City Hall by the Police Headquarters when I ran across a young woman with a very bloody chin holding her baby who also had blood on his cheek. Each was clearly in distress. I suggested they go into the Police Station for help. Initially, she said no, she had to catch another bus to get the baby to daycare out on The Plaza. When I ask her what happened she said she tripped and fell getting off of the bus. I convinced her to go inside the Police Station and then the Paramedics were called to help and the baby. An Officer assured the young woman he would give her a ride to the daycare and asked her where she worked. She said Atrium Healthcare at the main campus. This Atrium Healthcare employee had to take at least two buses to get her child to his daycare and then the third bus just to get to work. At the end of the day she had to do everything in reverse. My common [inaudible] of the plan 425,000 family's units of housing. On February 12<sup>th</sup> during the Dilworth Community Association meeting, an Atrium representative said, and it was quoted in the minutes, that any housing would be workforce housing. Just recently it was announced that it would raise its minimum wage to \$13.50. So, think about this, a fulltime minimum wage employee at Atrium Healthcare earns \$28,080 annually and will not be able to afford the very housing Atrium plans to build. That is just not right. I support these housing units, but they should be definitely planning to serve a mix of incomes ranging from 30% AMI to workforce development housing to help address Charlotte's affordable housing needs. As the largest employer in Charlotte Atrium Healthcare has an obligation to be a part of history.

Mr. Carmichael said two other things we've done is when Atrium is reconstructing the greenway, they did agree to keep that portion of the greenway behind the Kings Drive residents, along its current alignment so as to maintain the status quo for access to that greenway trail. Then with respect to the helipads on top of the new bed tower, they would be located on the rear of the western half of that bed tower. This is a lot of information in a very quick period of time. We are happy to answer your questions and I'm sorry it has been so rushed. We appreciate once again the time the neighbors have devoted and also the Planning staff and C-DOT have devoted to this matter.

**Deborah Edwards, 1626 Fountain View Street** said my husband Michael and I and our two daughters live on Fountain View Street on the hospital's southern border, basically between the hospital and East Boulevard. We are long-time Charlotte residents, we own a local small business and manufacturing plant. We've managed to keep open during the pandemic with all 65 of our mostly hourly employees. Having just three or four minutes at a virtual hearing to defend a neighborhood's homes seems incredibly inadequate so I and more than 20 other households that I'm representing tonight created and submitted a detailed position paper to you that we pray you will take the time to read. We know you are very busy, it is not that long, about four written pages and some really simple but informative map. Because of time limitations, I'm going to show you just three of those. The first slide here is our residential neighborhood as it existed in 1970, [inaudible] the neighborhood, the residences, and the hospital. Our paper shows you map by map by map a decade by decade and hospitals kind of strategic creep into this neighborhood. The next slide is the neighborhood in 2020; the pink is the strategically acquired properties by the hospital. Then if you go to slide three that is what our neighborhood will look like if these 33 residential properties are rezoned. The fact is that Atrium has for decades used an outdated law to buy and hold these homes without paying property taxes, keeping many of them empty for years, letting some dilapidate and driving down surrounding property values. Now, if that isn't bad enough, now this rezoning converts over half the residential properties to MUDD, and if that is not bad enough the dispersed eight remaining properties, those last few pink ones you see, give them total control of the residential area. Atrium's checkerboarding of our neighborhood has created a complete monopoly on the remaining privately held homes. Basically, nothing can or will happen in



this area without Atrium. This total control of not only their own property but mine and my neighbors as well will be exacerbated by this rezoning and it is all subsidized by the City and our own tax dollars. What we accept that the end is near for the few remaining homes in this area, you might as well accept it too, but we don't want and should not be limited to only one potential buyer Atrium, and that is the situation that they have strategically created. Now, we hope there is a better alternative that involves private taxpaying visionary development including workforce housing and other community and hospital priorities. That plan requires Atrium's cooperation, but you should wonder as I do, why they are not actively engaged in such a legacy-building opportunity. The fact is that City Ordinance Section 928510 basically requires the Council to ask these questions. So, we don't oppose the hospital's clear need to grow; Dr. Joy's speech was compelling but we ask that you delay your ruling until you get a deeper understand of what is really going on here, that this rezoning is contingent on Atrium working with the neighborhood on something that is better for the neighborhood and the whole community as well as the hospital. Otherwise, development areas E, F, and G should be removed from the rezoning petition so as to retain the residential character.

**Robert Lentz, 1140 South Kings Drive** said tonight I'm speaking on behalf of over 30 residents and homeowners on South Kings Drive on the east side of the Atrium property who all strongly oppose the current version of this rezoning request. I agree with Deborah that the current plans and zoning proposal that you see tonight are not reflective of considerate planning. Our overarching argument is the decisions in this design are being made to optimize for the impact on the hospital's bottom line and not on preserving the quality neighborhoods that surround it. Contrary to Mr. Carmichael's claims they are not addressing our biggest current concerns with this rezoning request. As residents on South Kings Drive, our primary concern is with the proposed building height of the new hospital bed tower. Nowhere else in the City of Charlotte is City Council approving buildings of this height so close to residential properties. Please do not make this the first case in which you do that. We would like to see the maximum building height in all of the development area D reduced to 200-feet. We have made this request numerous times of the Atrium representatives, but they refuse to yield because of the impact on the construction cost of the project.

Second, we believe this rezoning request represents an insufficient step down on the east side of the property. We request that you only approve this rezoning petition if Atrium extends the 40-foot max height buffer up to 250-feet into the property on the east side of development area D. Now please note that this will allow them to build the current design that they are proposing, but it eliminates the excessive wiggle room that they are attempting to work into the rezoning. Wiggle room that would enable them to break their promises and ultimately build the tower closer to our homes after rezoning approval. The mere presence of this excessive wiggle room is that it clearly indicates that they do not plan on acting in good faith. We certainly do not trust them so, we hope we can get your support to increase this buffer and ensure they are held accountable.

Third, we are highly concerned about the proximity of the helipad to our homes. This current plan calls for a helipad to be located within a few hundred feet of our homes. Please consider for a second the impact if somebody built a helipad in your backyard. This is just one more piece of evidence that this is not the optimal location for a large bed tower. Development area D in this corner of the 70-acre site is not an office and industrial complex, it is next door to people's homes. So, approving zoning that allows for helipads in this area feels completely out of line. However, assuming we can't get that changed and can't get your support in helping us we ask you to make your approval at least contingent on written detail helipad distance agreements, light, and noise mitigation elements that we as residents cannot seem to get Atrium formerly commit to ourselves.

In closing I just want to say Zoning Committee, City Council we need your help. Please do not approve this request with at least some of the elements that I brought up tonight that we are unable to negotiate ourselves due to our size.

**Lee Teeter, 1716 Lombardy Circle** said I live at 1716 Lombardy Circle with my wife and two kids. My wife bought the property in 1995. After we got married, I designed the house

and took about two and a half years to build the house and put everything we wanted into the house. Now, we've got a tremendous amount of dollar investment, time investment and we have major concerns that the Atrium rezoning, which they have done some things to make it better, it is still going to be a negative impact on the residential retail value of our home and the neighbors also. We've got several neighbors on the street that have renovated their homes and put substantial money in it. We've got two [inaudible] high-end condo buildings that have been put in in the past few years and one of them is right beside my house. They still have two units that they can't sell, and they have been trying to sell it for a year. We have a house down the street that has had two contracts fall through because they found out what Atrium was getting ready to do and put these monster buildings behind our houses and take away from the residential neighborhood feel. We've got people that bought houses within the past year and now they wish they hadn't because they feel like the neighborhood is going to be ruined with all the changes that are going on. There has been a tremendous amount of stress and strain put on all the neighbors because they are concerned about what kind of marketability if they need to sell their house, who is going to buy it. Who is going to pay them the replacement cost on what it is going to take to buy another house of similar quality and construction materials and size that they can afford in the Dilworth Neighborhood? A lot of screening needs to be done on the back of the houses. We've got 30-foot trees with a six-foot [inaudible] wall on the back of our house and they are talking about putting in a 16-foot tree. Well, that puts me 20-feet above anything they are going to put in there.

Mayor Lyles said the time is up; I know that there were a number of people that signed up and were not able to speak. We try to get it organized but in virtual meetings, it is a little bit more difficult to do that so, I hope you will understand. We do our very best.

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

**Randy & Betsy Turner, 1713 Fountain View Drive**

**Chris Guella, 1622 Fountain View Drive**

**Cindy Gorman, 1704 Fountain View Street,**

**Alexandra Frost, 1256 South Kings Drive**

**David Frost, 1256 Kings drive**

**Elizabeth Johnson, 1724 Garden Terrace**

**John Granzow, 1626 Lombardy Circle**

**Maarten Pennink, 1712 Garden Terrace**

**Mark Allen, 1631 Fountain View**

**Mary Deschenes, 1609 Scott Avenue**

**Matt Connolly, [connolly.matt@yahoo.com](mailto:connolly.matt@yahoo.com)**

**Robert & Christianne Coover, 1614 Lombardy Circle**

**Roberta Borsella, 1705 Fountain View Street**

**Taylor and Lisa Bryant, 1608 Lombardy Circle**

**Tim and Chole Riedel, 1624 Lombardy Circle**

**Ellen and Dan Campbell, 1606 Lombardy Circle**

**John Kelly, 1708 Fountain View Street**

**Debra Brown, 1700 Cartness Place**

In rebuttal, Mr. Carmichael said just a couple things, one in response to Mr. Lenz who we spoke with as recently as this morning, I did not claim in my presentation that we had resolved all the concerns. What I said was we've had many, many meetings and we've made changes to the plan in an effort to address concerns. I understand that he is concerned about the height, and I know that others are and so there are things that we have tried to do to address concerns that we are able to do, but there are some things that we have not been able to do. I want to make that clear that we didn't represent that his concerns were alleviated. In terms of the helipads, we spoke with Mr. Lenz again this morning and we are looking at some sound mitigation measures that we will follow-up with him which we will honestly do. In terms of Ms. Edwards, we have made concessions and worked with the DCDA to restrict the uses in development area G, in development E and development area F so as to best preserve the character of that neighborhood. One thing we did do early on was put in our notes that there would not be a connection to Fountain View Circle from Loop Road until such time that all of the lots on Fountain View Circle if they ever are, are redeveloped for multifamily or non-residential uses at which time the developer of that project could make a connection to Loop Road. That is something that C-DOT wanted. We also worked in connection with the realignment of Loop Road on Scott Avenue. We understand there are some concerns, we will continue to have discussions. I don't think anybody could look you in the eye and tell you we haven't been available and haven't made ourselves available to talk about concerns. We will continue to do that; likewise, they have made themselves available so, that is not a pat on my back, that is just a recognition of the effort that everybody had put into this. Those are some of my thoughts on what was presented.

Mayor Lyles said I want to remind anyone watching this that anyone in this community can submit written comments to the City Clerk until tomorrow at 11:59 p.m. It has to be before 12:00 midnight. Here is the website [cityclerk@charlottenc.gov](mailto:cityclerk@charlottenc.gov). If you are watching this and have any comments, if you will send them to the City Clerk, they will be distributed to the City Councilmembers this week.

**Councilmember Egleston** said thanks to all of the speakers tonight. This site is very interesting because it has got borders far from each other that has very different sets of concerns so I know it has been complicated for everybody involved to try to address concerns on one side of the site that might be entirely different than concerns on the other side of the site. But, certainly do appreciate that John and that team have continued to try to make progress on addressing those. I know some of them likely will not be addressed completely, but I think there has been progressing made, even in the last couple of days. I do also want to thank the Dilworth Community Association Land Use Committee, Valorie Preston, Ellen [inaudible], and that whole team. They have spent countless hours working with John and the Atrium Team there to also try to get all of those concerns voiced and addressed and I think a lot of progress has been made since we started with this. I do think there is a little more work to do right now, while the DCA is kind of formerly agnostic they have not taken a for or against stance on this petition. I know they are pleased with some of the progress that has been made, but hoping to see a little more, particularly as it relates to building standards, landscape plans, traffic construction plans, and commitments and I know as well in speaking with Mr. Lenz this week-end and then John Carmichael, I think some progress has been made in terms of tightening up the allowable areas that maximum height Mr. Lenz discussed. I think that line has been moved back away from the residences to some degree and I would encourage Mr. Carmichael and the folks at Atrium to see if they can tighten that up even more. Certainly, we understand with a development of this scale there has got to be some allowance for adjustment in terms of a little bit, as Mr. Lenz called it, wiggle room, but certainly, if their intention is to build the building where it indicated they intended to build the building, I think Mr. Lenz and his neighbors would be satisfied with that. Again, I would like some more certainty, so as much certainty as can be provided within reason, I think it is not an unreasonable ask from Mr. Lenz and the Kings Drive folks. Again, I appreciate everybody continuing to work on all of this and would encourage John to continue that engagement with the DCA

and with those neighbors because I think we are not quite there, but I don't think we are that far. I hope we can make more progress on the concerns that you guys heard from the different factions around this site tonight.

Mr. Carmichael said we are happy to do that; thank you.

**Councilmember Watlington** said I just wanted to lift back up the question about the height, but I think Mr. Egleston already spoke to it.

**Councilmember Ajmera** said Mr. Carmichael; what changes have been made as a result of request You had mentioned that there are several changes that were made. What changes were made?

Mr. Carmichael said to the rezoning plan Ms. Ajmera?

Ms. Ajmera said yes sir.

Mr. Carmichael said there have been a lot. Do you want me to go through each one?

Ms. Ajmera said you can just send that to us in an e-mail.

Mr. Carmichael said I'm happy to do that.

Ms. Ajmera said I know you also mentioned that you are working on the noise mitigation; could you also include that in your follow-up e-mail?

Mr. Carmichael said I would be happy to do that.

Ms. Ajmera said in terms of the height and buffer could you briefly summarize what is the request from the residents and what is the variance there?

Mr. Carmichael said I'm sorry, you were asking me what the neighbors were requesting?

Ms. Ajmera said I'm trying to understand the variance in the height and the buffer between the resident's request and what is currently in the plan.

Mr. Carmichael said the plan currently allows, as Mr. Lenz said, 250-feet in a portion of development area D which is located on the east side of the property, it is right by Little Sugar Creek and it is closest to the Kings Drive side of the site. There are three height envelopes, there is a 40-foot height envelope closest to Little Sugar Creek. Granted it is about 30-feet in-depth and there is a 200-foot height envelope and there is a 250-foot height envelope. The 250-foot height envelope is about 154 feet from the creek and according to this plan it is about 221-feet from the back of one of the lots on Kings Drive across Little Sugar Creek from the site. Mr. Lenz is asking that the building be pushed back further to the west and we are looking at that as we speak. He also would like the building to go down from 250-feet to 200-feet. I will say that is a more difficult task, but we will look at what we can do in terms of increasing that separation and we will follow-up with Mr. Lenz and follow-up Planning and Council.

Ms. Ajmera said thank you, I look forward to your follow-up e-mail with the details. In terms of the height and other requests, it looks like there has been progressing that has been made and I hope that before it comes for approval, I'm hoping that there would be negotiations that would address the concerns that have been raised by the residents so that we can get their approval as well.

**Councilmember Driggs** said Dr. Joy, I wanted to mention that I've been a patient at that facility and was very impressed with the quality of care and the dedication of your staff, so thank you for that. I do have a couple of questions about the rezoning; for one do you happen to have on hand the frequency of helicopter operations currently at that campus and what you would expect them to be once this full development has taken place?

Mr. Carmichael said Bennet Thompson; can you answer that question?

**Bennet Thompson, Atrium Health** said we've had that question a couple of times in some of our public meetings and we can produce that information for you Mr. Driggs about the specific numbers; I don't have them off the top of my head, but a lot of times it can be fairly unpredictable just pending accidents that happen and different reasons that people come in, but we will be happy to pull that information together and share that with you.

Mr. Driggs said I would appreciate that and my other question was, in looking at the traffic analysis that is a fairly major increase in trips from 5,000 to 13,000 so, I think what I would request is that perhaps you just let me see the analysis that was done of all those intersections that were referred to and whether any of them got sort of downgraded on the letter scale in terms of their pass ability as a result of your analysis or whether the improvements that you are proposing to make at those locations actually mitigate and improve the traffic impact. I think that is a question for follow-up. If you could get to me, I would appreciate it.

Mr. Carmichael said we can do that Mr. Driggs.

**Councilmember Johnson** said this question is also about the helipad? What is the significance of this helipad compared to the current one? I'm sure Atrium has one at its current center, or I imagine so what is the distance between the proposed helipad and the current one?

Mr. Carmichael said Ryan Lewis; can you answer that question?

**Ryan Lewis, Atrium Health** said I can give an approximate at the moment. I would say that it is basically moving about due south, roughly 400-feet in one location and the second one would be roughly 700-feet south.

Mayor Lyles said Mr. Lewis you can send that to us in the written-up report instead of approximately. I think if you would do that, I think that would be helpful.

Mr. Lewis said for clarity, there is a number of helistops that exist with the existing hospital today so we can provide a better graphic that depicts the distances that each one proposes located from that existing location.

Ms. Johnson said we are asking about ordinances regarding the noise and different things about this helipad. Are there existing ordinances currently because it doesn't sound like that much of a change? I'm just trying to understand the significance of the neighborhood for this proposal.

Mr. Carmichael said Ryan, correct me if I'm wrong, but I think the difference is in moving further to the south it does get closer to the residents on Kings Drive because the residents on Kings Drive are essentially southeast from the current helipads and then the new ones would be more due west. Is that right Ryan?

Mr. Lewis said yeah, I would say there is a helicopter route today that does come through campus and does head south over the area that was being questioned for the new helistops. Flight paths of the helicopters do occupy that space today so, as far as the noise consideration, I would say that what we are proposing should be somewhat equivalent to what is currently the state.

**Councilmember Winston** said I want to thank the petitioner for figuring out how to realign Loop Road to Romany Road. I think that is something we talked about when we met. I have a question for one of the homeowners that spoke; if there is already a helipad at the hospital why are you against a new helipad; how would that affect you differently?

Mr. Lenz said thank you Mr. Winston for your question. It actually impacts us quite greatly. As they mentioned earlier, they are going to be moving the helipads in a direction that puts them almost directly closer to our house, although they said approximately 500-feet,

which makes it approximately 500-feet closer to our homes. However, the second factor is that currently the helipad, there are two or three buildings that are taller than the current helipad that is between our home and the existing helipad. Under the new proposal, there will be no buildings in between our homes and the building that the helicopter is landing on. Therefore, there will be a significant reduction in the noise buffering and sound buffering that occurs by those buildings just being in the way.

Mr. Winston said thank you for that answer; I also have a question for staff. I clearly see the homeowner's concerns about the encroachment of area E and F. I wonder since this rezoning is split up into so many sections; hypothetically, if these sections were broken up into separate land-use decisions would the recommendation change? We have talked about the encroachment of zones and travel zones and different land-use decisions. I would like to get some actual staff analysis on whether or not you would recommend the land-use change for areas E and F if they were to stand along outside of the greater rezoning?

Mr. Pettine said you had mentioned development areas E and F and certainly those development areas were two areas that came up early on in conversations with the community, and those areas were initially shown to have some uses that were outside of just even the context of the current zoning which part of it I believe is R-22MF or may be part of it may have been also R-5 so we worked early on with the petitioner to try and get them to just line up the uses with the existing zoning. Those conversations continued even outside of just at a staff level with Atrium and the folks that live in that Fountain View and Garden Terrace area of the petition and that is where the petitioner and Atrium came back and said we will put E and F really only devoted to open space and tree save. So, essentially no development would be occurring in E and F. As it stood when we had the initial zoning that was proposed and they had other uses outside of just open space, staff did have some general concerns. I'm not sure what that would have done in terms of our recommendation because again, those concerns got address fairly quickly. It was really during the first round of revisions, so we felt that was a good commitment to showing no development in E and F just to maintain some buffering between the residents and the hospital. So, that is where we ended up with those two development areas just being open space and tree save. I'm not sure if that fully answers your question.

Mr. Winston said I don't think it does. I think you might have added a condition. If somebody had come in and said they wanted to rezone sections E and F to MUDD, but they would still only keep it tree save outside of not having the rest of the land use decision at our doorstep, would that change the recommendation? Again, taken out of the context of the whole rezoning.

Mr. Pettine said if somebody just came in and said they wanted to rezone E and F to something other than open space and tree save, is that the question?

Mr. Winston said yeah if they wanted to rezone that MUDD because that was the Homeowners on Fountain View Circle concern that we are encroaching on the neighborhood by moving from residential characteristics to this MUDD zoning, my question is if those sections were to stand alone outside of the larger land-use decision we have at hand, would that make the same recommendation?

Mr. Pettine said I think if we looked at those individually, we would have to take a look at them individually. They were initially proposed to do some higher density development if those came in now, they are currently zoned, I think I'm looking at R-5 and they are recommended for uses that are fairly well consistent with single-family residential, so that would be something we would have to evaluate if somebody came in stand-alone with those. When we look at it in the larger context if they were moving forward with a higher density of residential within that area, if it fits within the context of the project, it is something that we would consider based on if it was a mix of housing that was going to be suited for development for the hospital or workforce housing, certainly, those are all things that we would take a look at, but as it stands now I would really be speaking in hypotheticals about it because we don't have a standalone.

Mr. Winston said we can talk offline about it or we can follow-up with it. It is definitely not something I think you can answer from the podium.

**Councilmember Eiselt** said I had a question actually on Section G and Mr. Carmichael you had to zoom that pretty quickly I realize, so could you provide staff that could share with all of us; I think you said now area G is now one, two, three and four. Could you share that with us as to what those changes are because I'm not even sure if some of the speakers knew about those changes, so it would help us to understand how those address some of the concerns? I have struggled with that area since we first looked at it and even since some of these changes have been made, so maybe that addresses some of the changes. We don't have an area plan for this area or at last one, I think the Dilworth Plan was back in 1995 so I wish we could snap our fingers and have the Comprehensive Vision Plan, but we don't. As we think about this area, I appreciate the growth for Atrium, I appreciate all the work that Atrium and the petitioner have done to try to meet the various needs of the neighborhood. I do wish we had a better process to be able to look at the whole plan and say clearly the Atrium Campus is going to be a major part of Dilworth and of Dilworth's character for years to come, much like the Mayo Clinic is in Rochester or Baptist Hospital in Nashville. As I think about that parcel of land it would have been nice to see some kind of discussions with potential property developers, the residents or whatever to have some kind of a discussion on what that could look like that not only fits into the plans for Atrium, but for the neighborhood so that it transitions nicely into something that might not be the character of the neighborhood now, but it could be the character of where the neighborhood wants to go. I do ask that you continue to have a conversation with the DCA and with the neighbors about what that could potentially be. I am uncomfortable with approving, if you were to just take that and rezone it and say here is what is not going to be, that wouldn't make any of us very comfortable, but you have taken some of the conditions out and I appreciate that I would still like to know a little bit more about what development area G would be for Atrium in the future and any conversations you've had to develop the properties that you do own as it transitions the neighborhood. My second question has to do with the helicopter landing pad; how many are there right now?

Mr. Carmichael said Bennet or Ryan, can you answer that?

Mr. Lewis said we have three helipads today on the current hospital facility.

Ms. Eiselt said how many do you plan on having?

Mr. Lewis said there would be two on the new tower and the three that are on the existing facility would continue to remain there. I think Pediatric flights would continue to go on over closer to Levine Children's Hospital and trauma flights would come in on the top of the new tower so they would be able to quickly be transported down to operating rooms and intensive care areas.

Ms. Eiselt said that seems to be substantially increased and of course you can't time when those flights are going to happen, but I would like to know a little bit more about exactly where they are located. I know nothing about planning for helipads, but it is notable Mr. Lentz's comment about having a buffer because of the building where the helipads are now and having that be open. As a disclosure I live in Dilworth, so I hear those helicopters come overhead and you always pray that whoever is on it is going to be okay. But whatever you can do to minimize that noise through construction I think would be really helpful and I would like to know exactly where those helipads are now and where they would be going.

Mr. Lewis said let me clarify just briefly that the pediatric on the existing would continue to operate. The other two would not operate so we are not suggesting that we would have five, but still only three; two on the new tower and one that would be used on the old tower.

Ms. Eiselt said okay, so there still would be just three.

Mr. Lewis said correctly.

Ms. Eiselt said that is helpful, and I will have conversations offline, but I would just like to know a little bit about some of those development areas that are not being designated as open space, but what your future plans are for that area.

Mayor Lyles said Mr. Carmichael; I'm going to add my question to the list. I really appreciate the development of the housing surrounding the area, but Ms. Gaenter makes a great point as we talk about who is going to be working there. Who is going to be working for the hospital and the opportunity? We are so very much interested in having affordable housing for people that are working and I would really like for you to take a look at the number of apartments as well as the quadruplexes and duplexes and triplexes that you are discussing and to have a commitment to our overall goals of affordability. Especially, with the number of hospital employees that we have that are at \$13.50 an hour. I just really believe that as we are doing this zoning the only way this is going to be possible for us to actually have people work and live in our City is that we just as many tools as we have to create affordability for people that are working every day. I hope that you will take a look at that and consider a commitment to the apartments as well as in some of the larger multifamily areas.

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| Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to close the public hearing. |
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**ITEM NO. 24. HEARING ON PETITION NO. 2019-177 BY ENCORE REAL ESTATE FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.0 ACRES LOCATED ON THE NORTHEAST CORNER OF PROSPERITY CHURCH ROAD AND OLD RIDGE ROAD FROM UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND NS (NEIGHBORHOOD SERVICES) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is in the Prosperity Village Area, Old Ridge Road, Prosperity Church Road, Ridge Road. We did have a rezoning property right next door here; we will talk a little bit about that as we go through this petition as well. This petition itself is currently zoned UR-2(CD) and they are proposing a MUDD-O mixed-use optional zoning district for this project. The Prosperity/Hucks Plan which was adopted in 2015 does recommend the residential, office, and retail for this site, and what we are looking at with this petition is a mix of 79 single-family attached townhomes. We've got about 15,000 square feet of commercial uses, one remote drive-thru service for a financial institution or bank. We do have the unused residential units that may be converted some additional square footage and some of that unused commercial square footage can be converted to some residential units so long as it doesn't exceed 100 additional units. We do have some optional provisions about parking and maneuvering between the proposed building for the site. The parking and maneuvering area will be screened from a network of required streets by low walls and landscaping. It will also do the same with the remote drive-thru. We do have transportation improvements, the dedication of right-of-way, and also some architectural standards which include restrictions on building material, limitation on building heights, and modulations to the building facades to create a little bit more visual appeal.

This petition itself, alleyway B here will tie into that property next door so, if we go back to the slide right before you can see we've got this large mixed-use area of residential, office, and retail. With this petition, as we said we are looking at some single-family attached townhomes and commercial; the petition next door was more multifamily with apartments and some ground-floor retail, so we do have a nice build-out of a commercial mixed-use, office, retail, residential area that was envisioned by the plan so, I feel we are maintaining that consistency with the Prosperity/Hucks Plan and as the Mayor mentioned,



the staff does recommend approval of this petition. It is consistent with the Prosperity/Hucks Plan and we do get that mix of residential, office, and retail in this area and along with that petition that was approved last year next door. So, again we should have a nice mixed-use node at this intersection. Be happy to take any questions following the presentation by the public.

**Colin Brown, 1420 East 7<sup>th</sup> Street** said I'm Colin Brown on behalf of the petitioner. The petitioner is on the call with me and Will Russell of the Prosperity Village Area Association did sign up to speak in favor. I think there were a couple of transportation comments that he wanted to make so I don't want to step on his toes, but if Will is not here, I will go ahead and get started with our presentation.

I think Dave has done a good job with the overview of the property so I'm going to advance through our slides. Just to the east of the property Alliance Residential rezoning is developing an apartment community and so what we are really doing here is filling out the last piece of the puzzle of this final quadrant. The property is currently zoned UR-2, had called for some mixed-use development. The plan that we are showing, the area plan as you can see here, shows an area and really calls for a mixture of residential uses of this density as well as commercial uses. I think Encore's plan for for-sale townhomes and some limited commercial is really consistent with the area plan. This is the approved Alliance rezoning next door and then we've tried to connect these two so, you can see when these projects are combined you've really got a quadrant here where we have the Chick-fill-A and some retail on the corner. North of that you can see on this slide where we are combining the for-sale townhome uses, a little bit of commercial on the corner. In this image to the east, you can see how this ties in with the multifamily, which I think in the vision of the Prosperity Village Area was for this to be a mixed-use center and now we have a sampling of four different uses coming together to really put together a more complete mixed-use development.

**Will Russell, 6601 Blue Sky Lane** said thank you for hosting me this evening. As President of Prosperity Village Area Association, we do support this project for the reasons that Mr. Brown has stated. Mr. Brown and his staff as well as Mr. [inaudible] and Encore have been very forthcoming and accommodating and working with us to make sure that we get a high-quality project in the area, and we are excited about that. But we do want to call attention to one major issue that is going to affect this site as well as the area as a whole and that is the street network that has gotten to be a part of both of these rezonings as you see at the bottom of the page on Mr. Brown's map. [inaudible] right now it is a two-lane road and it will be widened by 80-feet to create a bi-lane road with no stoplight because it is too close to Ridge Road intersection and it will be just a flashing pedestrian [inaudible] and what we are going to have is 79 townhomes in this parcel with another 60 apartments and what we are concerned about is that residents that live in both of those areas will not be able to go across the street and support our local businesses.

Mayor Lyles said Mr. Russell you are out of time; but I think I heard you say your concern is with that entrance and the widening of the road, traffic signalization. \*Can you send your comments to the City Clerk at charlottenc.gov by midnight tomorrow and we will put the remainder of them on the record and will get responses from the staff? It is very hard to do this when we are virtual, but we are trying to follow our zoning rules.

The following person submitted a written comment regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

**Christopher Borrelli, 4524 Forestridge Commons Drive**

**Councilmember Johnson** said Mr. Russell and I have had some discussion with the previous petition, and this is an issue with the street network that the area association has been talking about for a while. I've met with C-DOT and I hope to meet with C-DOT again so we can try to get this resolved because that is a safety concern for the neighborhood. There is an exit from the shopping center, and it is just a really tricky area. So, we are hoping to work through this concern.

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

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**ITEM NO. 25: HEARING ON PETITION 2020-027 BY THE CITY OF CHARLOTTE AND CROSLAND SOUTHEAST FOR A CHANGE IN ZONING FOR APPROXIMATELY 78 ACRES OF THE FORMER EASTLAND MALL SITE, LOCATED NEAR THE INTERSECTION OF NORTH SHARON AMITY ROAD AND CENTRAL AVENUE FROM B-1(SCD) CC, MUDD-O AND B-1(CD) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL; AND MX-2 (INNOV) (MIXED RESIDENTIAL, INNOVATIVE) WITH FIVE-YEAR VESTED RIGHTS.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is the old Eastland Mall site, 78-acres currently a mix of zoning districts; you have B-1, CC, MUDD-O and B-1(CD) and the proposed zoning is to unify all those different zoning districts into one MUDD-O district and one MX-2 innovated district and we will go through where those two districts would fall on this project in just a few slides. The adopted future land use is from the Eastland Area Plan which is from 2003, it does recommend a mix of single-family, multifamily, office, and retail use for most of the site. Overall, as you can see we've got a couple of different development areas for this project; you've got development areas one and two which is where the MUDD-O zoning districts would be placed and then development area three is on the backside of the site; that would be the MX-2 innovative district and that would be where we would have our residential component for this project. Overall, we've got a pretty wide mix of uses with residential and then MUDD which would include commercial, office, hotel, athletic fields, and operational buildings. We do have a transit facility and CATS operations out there as well as some public parks. We do have some prohibitions within this conditional plan, those are car washes, automobile service stations, and also eating, drinking, and entertainment establishments with accessory drive-thru windows beyond what is permissible in the optional provisions would be prohibited. Again, those would be optional provisions for signage, innovative provisions for the MX-2 area which includes some flexibility in their street cross-sections so they can create a little bit more of a dense urban framework out there. Then we've got some design guidelines and plans, architectural elements along Main Street which is a focal zone in development area one, which would be reminiscent of an urban main street, and then we have pedestrian connections to plazas, parks and other focal points within the project. There is also the dedication of two-acres for a public park which would be subject to Park and Rec funding.

There was also a traffic impact analysis that is being worked on for this project. It will study 18 different intersections and look at both the external network in red, you can see those intersections are identified with the numbering out there and they range all the way from Albemarle Road up to Wilora Lake Road and out to Farm Pond Lane. Then we are also looking at how those impacts would interact with the existing street network and the proposed street network, which is in blue. So again, those are some of the traffic study elements that we will be looking at as a part of, not just this petition, but also as part of the process that would be concurrent with this, which would be some of the commitments with the development agreement between the different partners involved in the project.

Overall, the staff does recommend approval of this petition upon some resolution of outstanding issues that are related to transportation, environment, some site, and building design. It is consistent with the Eastland Area Plan's vision for the area which is a mix of single-family, multifamily uses as well as office and retail. This plan does have all of those elements involved and gain, the staff does recommend approval of the petition. We will be happy to answer any questions following presentations from the public.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I am here on behalf of the petitioners for the Eastland Mall site. Dave provided a good overview; I think everyone is familiar with the Eastland Mall site. Joining our team today, the petitioners in this rezoning petition are the

City of Charlotte and Crosland Southeast. Kim Sidima from Crosland is on the call and available to answer questions.

Before we dive into the rezoning, and Dave did a really good job on the overview; I just wanted to remind everyone that the rezoning is just one piece of the Eastland Mall puzzle. This is a multifaceted project that will have a lot of other public steps in the process. I've gotten feedback from some members of the Council and some members of the community about other questions. Questions about MLS here, questions about public funding for the development, questions about the open-air market and the skate park so, I just wanted to reiterate for everyone tonight, this is just the hearing on the rezoning, and the purpose of the rezoning is to create an entitlement framework to allow a broader redevelopment of the Eastland Mall project. If Council decides to approve this rezoning nothing in the proposed rezoning would prohibit a skate park or an open-air market, nor would it commit any funds, nor would it ensure that an MLS event facility can come to this location. I just want to remind everyone, this is just the rezoning process and we are really trying to set out the entitlement framework.

The Crosland Southeast Team and the City of Charlotte have spent many months with outreach with the community to come up with a vision for what could happen at Eastland Mall. What you see on the screen now is an illustration of that vision. One of the concepts was to have a true mixed-use community that would include all types of residential uses, commercial uses like retail and office, active open spaces connecting this all with green space in a robust street and pedestrian network. One of the real ideas was to have an activator for the site that could be something like sports and so this was the vision long ago before we started any more conversations about MLS. The deal that we are working on here is how do we create a rezoning document to allow this type of development to occur? This is a look at the property, we have a large portion of the property owned by the City of Charlotte, a smaller portion owned by Wilora Lake Partners. There have been a lot of questions, the Movement School on the western side of the site will remain and there will be no changes to the CMS school site. This partnership between the City of Charlotte and Crosland unites 78-acres and has almost all of the Central Avenue frontage brought to the table.

The existing zoning; this is what I wanted to talk about, we are talking about visions for the site and some of this zoning has been in place since the 1970s. The bulk of the site is a B-1(SCD) which is the B-1 shopping center district. I wanted to remind everybody, the current zoning on the property, this is a look at it. This was a 70's 80 era mall; this is the current on the site. That is to have a large mall with up to one million square feet of retail and a large surface parking. I think folks are concerned about what is coming; I think what we need to do is, this is antiquated, useful for no-one so what we really need to do is remove this antiquated regional mall rezoning and create a framework to allow that vision that I showed you earlier. The City and many stakeholders have been working on this process frankly for years. One of the first steps in the process was the Eastland Area Plan, you see that on the screen now and that calls for a mix of uses on the site. Single-family, multifamily, retail, office and so this rezoning plan is consistent with that.

The rezoning plan in front of you now, we have broken it up into three development areas and I do want to point out we are using two different zoning districts. We are using the MUDD district, a mixed-use development district with options, which you see that a lot so that the two development areas fronting on Central Avenue will have that MUDD zoning to accommodate a variety of commercial uses. The westernmost portion, we see is a more traditional mixed-use development; the easternmost portion is where we have those active uses and the idea is that it could accommodate a sports complex. One of the reasons we have broken that development area out and the area to the west, we've asked for some optional provisions like enhanced lighting, enhanced signage so that we could accommodate something like that, should it come to fruition. On the northern portion closer to the Wilora Lake Neighborhood, I wanted to point out we are using the MX-2 innovative district there. That is a more residential zoning district and we committed that only residential uses would be allowed in that area. We've got some innovative provisions in that area to plan for a more temporary street network to have a more of a neo-traditional mix of streets to have a more comfortable feel. So, the MUDD optional request that we

are looking for is for some innovative signage, some lighting that could be associated with a sports entertainment complex. We've got some flexibility in parking and maneuvering, and we have some flexibility for drive-thru uses. Now unlike the old zoning in the area, which frankly allows drive-thru much like you would see up the Central Avenue Corridor that the MUDD zoning is very restrictive on that. We are asking for permission to use three, and as Dave mentioned only one of those would be for a restaurant. In the MX-2 district, our innovative requests are for our street networks and some sidewalks to bring homes a little bit closer [inaudible] feel more comfortable.

Additionally, commitments that we've made in a more recent filing, we have a focal point for Main Street with heightened design standards, commitment to a two-acre public park, commitment to a multiuse path that connects the entire development up with the CMS facility and then capped maximum residential uses on the site at 1,050 units. At this time, I will turn it over to Mike Sullivan and Mimi Davis for their comments, and we are here for questions.

**Mimi Davis, 6700 Linda Lake Drive** said I just wanted to say that I've lived here since 2005; we moved from Oklahoma, so we got in on kind of the last part of the heyday of Eastland Mall. By the time we had been here a while it was beginning to deteriorate and then it closed in 2010. We understand a lot of great apartments were built, people wanted to live here, but when it closed it was quite a blow to East Charlotte. That was a decade ago and there has been increasing discontent among the residents and among the neighborhood feeling that there hasn't been enough effort in supporting our needs in this part of town. We've had challenged schools, large low-income apartment complexes, lack of retail, lack of job opportunities and it seems like we were given one more thing with a closure that we just had to overcome. The current proposal offers a partial solution to this. Many were angry with the City, but now we have a chance to move forward. We are asking that you please consider voting to support the Crosland proposal and we speak for our 30-neighborhoods [inaudible]

Mr. Brown said I just got a text from Mr. Sullivan to say that he was not able to connect but would be sending a written letter.

**Vincent Frisina, 3140 Edsel Place** said I have lived here since 1979. Let's take a look at what the newspaper said that there seems to be a lack of transparency in a vision some neighbors and affordable housing advocates have called for a temporary stop to the rezoning until an in-person meeting can be given for the amount of public land and the public money involved. I am on that side. A couple of weeks ago I tried to get in touch with the rezoning staff and all I was told when I called; I was zoning chair for my neighborhood for many years, I know the number, 336-2205 by heart and could not get in touch with anyone in the rezoning staff. Instead, they kept saying, well you are going to have to talk to Todd DeLong. I finally had to find out and talk to [inaudible] and I thank him for all his service, Kent Main to try to find out who was in charge of this particular rezoning. So, I had problems with that.

I live in Windsor Park; the neighborhood has gone up left and right so, the question is as you are telling people, like Mr. Driggs did last summer, at some point, he said this land was barely able to be given away. My question is how much is its current worth, especially since the article says you paid \$13 million. I'll give you an idea; on Acorn Street there were two properties on a corner that was worth \$200,000. They cut the backyard to put another one by right and that has property values for three houses that have sold for a total of \$1 million. On Tarrywood Lane across the street from that, they took one house, bulldozed it, the land cost was approximately \$90,000 per house; those houses are going to yield about \$1 million in property value. Across the street from that on North Sharon Amity, this is a piece of property that the City of Charlotte has tried to buy from the individual; what I don't think they know at the time is that it was the past President of Windsor Park who I had nominated years ago and in their late 80's when these individuals left, when the City asks what are you going to use it for, they said you know what we don't have to tell you by law. Then the City called back and said well, we can get it to your tax-free and I'm not sure whether they meant from the bulldozing of the houses whether they were trying to get it from condemnation, etc. But these are the clauses if one doesn't work

and another one does and that is how the City wants to purchase these. People have told me that Pat Mumford once said go ahead and let the land increase some in the Eastland area. Susan Lindsay, before she died, I spend some time with her and talking about Eastland, she knew that the land was going to increase.

I would like to talk a little bit more about the request for a proposal during this time period and I list Ms. Mayfield actually there saying, excuse me, we are going to go ahead, or we will not be able to probably get a minority contractor to buy this. Yet, when it came out they had a perfect or compliment, which they are now calling an activator, which makes me a question on land use was everybody given a fair shot to be an activator and what requirements that City staff used if four people applied and then they started to break it apart from how did that happen and were minorities given a chance? One of the reasons I voted for the fields was anything that gave less of an imprint for housing, which the City did not want to say, we should have voted for because it was less housing to be placed on that property. I had no problem 10 or 15-years ago asking the City of Charlotte to limit housing in our area. I've written articles that have gotten in the Charlotte Post on the front page from various neighborhood groups where we've gotten blurbs and said why do you just keep dumping it on us, and that has been a problem. So, when we don't know we tend to make bad decisions and I believe this could be one of them when you don't deal upfront with the housing issue so everyone knows what they said. I personally believe that everyone should have an idea of what; it is a responsibility for all, not just the low-income neighborhoods. I attended one of the conferences with Mr. [inaudible] and this was a little café and I asked him how money is it going to take for you guys to get on board. This was before Tepper and he said well it will be in the tens of millions. Now in the paper, he said it is \$110 million but there is no idea where the money is going to go for. What is the split, which leads me to believe that we will be asked to vote for this petition but at the same time we will not know what is coming to our area, especially which we do not have at this point?

One of the things that just happened out of the blue is I need somebody who is a retired reporter and researcher. A good friend of mine; I've known him for about 40-years, and we started talking last year and he started to go over the increase, and I've given you some examples of all the prices here as far as all the property values. So, the question is what did the City do to use places like ULI, and I'm not sure if I got the abbreviation, or a request for proposal, or to see what the potential for us to be because all I heard of in so many different places is about that the area is not doing great? We are doing great. I want to see it cross over North Sharon Amity during this time period. As I told you I was the one who started what became the Housing Locational Ordinance, the boarded-up homes, even though staff had known about that. I went to meetings where I came in with material and I stood up and told Tracy Dodson, I said you know it is not fair for you to try to push this thing through in two to three weeks. That is what Matt Newton said and I said you really need to go ahead and have a full 30-days. Now, going on what the newspaper said I believe we truly need to have a meeting where I and others can talk because when I did that and actually talked to people, they agreed with me, 70 to 80% saying let's go ahead and look at some of these items. This is not happening and the question is forgetting about me personally, you take a look at what was in the paper where people feel that there should be some sort of temporary stop at this point, not only because of that, but because of the COVID of what is going on and what is the chances of this actually going to be built and how is this going, but also from the standpoint of Tepper Sports, whether it is built or not, he has built something in Rock Hill, he has also gone ahead and is eyeing other properties for the Stadium. I understand that that is what he does, he is building his wealth. The question is are we looking forward to the future like he is for filling the Stadium down the road, have we gone ahead and actually looked and said okay this is what the newspaper said, I've laid out something, can we go ahead and look at ways when Phase II of opening up would be and have a community meeting? That is all I'm asking for. So, if I would play and this is the only part, I will have a little bit of fun besides thanking Kent Main for his years of service because I've dealt with him over the past 20-years on and off, is to play Mayor for a moment to say is this package so fragile that it can't wait or do you have information which we hope you would have at this point on when you could do a meeting at a large facility, whether it be the school or even the Stadium or someplace to have it as suggested in the paper. I would not even be speaking tonight had I known

that I see other people who agreed with me what I was thinking of and that it was in the newspaper, that is why I'm using my source to speak for those who cannot and in addition just want to see an even playing field on this quarter of a billion-dollar project that I believe Mr. Driggs said in the paper about a year or so ago, we only may really get one chance to really get it right.

**Mike Sullivan, 1420 East 7<sup>th</sup> Street** said I appreciate all that you and the City Council are doing through these very difficult times and I thank you for allowing me to come and speak with you in favor of moving this project forward. On behalf of myself, my Co-chair Patsy Kinsey, and all of Charlotte East thank you. I think that it is important to note that our organization basically came into existence because of the concerns around Eastland Mall and this goes all the way back to the late institute. If anyone has been around that long, roughly going on 20-years when individuals began to work together to look at solutions for Eastland. One of the things we wanted to do, and we have opted to work very closely for that, not just to save the mall initially, but later on to develop something there when the mall has passed on and to build something that would be unique, not only for East Charlotte, but for all of our City, and I think that is what we have here. Through a number of meetings, my goodness, it seems like I've been to about 25-meetings over the last two years, but it goes back even further than that and we've had a lot of different projects moving forward, looked very promising, but they never quite made it this far. I think a lot of it is because it wasn't quite the right fit. We feel very comfortable with this plan that Crosland Southeast is moving forward with. I sent a letter to you all from us over the weekend; I appreciate the response the individuals got, but one thing that I noticed when our meeting was held on Thursday to discuss issues that individuals had brought up regarding slowing this process down, was a term patient anticipation. That is something that I think is hard to put a value on, it is hard to say that, but is you have been working this project as long as we have that is the term. We have been patiently anticipating this and to at the last moment because of all the issues that we are having to address now, to slow this process down I do not think it is prudent and I would ask you to continue to move forward with it.

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

**Bea Coté, 5922 Bayswater Lane**

**Ismaail Qaiyim, [ismaail.qaiyim@live.lawcuny.edu](mailto:ismaail.qaiyim@live.lawcuny.edu)**

**Ismaail Qaiyim, [577497@alumni.soas.acuk](mailto:577497@alumni.soas.acuk)**

**Ismaail Qaiyim, [iqaiyim@mylac.org](mailto:iqaiyim@mylac.org)**

**James Vasiliou, [jvasiliou@gmail.com](mailto:jvasiliou@gmail.com)**

**Black Sheep, 830 Lamar Avenue**

**Héctor Vaca, 1817 Central Ave**

In rebuttal, Mr. Brown said I don't know in my experience in this City if I've seen a development project that has taken longer to come to fruition on this, so it is a real challenge to imagine slowing it down now that we have some real excitement and some momentum about the project. Our team is equally as frustrated that we cannot meet with people in person, but I do feel like the outreach that has taken place on that had allowed even greater engagement than if we were doing traditional meetings. We were scheduled to do a traditional community meeting for this rezoning petition on March 12<sup>th</sup>. We had a space that would hold 250 people; we were unable to execute that meeting due to the COVID circumstances but have done more of these on-line outreaches and we believe that conservatively, based on the feedback we are getting, we have at least 700 unique engagements that have taken place. The way that we've rolled these out on-line, people were able to watch them at their convenience, they are not having to get a baby sitter and come out to see us on a Tuesday night so, we feel like there has been robust engagement

in the process and as I mentioned at the outset, this is just one piece of the puzzle. Mr. Frisina mentioned a number of his concerns, but I just want to remind him and the rest of the Council that those concerns are not being decided as part of this rezoning petition. We are taking a vital step in moving Eastland Mall forward and this rezoning sets up that framework. The City continues to own this property; other approvals and agreements will be necessary to execute on that, so I don't want anyone to think that this hearing or hopefully a vote next month is the end and answers all of those questions because it does not. We are creating a framework for you to make some more important decisions as we move forward. Thank you for your time this evening.

**Councilmember Winston** said I disagree with one thing that Mr. Brown said; while it is correct that land-use decisions will set up future steps, the conditional rezoning process is where the City Councilmembers get to work with developers to advocate on behalf of our constituents. In this case, the City Council is also the petitioner and as so, we have incredible leverage on this project. With that said, the staff has stated that the public park is contingent on County funding. I believe that we should make that commitment to that park regardless of County action. I would ask the staff why we are not doing that?

Mayor Lyles said Mr. Winston; I'm not sure that staff can address a policy question because generally Parks and Recreation were a part of the trade-off that we did with a number of agreements with the County. Those may change, but I think those are Council approved policies once we entered into an Interlocal Agreement to move Park and Recreation for both operations and development.

Mr. Winston said I understand in the overall policy of maintaining parks, but when we deal with rezonings we make petitioners a part of those negotiations can be that developers and petitioners commit to open space and certain amenities, and we are a petitioner here. Why are we not committing to that public park?

Mayor Lyles said I don't know the answer to that. I think that is a question that we have to raise in a forum where the elected officials can have a discussion around it and that is certainly something that can be done. All I know is we have an existing agreement that the staff would be following in that area right now.

Mr. Winston said I agree that we should talk about it because I think what you are referring to is an apple to oranges conversation. What they are talking about is a rezoning and the commitment that a petitioner is going to make to the community so, I think we should make that commitment regardless of what other policy arrangements have to be met to fulfill that, but I think we should make that commitment germane to a land-use decision.

Mayor Lyles said we are going to have some workshops and money discussions later on and I agree with you. What I was trying to point out is they are working with what exists, what you are asking is something that is different and a part of a rezoning petition, it is just right now we need to figure out a way for that discussion to be held among your colleagues.

Mr. Winston said the City of Charlotte has made commitments to fight displacement caused by development. On the Eastland site, the community has responded to the community needs by developing park space in the form of a skate park and they also have incubated small businesses in the open-air market. If we are going to be true to those ideals that we profess to the rest of our constituents in Charlotte, I think we need to abide by those too and we need to make a commitment in this rezoning that we will not displace that skate park and that open-air park even if it is a situation where we are going to commit to a place off-site close by to make that happen. The neighbors have said that this is needed, and they've gone so far as to move dirt, sweat, and blood to make that happen and we should honor that.

**Councilmember Egleston** said to underscore the point, I think Mr. Frisina is making some valid points on the things that are going to need to be discussed and weighed as this process continues down the tracks. It has been painstakingly slow in the view of many of the folks who live in East Charlotte who has longed for something that is a sign of

progress on this site. I'm glad to see that we are finally moving the ball forward and a lot of those conversations about what David Tepper might or might not do or how we might or might not be involved in that and things of that nature. There will undoubtedly be a time for those; I don't think that time is now. As Mr. Brown pointed out the zoning on this site being for a large regional mall to something that is never going to be built on that site again. So, this is improving the land use opportunities that exist there to create something that will be a benefit to the community. I am glad we are having the hearing tonight, I do hope that we don't seek to delay this conversation around many of the issues that folks have voiced interest and concern about will come as part of different conversations.

While I am excited about the park, I would be hesitant for us to dive into that space that is squarely within the County's wheelhouse because I think it sets a precedent where people say well if you did here how come the City is not doing it on the proposal that is, we did in our community? Does it open up a can of worms, well why doesn't the City pay for schools? I think there is a division of responsibilities for a reason and certainly, I think it will create a situation where the County will be far more able to execute a park at the Eastland site if it is with the land that is coming to them at no cost, and it sounds like that is the situation here. I think the City certainly should be a partner in that and I think the partnership there is, it is City-owned land and it is going to be donated for a park and this current County Commission has demonstrated a much stronger commitment to parks so I think that they would find a way to make that work and that we should let them. I certainly appreciate all the work on this and glad to see it moving forward for the benefit of all of East Charlotte.

**Councilmember Ajmera** said finally, this has come a long way and we have heard from residents who have lived in this area for decades and they have been waiting for us to get this step and even further, and this is the first time we have come this far. I do not want us to now delay it. I understand the concerns that were raised by Mr. Frisina around what will development look like for this site, and as Mr. Brown had stated earlier this rezoning does not preclude us from having those conversations around what is going to be the vision for this site and the specifics. With that being said, I am in full support of us moving forward. I also have a question for our staff, just to confirm; I know in this rezoning process would we have to in any way make changes to rezoning for the open space or a park, or would this rezoning allow us to have a park or open space?

Mr. Pettine said the rezoning would allow us to have one; it does have the language in there it would be developed subject to funding by Mecklenburg County, but there is a set aside of two-acres for a public park location that would be determined during permitting. They are also committing to a multiuse path that will connect the existing school facility that CMS operates so that is also part of the open space plan, but they will have that two-acre dedication that is in the notes and that would be part of the rezoning plan.

Ms. Ajmera said again, as our staff mentioned this does not preclude us or in any way suggest that we are not committed to open space or parks. That discussion will continue but, I do not want us to have that discussion at the cost of delaying this process. Our residents have been waiting as I mentioned earlier for a long time to bring a catalyst for this part of our City because there are so many residents that are having to go outside of the district to find a job. If we can bring opportunities in a part of our City that does not increase our tax base, but also bring economic opportunities in every part of our City.

**Councilmember Eiselt** said this tonight sets the land-use rules, so a little bit on what Ms. Ajmera is saying, does it prevent us at some point of saying actually we would like a little bit more than two-acres for a public park or we would like to widen the multiuse path? Does that prevent us from having those discussions going forward?

Mayor Lyles said it does not. Taiwo answered you, but he muted his mic, so I was just repeating what he said.

Ms. Eiselt said the reason I say that is because I think what we are going through right now in this pandemic, and I'm really excited about what staff has done with our shared streets concept. We really do see the need for open space in our community. People are



craving it and so I hope that as we come out of all of this, we will look at our rezonings and our developments and say what really does increase the value of an area are things like open space and bike paths and multiuse paths. As I look at some of ours right now that are four-feet wide I hope we are not going to make that mistake again. My questions were just to make sure we haven't limited ourselves for any kind of new planning that might be sort of the silver lining in this pandemic when it comes to land use and the new urban centers that we develop. So, thank you, that answers my question.

Mayor Lyles said I also wanted to address the idea that whenever we are doing any kind of public funding in projects, we are certainly going to be holding a number of citizen engagements. They may be a little bit different as we go forward, we don't know, but I think that one of the lessons we've learned, it is better to always talk about things that are difficult to do so everybody has a complete understanding. I have an appreciation for people coming in and saying well I just need to know, and I would say to Mr. Frisina, I don't know that I could believe everything they write about me in the paper, but you are probably right, there are probably good writers on this one.

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| Motion was made by Councilmember Newton, seconded by Councilmember Winston, and carried unanimously to close the public hearing. |
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**ITEM NO. 26: HEARING ON PETITION NO. 2020-003 BY FAIRVIEW BUILDERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.3 ACRES LOCATED AT THE SOUTHERN INTERSECTION OF SEIGLE AVENUE AND VAN EVERY STREET IN THE BELMONT NEIGHBORHOOD FROM I-2 (HEAVY INDUSTRIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is 0.3 acres located in the Belmont Neighborhood at Van Every Street and Seigle Avenue. The petition is proposing a UR-2(CD) rezoning. It is currently zoned industrial. This is a petition that is looking to do some urban infill. The Belmont Area Revitalization Plan from 2003 does recommend single-family uses of up to five dwelling units per acre. This petition itself is proposing for six total residential units because of the size of the lot we are looking at a density of 20 DUA, but again just six total units. It does propose rear-loaded access to the units by way of Cotton Mill Lane, commits to some architectural standards including some residential connections to the sidewalk along with raised average sidewalk grade from 12 inches to 24-inches. It also provides each unit with a stoop porch facing each public right-of-way to provide a little bit more of a pedestrian framework to these units and also recesses garage doors visible from the public right-of-way. The staff does recommend the approval of this petition. We have a few outstanding issues that we are looking to work through between now and the decision. It is inconsistent with the DUA for the Belmont Revitalization Plan, but it is consistent with the overall use in terms of single-family residential. We do recommend approval and will be happy to take any questions following the presentation from the petitioner.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I'll be brief on this one; Dave did a really good job on the overview. I will point out one thing that is neat about this; there are three existing lots and here is our site in green with the star on it. Three existing lots, what the petitioner plans to do is leave those lots as they are and essentially build a duplex on each of the lots which kind of maintains the rhyme and the feel of that street. As you can see on three sides it is surrounded by a newer townhome development. We think the duplexes here are really a nice fit for the area. We are happy to have the staff's support. This was the last in-person community meeting we were able to have, had good attendance there and we've attended the virtual community meeting for the Belmont Neighborhood Association. I think they like the concept of what the development team has done; they have asked us to consider some additional architectural features and we will have an ongoing conversation with them, and I think bring some of that back in our revised plan.

**Councilmember Egleston** said Mr. Brown; I appreciate the presentation and your continued dialogue with the Belmont Community Association.

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

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**ITEM NO. 27: HEARING ON PETITION NO. 2020-010 BY CHRIST THE KING LUTHERAN CHURCH FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.8 ACRES LOCATED SOUTH OF TRYON STREET, WEST OF STELECROFT PARKWAY AND NORTH OF ASHEFORD WOODS LANE FORM RE-3 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is off of South Tryon Street, just off Steele Creek Road. It is currently zoned R-3 and it does have an institutional use on it, so we have an institutional use operating as an R-3 use, which is allowed currently. They want to expand some of the operations of the church itself to allow a daycare facility. That is something that isn't permitted as part of that R-3 zoning even though it does allow the church, that component is not consistent with the current R-3 zoning. This petition is just a conventional petition requesting that institutional zoning district. It is consistent with the Steele Creek Area Plan from 2012 which recommends institutional land uses so, all things line up there. With that staff does recommend approval of this petition. Again, it is convenient so no outstanding issues and no site plan to consider and will be happy to answer any questions on this one. Mr. Brown may have some comments from the Petitioner's side, and we will be happy to answer any questions following that.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said this is an existing church, Christ the King in the area; it happened to be developed in R-3 zoning. There are some different things we would like to do on the site including a café and so we think rezoning to an institutional use makes perfect sense for a church. It is consistent with the land use plan, so I think very straight forward. Happy to answer any questions you might have.

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

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**ITEM NO. 28: HEARING ON PETITION NO. 2020-029 BY JACO ACQUISITION FOR A CHANGE IN ZONING FOR APPROXIMATELY 1 ACRE LOCATED AT THE INTERSECTION OF DISTRIBUTION STREET AND DUNAVANT STREET EAST OF TRYON STREET FROM TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT, MIXED-USE, OPTIONAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT, TRANSIT NEIGHBORHOOD CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just an acre at the intersection of Distribution Street and Dunavant Street off of Tryon Street. The petition itself is currently zoned TOD-M(O) so it is one of our previously existing TOD Districts that wasn't converted due to that optional provision being on the site. The petition in this case is looking to just rezone to one of our new conventional TOD districts, which is TOD-NC. It is a conventional plan so there are no conditions or site plans associated with it. It is consistent with the New Bern Transition Station Area Plan from 2008. Again, this would have likely been part of the realignment if it were not for the optional provisions. The staff does not have any concerns

about the request to go to TOD-NC. It is consistent and we do recommend approval and will be happy to answer any questions following Mr. Brown's presentation.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I think Mr. Pettine has covered all of the relevant facts; happy to take any questions if you have them.

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

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**ITEM NO. 29: HEARING ON PETITION NO. 2019-170 BY JAMES DOYLE FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.37 ACRES LOCATED AT THE EASTERN INTERSECTION OF THE PLAZA AND SHAMROCK DRIVE IN THE PLAZA-SHAMROCK NEIGHBORHOOD FROM B-1 (NEIGHBORHOOD BUSINESS) TO NS (NEIGHBORHOOD SERVICES).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is located on The Plaza and Shamrock Drive; it is currently zoned B-1 and it is going to a neighborhood services district, which is a conditional district by nature, so there are a site plan and conditions to be considered with this petition. It is under the Central District Plan from 1993; it does recommend retail uses for the site. This proposal itself prohibits an auto eccentric use such as accessory drive-thru windows and gas stations that would not be compatible with the surrounding residential uses as well as other residential uses in NS. Providing an eight-foot planting strip and six-foot sidewalk along the frontage so we will get some street frontage upgrades along The Plaza and also committing to full cut-off type lighting for both freestanding attached lighting fixtures to help with some of the residential adjacency that is behind this site. The staff recommendation is for approval, we do have some outstanding issues related to the site and building design that we would like to continue to work through. It is consistent with the Central District Plan recommendation for retail uses at the site.

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

**Councilmember Egleston** said there is a lot of excitement in the community for the business that is coming to this site so look forward to seeing a diner that many people in this City miss come back to life.

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**ITEM NO. 30: HEARING ON PETITION NO. 2020-008 BY RK INVESTMENTS CHARLOTTE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.97 ACRES LOCATED ON THE WESTERN SIDE OF REAMES ROAD, EAST OF POTOMAC BOULEVARD, AND WEST OF I-77 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just under five-acres on Reames Road; the current zoning is R-3 and they are looking to go to a UR-2(CD) district. You can see there is some existing UR-2, some R-12MF(CD), R-8MF(CD) in this general area. UR-2 is just adjacent to this piece as well. This petition is actually going to tie in with that petition and we will get into that in just a moment. This is part of the North Lake Area Plan which is from 2008. That plan does call for single-family residential of up to four dwelling units per acre. As you can see throughout this general area over time, we've seen a difference in some of the land uses there. We've got a little bit more density in this area than that plan had a

division from 2008, but again that seems to be something that we've seen on both sides of Reames Road and continuing with this petition.

With this petition, we do have some interconnectivity with that piece just to the south of it off of Proximity Drive and Napa Oak Drive. This project would tie into that existing multifamily project so we would get a consistent bit of land uses between the two. This proposal does allow up to 84 multifamily units. The maximum height is 47-feet of the buildings. We do that have existing access from Silver Crest Drive and Proximity Drive that would tie into that existing project just next door. Continue that eight-foot planting strip and six-foot sidewalk along Reames Road. We do have some existing driveway encroachments that we will have to maintain on this property that is just on the backside. It is just off the slide here, but we will maintain some existing driveway encroachments for this property, otherwise, we would have some landlock situations there. We do have architectural standards that are being committed to and that building elevations will not have blank walls greater than 20-feet. Also, some amenity areas with pathways, seating areas, and some ornamental landscaping. The staff does recommend approval of this petition; we do have some outstanding issues to work through. It is inconsistent, as we mentioned with the 2008 North Lake Area Plan, however, some of the existing development that is going on within this area and the adjacency just next door, the ability to kind of tie into that project and have a little bit more of a continual project between these two we thought was a reasonable transition. We do recommend approval and will be happy to take any questions following the petitioner's presentation.

**Anthony Fox, 401 South Tryon Street** said, first of all, thank you for your service; and I would like also to thank the staff for working with my client, RK Investments on this exciting project. RK Investments are a local group that is native Charlotteans. They saw a vision in the North Lake area, and they went through and executed on that vision. With this petition, we did hold the Community Meeting and I am happy to say that no-one attended. I have spoken with [inaudible] in the neighborhood, one of the neighborhood leaders, and he is in support of this petition. The residents at Brookline were a vision of my clients when they took on this project. They brought this property out of foreclosure in 2013; it was a failed neighborhood, and they came up with a vision and transitioned that neighborhood and survived this neighborhood that now has single-family and multifamily homes on that property now and also shares a UR-2 zoning designation. It was a tremendous success story. That is the residents in Brookline and if you look on the right corner you will see where some of the single-family residential homes are still being built on that property. Across the street is the Proximity of North Development, which is a 235-unit Class A apartment development that continues the residents at Brookline. This proposal appends to the Proximity North, similar architecture, similar structures utilizing some existing infrastructure improvements to append to that and just adds two more units to that development. This is the Proximity of North Apartment architectural renderings. Again, as Dave mentioned, this is approximately a five-acre site and goes from R-3 to UR-2 and it will continue the vision to create upscale living in this corridor. This is showing how the area has developed and the multifamily uses that exist also show Brookline and the Proximity North. I hope you can support this rezoning.

**Councilmember Graham** said I spoke with the petitioner earlier in the day and all my questions have been satisfied.

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

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**ITEM NO.31: HEARING ON PETITION NO. 2020-015 BY MCSHANE PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRES LOCATED ON THE EASTERN SIDE OF PARK DRIVE, SOUTHEAST OF THE INTERSECTION OF LAMAR AVENUE AND 7<sup>TH</sup> STREET FROM R-43MF (MULTIFAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just under a quarter of an acre set back on Park Drive, just off Clement and 7<sup>th</sup> Street and Lamar Avenue. The existing zoning is R-43MF and they are looking at MUDD-O, you can we have some MUDD-O just adjacent to this piece, really on both sides on the long side of this oddly shaped parcel and then on that triangle on Park Drive you've got MUDD-O existing in both of those areas and this will continue that MUDD-O zoning along Park Drive. It is part of the Elizabeth Area Revitalization Plan from 2011; they do recommend residential office uses for the subject site. This petition proposes a 6,600 square foot office building. We do have residential dwelling units over the office itself. It does propose to provide parking via two spaces on the site and then some recessed spaces on Park Drive as well as some leased spaces and bicycle parking on the site also. It does limit building height to 50-feet, four-inches, it does provide some architectural design standards, prohibits eating, drinking entertainment establishments as a permitted use, so even though it is allowed in MUDD this petition would prohibit that as part of this development. It does propose ingress and egress off Park Drive in an existing alleyway as well as a new six-foot sidewalk and eight-foot planting strip. The petition is consistent with the area plan for the office, residential land uses, however, some of the potential retail uses would not be consistent with the plan, however, we do still feel comfortable. We have that EDEE prohibition that would be part of the conditions of the plan so, we still think that is a good prohibition in the conditional notes and we do recommend approval. There are some outstanding issues to work through related to land use, transportation and site, and building design, but we feel confident we can continue to work through those between now and the decision. I'll be happy to take any questions following the presentation from the petitioner.

**Jeffrey Cangro, 1435 West Morehead Street** said the staff overview was very in-depth; we don't have anything to add. I appreciate everybody's time and I look forward to working with staff to get this project.

**Mimi Williams, 1435 West Morehead Street** said I just wanted to express that our plan is very invested in this piece of property. Planning on having an office as well as the residential there. Hopefully, the staff will recommend moving this forward.

**Daniele Donahoe, 521 East Morehead Street** said I just wanted to thank you for the opportunity, and we look forward to having this [inaudible] residence there, and hopefully, you will recommend approval.

**Councilmember Egleston** said if the notes in our book are correct this building is celebrating its 100<sup>th</sup> birthday this year. I don't know that it is necessarily historically significant architecturally or in the story of Charlotte, but I would encourage the owners of the building to contact Stuart Gray and the folks at the Historic Landmarks Commission and at least allow them the opportunity to document the building or get any information or materials or things from it that might be of any value to telling that history somewhere down the road and any nods to the building that is there now and the new building would be I think greatly appreciated by the Elizabeth Community and by me.

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| Motion was made by Councilmember Driggs, seconded by Councilmember Winston, and carried unanimously to close the public hearing. |
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**ITEM NO. 32: HEARING ON PETITION NO. 2020-011 BY SOUVIK GHOSAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.35 ACRES LOCATED WEST OF MARGARET WALLACE ROAD, NORTHEAST OF GLEN LYON DRIVE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 1.35 acres on Margaret Wallace Road between Glen Verde Court and Melrose Cottage Drive. This petition is currently zoned R-4; they are looking to go to a UR-1(CD) district. The petition itself is part of the East District Plan which is from 1990, it does recommend single-family up to four dwelling units per acre; however, due to the date and age of this plan, we do use General Development Policies to evaluate any increase in density. The policy guidelines for this did allow for up to six units per acre for this project so, we would be within the guidelines for the General Development Policies, even though we are outside of the district plan recommendation, we would have consistency with that GDP.

Just to talk a little bit about the project itself, the project proposes up to seven single-family detached dwellings. We've got 40-foot building heights maximum committed to which is typical of a single-family zoning district. We do have the construction of an improved streetscape along Margaret Wallace Road as well as screening on the west, north, and east property lines; that way we would have a little bit of a buffer between the existing single-family attached and the single-family homes on Glen Verde Court. We also have cut-off fixtures for any lighting and architectural and design guidelines, including raised entryways and useable porches and stoops. The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation, environment, site, and building design. Again, it is inconsistent with the single-family four dwelling units per acre, but it is consistent with the General Development Policies for up to six dwelling units per acre. The staff does recommend approval and we will be happy to take any questions following the presentation from the petitioner.

**Souvik Ghosal, 8914 Magnolia Heights Court** said I wanted to take this opportunity to thank the staff for working us through the different reviews and creations in getting the final plan out. I wanted to be here to answer any questions if [inaudible] are needed on this project.

**Councilmember Newton** said I haven't had a chance to speak the petitioner. I look forward to speaking with you as we proceed through this process in the coming month. I did receive an e-mail from the community, and I will be following up on that as well. My question revolves around the environmental issue under our outstanding issues in our materials. I wanted to ask where is the stormwater conveyance on-site, and then maybe follow-up regarding stormwater impact if you have any information on that and what would occur? Maybe we can talk a little bit more offline about what would occur if [inaudible] efforts didn't mitigate the stormwater impact? I just wanted to ask that initial question about where the stormwater conveyance in particular is and do we have more information pertaining to stormwater impact on-site?

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

**Melissa Todd, [cutiepietodd@gmail.com](mailto:cutiepietodd@gmail.com)**

**Rob Waters and Adalgisa Geyer, 3904 Glen Verde Court**

Mr. Pettine said I will have to defer that question over to folks in our Stormwater group. I will happy to follow-up with them following this meeting and get some more information from them, maybe if we need to sit down and schedule some time to just kind of catch up with them either on the phone or virtually. Mr. Newton, I'll be happy to do that so we can try and get those questions answered between now and the decision for you.

Mr. Newton said I would appreciate that.

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| Motion was made by Councilmember Egleston, seconded by Councilmember Graham, and carried unanimously to close the public hearing. |
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**ITEM NO. 33: HEARING ON PETITION NO. 2020-020 BY RIAB PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.962 ACRES LOCATED SOUTH OF ARROWOOD ROAD, NORTH OF HANSON ROAD, AND EAST OF MICROSOFT WAY FROM BD (CD) (BUSINESS DISTRIBUTIVE, CONDITIONAL), I-1 (LIGHT INDUSTRIAL) AND R-3 (SINGLE-FAMILY RESIDENTIAL) TO O-2 (GENERAL OFFICE).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said approximately just under three-acres on West Arrowood Road. We are looking at a conventional request here; we've gone from a BD(CD) plan and some I-1 zoning as well as some R-3 single-family residential zoning to just an O-2 Office zoning. No conditions, no site plan to be considered for this one. The Southwest District Plan in this area from 1991 does recommend office land uses for this site and the surrounding general area so we are consistent with that land use recommendation per the plan. We do recommend approval, again a conventional petition so no conditional plan to consider here. I'll be happy to answer any questions.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2020-024 BY DOMINION REALTY PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.827 ACRES LOCATED SOUTH OF FAIRVIEW ROAD, EAST OF BARCLAY DOWNS DRIVE, AND WEST OF SHARON ROAD FORM O-1 (OFFICE) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is on Fairview Road, about 1.827 acres. The site is located within the SouthPark Mall Area. It is an existing building that we are looking to do some redevelopment. The current zoning is for O-1, the proposed zoning is MUDD-Optional district. The site itself is part of the SouthPark Area Plan which does recommend single-family, multifamily and office use for the site. The residential density recommendation with those uses would be 20 DUA. The site itself is looking at 325 multifamily units so that density would, because of the size of the site we are looking at about 177 units per acre, but again, this is part of an integrated residential project within the building itself. We've got up to 1,500 square feet of non-residential uses on the ground floor. The building is also 185-feet in height which is 65-feet greater than MUDD standards allow so one of those optional provisions is to allow that increase. It is consistent with some of the existing building heights that have been developed in the area recently, so staff feels that is generally an appropriate request. We do have a 24-foot setback which would allow for some new six-foot sidewalk in an effort to preserve some existing trees along Fairview Road. We are also getting financial support for pedestrian improvements as part of the SouthPark Loop Trail then also some contributions to the Charlotte Housing Trust Fund. We have a bus waiting for pad and shelter that would be enhanced on Fairview Road as well as some vehicular access from some shared drive-ways and turn-lanes if we get some property owners within the area to agree to some underlying easements. We do have a minimum of 500 square feet of open space feature at the corner of Fairview Road so we will have an open space element on the corner of the property. We do have architectural design standards and again that optional provision for increased building height and then some language about not allowing or requiring doors to be recessed when they are at least 12-feet in a clear zone. Again, just some standard optional provisions except for that height increase that we talked about a little bit earlier.

Just to go through the proposal itself, you can get an idea of the architectural renderings for the building along Fairview Road and some of the sidewalk improvements that would be included. There is a four-level parking deck that you can see proposed in this general

area here and again overall staff does recommend approval. There are actually no outstanding issues associated with this conditional site plan at the time of the hearing. As we've stated, it is consistent with the recommendation for a mix of uses for the area however it does exceed that residential density, but as we are looking for urban infill development in this area staff did feel that it was within good urban form and context and we do recommend approval. I'll be happy to take any questions after the petitioner's presentation.

**Jeff Brown, 100 North Tryon Street**, said I will consolidate the time. I think the Council and Zoning Committee have been at it a long time tonight so, thank you. Bridget Grant and I have been pleased to work with Dominion Realty Partners on this project. Dominion Realty is the leading signature developer of mixed-use projects and is back in the process of completing a project near Romare Bearden Park in the Center City. This next slide will show a little bit of the location of the site and the context of what David has already reviewed. Again, we are pleased to have the staff's support and C-DOT's support of the petition. This next slide is important, and David mentioned this, a critical feature for SouthPark efforts to extend this Loop Trail and this shows you the site in the context of that. We are pleased that Dominion Realty has also noted this and is providing the contribution of \$150,000 to the support of a Loop Trail which I think will also be a key feature for pedestrian walkability, not only for SouthPark but ultimately for the project as well. This next slide gives you a little flavor of the existing streetscape; David referenced those. Efforts will be made to preserve those existing mature trees. The next slide will show you some of the benefits; I'm not going to go through these, but I do want to highlight the community engagement efforts that we've been involved in for a number of months, working particularly with the leadership of the SouthPark Association of Neighborhoods and we appreciate all of their time and energy. We've had a lot of great dialogue, we appreciate the leadership of support and you've received a letter from Hilary Larson who we will not have speak tonight but has provided a lot of support. We appreciate Councilmember Bokhari's efforts as well.

This is the site plan that I mentioned, and you will see the efforts of pedestrian up on Fairview Road and a possible inquiry [inaudible] to make on this circulation. The next slide also highlights some of these same types of efforts that are ongoing to make the site plan come alive in the broader fabric of SouthPark. Furthermore, this next one, again we will wrap up here, gives you a flavor of the elevations. Again, all of this is trying to make the walkability a real critical feature of this development and all of those features are consistent with what you are already aware of. Many of you have been involved in looking at this from the Urban Land Institute of several years ago to C-NIPS efforts, the pedestrian efforts, all taking South Park and moving it from the old days of a suburban office park with the ball and more of a town center that David mentioned in his presentation. In the interest of time, I will pause here. We are excited about this and we are pleased with the community's support and we thank staff and others for their efforts.

The following person submitted a written comment regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

**Hilary Larsen, SPAN**

**Councilmember Bokhari** said I would like to say we didn't hear from her, but you did mention it, Hilary Larson, SPAN, the SouthPark Association of Neighborhoods. this is an organization that honestly, I count myself as a District Rep very, very lucky to have and be able to work with. So much so in many of your other districts, we've made connections and had conversations so we can share the practices of really organizing multiple neighborhood associations and different things. That is why you see a lot of these outcomes that we've made over the last three years in progress be it the Loop that you saw a picture of there and what that can do, but also paired with so many other things that are happening because of that group's great work and because of the private sector and the development petition communities work as well, all collaborating. I just wanted to thank everyone for their hard work.



I want to particularly thank these petitioners here for committing to and seeing the value of the Loop, it is not just a one-way sponsorship and contribution in. We have to figure out congestion in this part of town, all parts of town, but this part of town particularly and this is how we make it more walkable, more livable, connecting live work and play. We don't have a lot of solutions other than this right now and it is something that is very exciting and I'm excited for the future of SouthPark, so I give a lot of kudos to these petitioners here for doing that, but also to understanding the importance of what an unprecedented building is. As I understand it, outside of uptown, one of the highest buildings of this nature. So, understanding that, but understanding that contributions being made to affordable housing and our trust and the importance of all of that, it is just hands down some great work. I know over the next month there will be other things to complete, but I definitely just wanted to thank everyone for bringing once again a lot of [inaudible] luck to the table so there is a lot of a unified voice in asking the District Rep and ultimately the broader Council what to do and what to vote on. Hopefully, that will finish our strong over the next month.

**Councilmember Winston** said I was just commenting on Mr. Brown's technology set-up. It is super clear, he just has to raise his camera up to eye level, but [inaudible] apparently, Mr. Bokhari is working with you on something else as well.

**Councilmember Egleston** said I just wanted to reiterate a little bit of what Mr. Bokhari said and thank this developer and any developer that is looking not to just improve their site but to improve the neighborhood around them and the community more broadly, through investing in walkability and affordable housing and all of that. So, kudos to them.

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| Motion was made by Councilmember Winston, seconded by Councilmember Watlington, and carried unanimously to close the public hearing. |
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**ITEM NO. 35: HEARING ON PETITION NO. 2020-025 BY SUNCAP PROPERTY GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 25.97 ACRES LOCATED ALONG THE EASTERN SIDE OF MILHAVEN LANE, SOUTH OF SUNSET ROAD, AND WEST OF STATESVILLE ROAD FROM CC (COMMERCIAL CENTER) TO I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is about 25 acres or just under 26-acres just off of Milhaven Lane, south of Sunset Road and Statesville Road. You can see we are kind of bounded between Milhaven Lane and Statesville Road running parallel up to Sunset Road with this site. The site is currently zoned CC, commercial center; the proposed zoning is for an I-1(CD) which is light industrial. The Northeast District Plan from 1996 does call for retail uses for this site. The petition itself proposes up to 425,000 square feet of warehousing, warehouse distribution, manufacturing, and office use. It does have some prohibited uses such as outdoor storage, EDEE's, retail, shopping centers, auction sales, automobile, truck and utility trailer rental, etc. so a lot of the less desirable uses that would be part of that district have been written out from this plan. We are also looking at a 37.5-foot buffer around the periphery of the site to give it some additional screening and buffering from some of the adjacent uses. We will get upgrades to Milhaven Lane with an eight-foot planting strip and six-foot sidewalk along that road as well as left-turn lanes on Milhaven Lane into the site. We are also getting construction of a proposed public road between Statesville Road and Milhaven Lane, which is this public street A that will run between the two and provide a connection between these two roads. Access will be off of Milhaven Lane and Statesville Road and we have a minimum of one prominent street-facing entrance to each public street as well as specifications on building materials.

We do recommend approval of this petition upon resolutions of some outstanding technical issues related to transportation and that mainly has to do with striping along Milhaven Lane. As we stated the petition is inconsistent with the Northeast District Plan,

but the staff did feel that due to some of the existing uses and continuing development of this area, location and proximity close to the interchange with I-85 and Sunset Road, we did feel it was a reasonable request to consider. We recommend approval and will be happy to take any questions following the presentation from the petitioner.

**Bridget Grant, 100 North Tryon Street** said I am a Land Use Consultant with Moore & Van Allen. I am here tonight with [inaudible] SunCap Property Group. David did a great job on the presentation so I will go ahead and jump ahead. As you mentioned this is about a 25-acre site and a lot of planned benefits that he featured. On our next submittal, we are going to make some additional changes in the effort to get everything we want content-sensitive. They include commitments to locate service and learning areas to the interior of the site as multiple buildings are developed. We are prohibiting orienting any other loading of truck courts to the new public street and provide signage to direct truck traffic into the site at the northernmost entrance.

We've also created this quick conceptual image, it is not included in the presentation, but we just wanted to give you an idea of what that building could look like when oriented along public street A. I think David mentioned the proposed uses are going to generate significantly less traffic than was anticipated by the proposed uses for the site. In closing, I just want to highlight conditional rezonings have a lot of benefits and we like to look at it in four areas, community engagement, design standards, certainty on development, and public benefit. We had our required community meeting, it was actually the last face to face in-person community meeting I was able to participate in. We continued to work with the adjacent neighbors who have continued to do so through the construction and development process. We included design standards that committed to the building materials and commitments to site orientation and details and in terms of certainty of development, unlike conventional zonings, we established maximum square footages and identified those uses that are less desirable for the site. We are including the new public street A to the significant portion of the site, lowering traffic, creating an employment opportunity and we even have some of the adjacent businesses reach out to us and say they supported the rezoning. With that, I am happy to answer any of your questions.

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

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**ITEM NO. 36: HEARING ON PETITION NO. 2020-028 BY NYESHA WEAVER FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.33 ACRES LOCATED AT THE INTERSECTION OF MONROE ROAD ON THE WESTERN SIDE OF THE PROPERTY AND WALLACE ROAD, ON THE NORTH SIDE OF THE PROPERTY FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is a piece of property at the corner across from the school and developing [inaudible] is right there around Wallace Road and Conference Drive. This existing church is looking to rezone again from an R-3 single-family residential to an institutional. This one I did get a little confused with our residential zoned churches going to institutional earlier. I mentioned one that was looking for a daycare use, and Mr. Brown corrected and said they were looking for more of some café uses and other things. This one is looking to add daycare to the site; again, the current zoning would not allow for that, it would allow for the church, but not an addition of a stand-alone daycare use as well. They are looking to rezone to institutional. The Independence Boulevard Area Plan recommends residential uses at 12 DUA for the site, but again when we look at institutional zoning districts recommendations we don't see those in all of our plans, they don't usually fall in line with some of those recommendations, but this use would be consistent with what is going on existing out there and what is being proposed would fit within the general context of the area. The staff does recommend approval of this petition,

it is a conventional petition so, again no plan or conditions to be associated with it. While it is inconsistent, we do feel that it is currently consistent in use and would allow for the continued use of that church and allow them the option to develop a daycare as part of their campus there. I'd be happy to answer any questions.

**Councilmember Egleston** said just a quick shout out to the Pastor at Ben Salem, Domiko Faulkner who several of us know from when he ran for Council a few years ago.

Mayor Lyles said it is an interesting thing; I have an aunt that was married in that church, I can't even imagine how long ago that was so, it is amazing the changes that have happened there.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2020-031 BY THE CREEK KIDS ZONE FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.1 ACRES LOCATED ON THE WESTERN SIDE OF SUGAR CREEK ROAD, NORTH OF CUSHMAN STREET, AND SOUTH OF MARLANE DRIVE FROM INST (CD) (INSTITUTIONAL, CONDITIONAL) TO INST (INSTITUTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over three-acres on West Sugar Creek Road, currently zoned INST(CD), the petitioner is requesting to just zone out of that conditional district and just go to a conventional institutional district. It gives them a little more flexibility with the property and be able to do some things on the property with the existing use that wouldn't be permitted on that condition. The staff doesn't have any concerns with what they are requesting or the loss of any of those conditions a part of that old CD plan. It is consistent with the Central District Plan which does recommend institutional uses for this site likely based on the existing use that has been there. The adopted land use policy actually is amended by that 2004 rezoning to institutional so that is where we get that plan consistency. Again, the staff doesn't have any concerns with the request to zone out of those conditions into just a conventional institutional district, it is consistent with the plan recommendation and will be happy to answer any questions.

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

Mayor Lyles said the public may submit written comments to the Clerk on any of the petitions that we've heard until 11:59 p.m. tomorrow by going to [cityclerk@charlotte.nc.gov](mailto:cityclerk@charlotte.nc.gov).

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## ADJOURNMENT

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

The meeting was adjourned at 8:53 p.m.



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Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 46 Minutes  
Minutes Completed: June 2, 2020