

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, June 15, 2020, at 5:07 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Victoria Watlington, and Braxton Winston II.

ABSENT UNTIL NOTED: Councilmembers Dimple Ajmera and James Mitchell

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Mayor Lyles called the meeting to order and said tonight's Zoning Meeting is being held as a virtual meeting in accordance with the electronic meeting statute. The requirements of notice, access, and minutes are being met through electronic means. The public and the media are able to view this meeting on the Government Channel, the City's Facebook Page, and the City's YouTube Page.

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INVOCATION AND PLEDGE

Councilmember Driggs gave the Invocation followed by the Pledge of Allegiance to the Flag by Mayor Lyles.

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EXPLANATION OF ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF ZONING COMMITTEE

Sam Spencer, Chair of the Zoning Committee introduced members of the Zoning Committee. The Zoning Committee will meet on June 30th at 5:30 p.m. virtually on Webb X to make decide the zoning cases that we hear tonight at the City Council meeting. This meeting has spoken to the public. However, it is not a continuation of the public hearing. We welcome your comments and feedback and you can find all of our addresses and contact information at rezoning.org.

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Councilmembers Ajmer and Mitchell arrived at 5:16 p.m.

DEFERRALS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer: a hearing on Item No. 21, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC. to July 20, 2020; and, a hearing on Item No. 22, Petition No. 2020-041 by Boulevard Real Estate Advisors, LLC, until July 20, 2020.

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ITEM NO. 2: FOLLOW UP REPORT

There was no follow up report.

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DECISIONS

ITEM NO. 3: ORDINANCE NO. 9813, PETITION NO. 2020-044 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT DEPARTMENT, FOR 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. (3) UPDATE, DELETE AND ADD DEFINITIONS AND GRAPHICS.

The Zoning Committee voted 6-1 (motion by Kelly, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the with City Council adopted transit station area plans along the LYNX Blue Line and LYNX Blue Line Extension, based on the information from the post-hearing staff analysis and the public hearing and because the plans call for the development of moderate to high-intensity, compact, mixed-use urban neighborhoods near transit stations. 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 text amendment provides clarity, greater flexibility, and consistency between sections, adds missing standards, revises administrative authority and refines the voluntary development bonus point system, addresses unintended consequences and corrects inaccuracies and updates section references updates, adds, and deletes graphics and definitions.

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

- A definition for “Arterial Streets” was added to Section 15.13.2.

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

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-044 by Charlotte Planning, Design & Development Department – Text Amendment and adopt the following Statement of Consistency: This petition is found to be consistent with the with City Council adopted transit station area plans along the LYNX Blue Line and LYNX Blue Line Extension, based on the information from the final staff analysis and the public hearing and because the plans call for development of moderate to high-intensity, compact, mixed-use urban neighborhoods near transit stations. 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 text amendment provides clarity, greater flexibility and consistency between sections, adds missing standards, revises administrative authority and refines the voluntary development bonus point system, addresses unintended consequences and corrects inaccuracies and updates section references updates, adds, and deletes graphics and definitions as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 104-154.

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ITEM NO. 4: ORDINANCE NO. 9814, 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).

The Zoning Committee voted 7-0 (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 consistent with the Centers, Corridors and Wedges Growth Framework based on the information from the post-hearing staff analysis and the public hearing and because the growth framework supports a growing and adaptable economy. 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 of the text amendment. This petition supports Limited Helistops as an accessory use in the MUDD zoning district with one prescribed condition for the following reasons limited Helistops can help attract and keep businesses that use helicopters by offering a safe, secure, reliable and dependable transportation alternative for top executives and clients; Helicopters/Limited Helistops used by medical personnel are an essential part of trauma centers, and can save lives by transporting injured persons from the scene of an accident or fire to a hospital, or transferring patients in need of critical services from one hospital to another; Helistops are valuable in emergency/disaster relief in the event of weather events, floods, and industrial accidents; Helicopters/Limited Helistops are valuable for law enforcement, firemen, utility providers, radio and television stations the Federal Aviation Administration (FAA) has strict regulations related to pilots and helistop facilities the proposed treatment of Helistops in MUDD zoning is generally consistent with its treatment in other office, business, and industrial zoning districts within the City.

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

- Added a prescribed condition further limiting helistops in MUDD as an accessory use only to a health institution, including hospitals, clinics, and similar uses in MUDD provided it complies with all applicable FAA regulations.

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

Motion was made by Councilmember Egleston, and seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2019-113 by The Charlotte Mecklenburg Hospital Authority – text Amendment and adopt the following Statement of Consistency: This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework based on the information from the final staff analysis and the public hearing and because the growth framework supports a growing and adaptable economy. 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 text amendment. This petition supports Limited Helistops as an accessory use in the MUDD zoning district with one prescribed condition for the following reasons limited Helistops can help attract and keep businesses that use helicopters by offering a safe, secure, reliable and dependable transportation alternative for top executives and clients; Helicopters/Limited Helistops used by medical personnel are an essential part of trauma centers, and can save lives by transporting injured persons from the scene of an accident or fire to a hospital, or transferring patients in need of critical services from one hospital to another; Helistops are valuable in emergency/disaster relief in the event of weather events, floods, and industrial accidents; Helicopters/Limited Helistops are valuable for law enforcement, firemen, utility providers, radio and television stations the Federal Aviation Administration (FAA) has strict regulations related to pilots and helistop facilities the proposed treatment of Helistops in MUDD zoning is generally consistent with its treatment in other office, business, and industrial zoning districts within the City as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 155-156.

ITEM NO. 5: ORDINANCE NO. 9815-Z, PETITION NO. 2019-114 BY THE CHARLOTTE MECKLENBURG HOSPITAL AUTHORITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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 (MULTI-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.

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: The petition is found to be consistent with the Midtown Morehead Cherry Area Plan and the Dilworth Land Use and Streetscape Plan, and inconsistent with the Dilworth Land Use and Streetscape Plan, based on the information from the post-hearing staff analysis and the public hearing and because portions of the site are consistent with the Midtown Morehead Cherry Area Plan recommendations for multifamily residential/office/retail, residential/office and residential/office/retail; portions of the site are consistent with the Dilworth Land Use and Streetscape Plan recommendation for institutional, and greenway. Remaining portions of the site are inconsistent with the Dilworth Land Use and Streetscape Plan recommendation for residential up to 5 units per acre for some portions, residential up to 22 dwelling units per acre for other portions, and greenway for a portion. Therefore, we find this petition to Choose an item. public interest based on information from the post-hearing staff analysis and the public hearing and because the development proposes the updating and expansion of an existing hospital campus and associated uses. The development commits to several transportation improvements to support connectivity and multi-modal activities. The project commits to several greenways and open space improvements, including reconstruction of a portion of Little Sugar Creek Greenway. The project proposes a walkability plan to support improved internal circulation and enhanced external connections. The project proposes a 30-foot landscape buffer and/or 50-foot building setback along property lines abutting existing residential development. The project

proposes a 10-foot landscape buffer and/or 30-foot building setback along property lines adjacent to existing residential development. The project proposes to step down the building height to a maximum of 40 feet adjacent to existing residential development. The uses are generally consistent with what exists in the larger, general area.

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

- Modifies optional provision allowing parking, vehicular circulation, and any other vehicular maneuvering space located between buildings and structures to not apply to new buildings and structures located in Development Areas C-1, C-2, G-3, or G-4.
- Modifies optional provision allowing valet parking service areas between buildings and structures and streets to not apply within Development Areas C-1, C-2, G-3, or G-4.
- Creates Development Areas C-1 and C-2.
- Lists permitted uses in Development Area C-1, prohibiting parking facilities, and limiting building height to 40-feet.
- List permitted uses in Development Area C-2, limiting building height to 60-feet.
- Limits building height in Development Area D to 40-feet, 100 feet, and 250-feet.
- Allows improvements relating to Loop Road within Development Area F. Allows portions of the new cul-de-sac to be located at the terminus of Fountain View to encroach into Development Area F.
- Adds design measures for Development Area D to provide some noise abatement for helipads, including minimum 5-foot parapet around the perimeter of roof of buildings and penthouse structure with a minimum 15-foot height on top of a center portion of the roof of the building.
- Installs pedestrian crossing signals at key locations.
- Notes petitioner will not be required to construct southbound right-turn lane from Garden Terrace onto East Boulevard if C-DOT and/or NC-DOT approves the eliminating of this improvement.
- Notes petitioner will not be required to maintain the Greenway Landscape Area as it will evolve into a naturalized area. Commits to providing a 2-year warranty on trees installed within the Greenway Landscape Area.
- Clarifies installation of sidewalk and planting strip along the specified portion of the site's frontage along Scott Avenue in accordance with the Scott Avenue Streetscape Plan.
- Adds note stating petition may change the side of Loop Road on which the 12-foot-wide multi-use will be constructed.
- Clarifies tree planting requirements within landscape areas on the southern boundary of the site.
- Notes Loop Road may be located in open space located within Development Area F and Development Area B.
- Adds language regarding construction traffic on Garden Terrace.
- Increases the size of Development Area G-4 by shifting the northern boundary of Development Area G-4 70-feet to the north. The shift in the northern boundary of Development Area F-4 also reduces the side of Development Area G-3. Attached is an Exhibit that depicts the shifting of the northern boundary of Development Area G-4 70-feet to the north.
- Decreases 70% to 60% in paragraph 6.0(3)(b) so that this paragraph reads "buildings shall front a minimum of 60% of the total network required street frontage on the relevant Development area ..."
- Deletes "and" in the third line of paragraph 1.A between "Greenway Improvement Exhibit and Traffic Circulation Plan."
- Deletes "any new building or structure located in Development Area G-1" from the second sentence of paragraph 2.A and the second sentence of paragraph 2.B.
- Changes the paragraph reference from paragraph 3.H(1)(a) to 3.H(1) in paragraph 3.H(2).

- Revises paragraph 6.O(8) to provide “public or private street” rather than just “street”.
- Renumbers development notes where needed.
- Corrects misspellings in development notes.
- 60% of the multifamily dwelling units would be restricted to households earning 80% or less of AMI for a period of not less than 30-years.

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

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-114 by The Charlotte Mecklenburg Hospital Authority and adopt the following Statement of Consistency: The petition is found to be consistent with the Midtown Morehead Cherry Area Plan and the Dilworth Land Use and Streetscape Plan, and inconsistent with the Dilworth Land Use and Streetscape Plan, based on the information from the final staff analysis and the public hearing and because portions of the site are consistent with the Midtown Morehead Cherry Area Plan recommendations for multifamily residential/office/retail, residential/office and residential/office/retail; portions of the site are consistent with the Dilworth Land Use and Streetscape Plan recommendation for institutional, and greenway. Remaining portions of the site are inconsistent with the Dilworth Land Use and Streetscape Plan recommendation for residential up to 5 units per acre for some portions, residential up to 22 dwelling units per acre for other portions, and greenway for a portion. Therefore, we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because the development proposes the updating and expansion of an existing hospital campus and associated uses. The development commits to several transportation improvements to support connectivity and multi-modal activities. The project commits to several greenway and open space improvements, including reconstruction of a portion of Little Sugar Creek Greenway. The project proposes a walkability plan to support improved internal circulation and enhanced external connections. The project proposes a 30-foot landscape buffer and/or 50-foot building setback along property lines abutting existing residential development. The project proposes a 10-foot landscape buffer and/or 30-foot building setback along property lines adjacent to existing residential development. The project proposes to step down the building height to a maximum 40 feet adjacent to existing residential development. The uses are generally consistent with what exists in the larger, general area, as modified.

Councilmember Egleston said I just wanted to note at the Mayor’s prompting this morning we did get that note solidified the commitment to affordable units if units are built, which they might or might not be, but thanks to her for helping get that locked in and DCA for being supportive of that provision if there is to be multifamily residential built there. I know we didn’t get everything that everybody wanted on this petition, but I would commend the DCA Land Use Committee and the folks at Atrium including John Carmichael for ongoing all the way to the end of this week-end and even today conversations to continue to make adjustments. I won’t read them all, but we just went through a lot of adjustments since the Zoning Committee hearing, but there are even more that had been made prior to the Zoning Committee hearing, but after the Council hearing last month. Dozens and dozens of changes trying to address to some degree or another the concerns that we had heard from folks in the neighborhood. I know there are still some concerns, but I think an incredible amount of work has gone into this and we did ultimately through all of that work get a supportive letter from DCA for this petition which frankly, a month ago I wasn’t sure we would get there, but it speaks to the concessions that have been made by the petitioner and I’m really appreciative of all the work that everybody put in to get it where it is.

Councilmember Eiselt said I too would like to recognize all of the neighbors who have been so active and engaged in this process. It was a tough one; Atrium has worked collaboratively with neighbors, but it impacts a lot of people. It frankly is the elephant in the neighborhood, but that said I spoke with representatives of Atrium this afternoon who have committed to work with the neighborhood for further plans that would, in fact, impact some of the property that they still own there that is not really a part of this building concept and that is really important because this could be something that is a catalyst for that neighborhood or it could be something that just overwhelms it. So, further projects that go up there I really hope that Atrium will make the effort to work with developers so that it really has more of a campus feel, and it breathes some life into that area which obviously kind of needs it. Anyway, thank you to Atrium for making that commitment and for the neighbors that have spent a lot of time on this, including the DCA.

Councilmember Ajmera said I just want to echo Mr. Egleston's remarks. I think we've come a long way since the hearing. There have been many concessions that have been made in terms of the height and to address all of the noise concerns that were raised by many residents. Also, I appreciate the affordable housing piece in this rezoning. So overall, I think this is what democracy looks like. We don't have all parties getting everything that they want, but there have been concessions made from both sides. I appreciate all the calls and e-mails that we have gotten from neighbors and at the same time a petitioner's willingness to work with neighbors to address some of their concerns is thoroughly appreciated.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 157-158.

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ITEM NO. 6: ORDINANCE NO. 9816-Z, PETITION NO. 2019-115 BY NORTHWOOD DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 454.24 ACRES LOCATED ON THE NORTH SIDE OF BALLANTYNE COMMONS PARKWAY SOUTH OF I-485 ON BOTH SIDES OF JOHNSTON ROAD FROM BP(CD) (BUSINESS PARK, CONDITIONAL) & O-3(CD) (OFFICE, CONDITIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 5-2 (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 generally consistent with the South District Plan (1993). The petition is consistent with the Plan policies and with the goals of an Activity Center found in the Centers, Corridors, and Wedges Growth Framework based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends office/retail/ industrial-warehouse-distribution and office/business park and office/residential across the overall site; and the Plan supports an integrated mix of uses in the Ballantyne town center/ regional mixed-use center. The Growth Framework calls for a mix of uses and pedestrian-oriented form. 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 South District Plan policies support integrated and pedestrian-oriented land uses. The South District Plan policies also support increasing density if light rail and other innovative transportation demand management techniques are incorporated into the project. The site is located within an activity center according to the Centers, Corridors, and Wedges Growth Framework. Activity centers are recommended for higher intensity development, a mix of uses, and pedestrian-oriented form. The plan introduces a mixture of land uses to the Ballantyne Corporate Park, provides urban design in pedestrian form, and integrates transit including planning for future light rail transit (LRT) service. The plan commits to a significant amount of open space including greenway connection and public accessible active open space.

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

- Phase I: 1030 multifamily units (previously 1,000)
- Phase II: 1050 multifamily units (previously 1,000)
- Phase III: 1890 multifamily units (previously 1,800)

David Pettine, Planning said the changes to all three phases were a direct result of some conversations and commitments that were put into the development agreement that was voted on for approval at the June 8th meeting to keep that commitment for the affordable housing components. They add 30 additional units and phase 1 so that went from 1,000 to 1,030, added 50 multi-family units to phase 2 so it goes from 1,000 to 1,050, and phase 3 they added 90 additional multi-family units. So that takes from 1,800 as previously presented up to 1,890. So, again we added some addition units. That's to help to continue to solidify that commitment to the affordable component in the development agreement and those where the three changes that were made after the zoning committee. I feel like they were minor and again line up with that development agreement that was back on June 8,2020. So, no concerns from our end.

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

Motion was made by Councilmember Driggs, and seconded by Councilmember Mitchell, to ratify the vote to approve Petition No. 2019-115 by Northwood Development, LLC and adopt the following Statement of Consistency: This petition is found to be generally consistent with the South District Plan (1993). The petition is consistent with the Plan policies and with the goals of an Activity Center found in the Centers, Corridors, and Wedges Growth Framework based on the information from the final staff analysis and the public hearing and because the Plan recommends office/retail/ industrial-warehouse-distribution and office/business park and office/residential across the overall site; and the Plan supports integrated mix of uses in the Ballantyne town center/ regional mixed-use center. The Growth Framework calls for a mix of uses and pedestrian oriented form. 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 South District Plan policies supports integrated and pedestrian-oriented land uses. The South District Plan policies also supports increasing density if light rail and other innovative transportation demand management techniques are incorporated in the project. The site is located within an activity center according to the Centers, Corridors, and Wedges Growth Framework. Activity centers are recommended for higher intensity development, mix of uses and pedestrian oriented form. The plan introduces a mixture of land uses to the Ballantyne Corporate Park, provides urban design in pedestrian form, and integrates transit including planning for future light rail transit (LRT) service. The plan commits to a significant amount of open space including greenway connection and public accessible active open space, as modified.

Councilmember Watlington said I'm looking at the information in our packet that has got the school and staff utilization, and student population and I see this letter from Dennis LaCaria from Charlotte Mecklenburg and it talks about the conversation that was had between the developer and CMS regarding negotiating something other than 35-acres in the initial response to the rezoning. Is there someone on the line that can speak to this component; I just want to make sure I understand the last paragraph where he wrote that there was a meeting held where CMS expressed the desire to negotiation something other than 35-acres, options for air rights or even a few floors in one of the buildings to be constructed were offered. The petition will foreclose on any possibility of exploring these or any other potential responses to the impact on school

infrastructure as a result of their redevelopment. I just want to understand very clearly where we stand in regard to schools in this development.

Jeff Brown, Moore & Van Allen Law Firm said I'm happy to speak to that. I know it is a little awkward with this being a ratification discussion, but we did have discussions with the Charlotte Mecklenburg Schools. I think also raised at the public hearing, we did have discussions on a variety of options. We have also been supportive of the efforts of the school to look at other lands within the area. We have also provided, as you may recall, from Ned Currins' discussions two school sites in connection with the initial Ballantyne effort as well as efforts as we talked about to support schools through the tremendous excess tax base that will be going on. We are not in a position with the Master Plan to provide additional land for schools. We discussed this at a great deal of length with those parties, but I think there were follow-up meetings and discussions, but we feel like we are doing a very good job for schools as well as all the other components that we are dealing with from the affordable housing to the parks open space and other elements. We wanted to make that quick response.

Councilmember Ajmera said I would like to speak on two issues that came from the public hearing we had. Number one, affordable housing. I know that we cannot base our decision on affordable housing, but I do want to applaud the developer's efforts in addressing the affordable housing in this development. They have gone from 80 to 60 to 50 and now with the land donation that significantly addresses our affordable housing crisis. The second thing I want to address; this is a huge economic development opportunity for our City with significant investment that could bring quality jobs. I would like to have seen 30% AMI when it comes to affordable housing, but again I'm not going to let perfect be the enemy of good so I will be supporting this. I also applaud Mr. Driggs's leadership on this. He has certainly stayed in touch throughout this negotiation to ensure that we are working with the developer and all the residents to address most of the concerns that were raised.

Mayor Lyles said Ms. Ajmera; I just want to follow-up to that comment about the housing; 50% AMI out of all of the work we've done for the past year through two housing cycles, none of them have been allocated for 50% of AMI so, I see this as a new way to address that market and thank you for your comments about it and look forward to seeing the 50% AMI being able to actually be assigned a place that they can live really well.

Councilmember Winston said does this development deal prohibit the construction of anything below 50% AMI, 30% and below? Does it disallow the construction of 30% units from ever being developed on these parcels?

Mr. Brown said tonight's decision relates to the zoning and the zoning components are part of the overall Master Plan. The commitments to affordable housing are included in the development agreement that was approved at last Monday's meeting. To answer your question; as the Mayor indicated, affordable housing will be part of land donations under a variety of terms and conditions that do apply for affordable housing to start at a 50% AMI level and move up to an 80% AMI level at differing amounts. Those are the terms upon which the affordable housing grants will take place and I think that is fully consistent with the information that has been provided and was provided last week, but I appreciate your follow-up question.

Ms. Watlington said Mr. Brown; this is a follow-up to what you just said. Can you speak a little bit as to why that restriction is in place, 50% or above?

Mr. Brown said I think we are trying as part of the overall term to be able to understand for the overall Master Plan as well as the development agreement the anticipation of what will be occurring from the standpoint of the affordable housing. This was an effort working with the Mayor to ensure that there was an affordability component that as the Mayor indicated starts at 50%. It is a Master Plan development that includes the overall mixed-use project and also the land in the heart of the Ballantyne area so that is a part of the basis upon which the Master Plan development agreement was met.

Ms. Watlington said I'm not sure I understand. Can you say that a little more plainly why 50% is the floor?

Mr. Brown said I think these were part of the terms and conditions and agreements of the party to build and ensure affordability as part of the overall Master Plan. That is so we have the reliability of where the affordability would start. We believe it is a very positive step with affordability, but that is where the basis upon the agreements that were approved last week was about.

Ms. Watlington said I'll ask it one more time. Sorry, I did not get the benefit of seeing the Master Plan as far as the development agreement in detail. I just want to understand why 50% is the minimum.

Mr. Brown said I'll try again; I appreciate the question. The overall Master Plan development is trying to provide for various mixtures of uses. There was a strong desire to have affordability for the community both for the public policy desires of the Council, but also to ensure that employees who work and live in the community are part of that. It was felt that it was appropriate to start at the 50% level as part of the overall development. We feel like this is a very positive effort and that is the answer I can get. I believe there is a desire to accommodating and to be inclusive and that is where we are moving forward with this. I appreciate the question, but that is as good as I can give you this evening.

Mayor Lyles said Ms. Watlington; you've heard the rule about working on; it is a negotiation for this and it was really an important negotiation that we wanted to see affordability that was not really there and as a result of it we went with 80 to 50, but it was a negotiation and this is a motion to ratify the vote last Monday and the Master Plan was presented to the full Council last Monday in this action. So, it is really a motion that I think the Council voted 10-1.

Ms. Watlington said I'm clear about all of that. My question is why. I realize we got it last week.

Mayor Lyles said the why because it was a negotiation.

The vote was taken on the motion to ratify the action of the Council to vote to approve Petition No. 2019-115 and was recorded as follows:

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

NAYS: Newton, Johnson, and Winston.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 159-160.

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ITEM NO. 7: ORDINANCE NO. 9817-Z, PETITION NO. 2019-170 BY JAMES DOYLE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

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 consistent with the Central District Plan with respect to proposed land use, based on the information from the post-hearing staff analysis and the public hearing, and because the Plan recommends retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the

petition's proposal accomplished the Plan's goal of "...preserving the character and quality of neighborhoods..." through the redevelopment of older commercial areas. The petition proposes to adaptively reuse a vacant tire repair shop to allow for the placement of additional neighborhood retail/commercial uses along The Plaza. The proposed reuse creates a retail opportunity along a major thoroughfare that is within walking distance from many detached single-family homes in the Plaza-Shamrock neighborhood. The request is in line with the adopted future land use policy and matches the surrounding retail context of most parcels with frontage along The Plaza. The petitioner has agreed to exclude high trips generating auto-oriented uses from being utilized at the site including accessory drive-through windows and fueling stations. The request fulfills the Central District Plan's policy of improving commercial corridor redevelopment.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2019-170 by James Doyle and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition's proposal accomplished the Plan's goal of "...preserving the character and quality of neighborhoods..." through the redevelopment of older commercial areas. The petition proposes to adaptively reuse a vacant tire repair shop to allow for the placement of additional neighborhood retail/commercial uses along The Plaza. The proposed reuse creates a retail opportunity along a major thoroughfare that is within walking distance from many detached single family homes in the Plaza-Shamrock neighborhood. The request is in line with adopted future land use policy and matches the surrounding retail context of most parcels with frontage along The Plaza. The petitioner has agreed to exclude high trip generating auto-oriented uses from being utilized at the site including accessory drive through windows and fueling stations. The request fulfills the Central District Plan's policy of improving commercial corridor redevelopment.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 161-162.

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ITEM NO. 8: ORDINANCE NO. 9818-Z, PETITION NO. 2019-174 BY 2901, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATE 1.12 ACRES LOCATED ON THE SOUTH SIDE OF COLTSGATE ROAD, EAST OF SHARON ROAD, NORTH OF FAIRVIEW ROAD FROM 0-6(CD) (OFFICE) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South Park Small Area Plan (2000) based, based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends a mix of single-family/multi-family/office uses for this site. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because while the specific plan recommendation for this area is a mix of residential and office, the SouthPark Small Area Plan also recommends the area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses. In addition, the Centers, Corridors, and Wedges Growth Framework identify SouthPark as a Mixed-Use Activity Center, a priority area for the intensification and urban, pedestrian-oriented development. The site plan for this proposal includes a vertical mix of uses and provides active nonresidential uses that are located on the ground floors of buildings and oriented to the sidewalk network. The site

plan also provides wide setbacks along the existing public streets allowing for the opportunity to create active open space.

Motion was made by Councilmember Bokhari, and seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2019-174 by 2901, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South Park Small Area Plan (2000) based, based on the information from the final staff analysis and the public hearing and because the Plan recommends mix of single family/multi-family/office uses for this site. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because while the specific plan recommendation for this area is a mix of residential and office, the SouthPark Small Area Plan also recommends the area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses. In addition, the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed-Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development. The site plan for this proposal includes a vertical mix of uses and provides active nonresidential uses that are located on the ground floors of buildings and oriented to the sidewalk network. The site plan also provides wide setbacks along the existing public streets allowing for the opportunity create active open space.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 163-164.

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ITEM NO. 9: ORDINANCE NO. 9819-Z, PETITION NO. 2020-003 BY FAIRVIEW BUILDERS TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Watkins, to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan with respect to proposed land use, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential uses up to five dwelling units per acre (DUA). 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 proposed project closely resembles the lot configuration approved through petition 2017-083 (which surrounds the subject property along its eastern and southern property lines) and will frame out currently vacant land with a similar residential unit type. The proposed duplexes are compatible with surrounding residential and mixed uses. Although the parcel is zoned industrial, the likelihood that the subject property develops, both due to its proximity to residential uses and the size of the property, as industrial use is low. Although the requested density (20 DUA) is higher than the proposed land use density for these parcels (5 DUA), the request for residential uses is in line with the plan recommendations. the area plan identifies vacant lots along Seigle Avenue in the Belmont Community, including the parcel in this petition, as ideal for infill development. Even at a higher density, the petition satisfies the plan's recommendation for infill development.

Motion was made by Councilmember Egleston, and seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-003 by Fairview Builders and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Belmont Area Revitalization Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential uses up to five dwelling units per acre (DUA). 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 proposed project closely resembles the lot configuration approved through petition 2017-083 (which surrounds the subject property along its eastern and southern property lines) and will frame out currently vacant land with a similar residential unit type. The proposed duplexes are compatible with surrounding residential and mixed uses. Although the parcel is zoned industrial, the likelihood that the subject property develops, both due to its proximity to residential uses and the size of the property, as an industrial use is low. Although the requested density (20 DUA) is higher than the proposed land use density for these parcels (5 DUA), the request for residential uses is in line with the plan recommendations. The area plan identifies vacant lots along Seigle Avenue in the Belmont Community, including the parcel in this petition, as ideal for infill development. Even at a higher density, the petition satisfies the plan's recommendation for infill development.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 165-166.

ITEM NO. 10: ORDINANCE NO. 9820-Z, PETITION NO. 2020-008 BY RK INVESTMENTS CHARLOTTE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northlake Area Plan's (2008) proposed density of 4 dwelling units per acre, but it is consistent with the area plan's proposal of residential use, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the analysis and the public hearing and because at 16.9 dwelling units per acre, this petition is inconsistent with the area plan's recommended density of 4 dwelling units per acre, but it is consistent with the area plan's recommendation of a residential use. This petition is a second phase to the multifamily development called Proximity Northlake, adjacent to the south side of the parcel. The first phase of Proximity Northlake was approved for UR-2(CD) zoning in 2016, from an existing zoning of MX-1. In 2013 on the other side of Reames road, slightly south, a 26.68 parcel was also re-zoned to UR-2(CD) for the development of townhomes. This petition will expand the Proximity Northlake development and provide up to 84 multi-family housing units for rent. This petition will contribute to the growing multi-family nature of this section of Reames Road. The petition proposes open space amenities such as ornamental landscaping, seating, areas, and passive recreation pathways.

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

- A minor adjustment to the building footprint and parking area.

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

Motion was made by Councilmember Watlington, and seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-008 by RK Investments Charlotte, LLC and adopt the following Statement of Consistency: This petition is found to inconsistent with the Northlake Area Plan's (2008) proposed density of 4 dwelling unit per acre, but it is consistent with the area plan's proposal of residential use, based on the information from the final staff analysis and the public hearing, and because the plan recommends residential up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because at 16.9 dwelling units per acre, this petition is inconsistent with the area plan's recommended density of 4 dwelling units per acre, but it is consistent with the area plan's recommendation of a residential use. This petition is a second phase to the multifamily development called Proximity Northlake, adjacent to the south side of the parcel. The first phase of Proximity Northlake was approved for UR-2(CD) zoning in 2016, from an existing zoning of MX-1. In 2013 on the other side of Reames road, slightly south, a 26.68 parcel was also re-zoned to UR-2(CD) for the development of townhomes. This petition will expand the Proximity Northlake development and provide up to 84 multi-family housing units for rent. This petition will contribute to the growing multi-family nature of this section of Reames Road. The petition proposes open space amenities such as ornamental landscaping, seating, areas, and passive recreation pathways, as modified.

The ordinance is recorded in full In Ordinance Book 63, at Page(s) 167-168.

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ITEM NO. 11: ORDINANCE NO. 9821-Z, PETITION NO. 2020-010 BY CHRIST THE KING LUTHERAN CHURCH AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.8 ACRES LOCATED SOUTH OF TRYON STREET, WEST OF STEELECROFT PARKWAY AND NORTH OF ASHEFORD WOODS LANE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).

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 Steele Creek Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends institutional for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site already includes an existing church building and is recommended for institutional land use. The church is adjacent to commercial uses and an institutional use, and sits along South Tryon Street, a major thoroughfare.

Motion was made by Councilmember Watlington, and seconded by Councilmember Johnson, and carried unanimously to approve Petition No. 2020-010 by Christ the King Lutheran Church and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends institutional for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site already includes an existing church building and is recommended for institutional land use. The church is adjacent to commercial uses and an institutional use, and sits along South Tryon Street, a major thoroughfare.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 169-170.

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ITEM NO. 12: ORDINANCE NO. 9822-Z, PETITION NO. 2020-011 BY SOUVIK GHOSAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.35 ACRES LOCATED WEST OF MARGARET WALLACE ROAD, NORTHEAST OF GLENN LYON DRIVE FROM R-4 (SINGLE-FAMILY) TO UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (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 East District Plan and consistent with the General Development Policies based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential use up to four dwelling units per acre. The General Development Policies support up to 6 dwelling units per acre on the site. (However, we find) this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because the General Development Policies support additional density on this site. The site is a larger isolated parcel with access only from Margaret Wallace Road, a major thoroughfare. This site is located between townhomes and single-family homes. This proposal will construct several single-family dwelling units on small lots that provide a transition between the existing single-family and multi-family units.

Motion was made by Councilmember Newton, and seconded by Councilmember Ajmera, to approve Petition No. 2020-011 by Souvik Ghosal and adopt the following Statement of Consistency: This petition is found to be inconsistent with the East District Plan and consistent with the General Development Policies based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential use up to four dwelling units per acre. The General Development Policies support up to 6 dwelling units per acre on 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 the General Development Policies support additional density on this site. The site is a larger isolated parcel with access only from Margaret Wallace Road, a major thoroughfare. This site is located between townhomes and single family homes. This proposal will construct several single family dwelling units on small lots that provide a transition between the existing single family and multi-family units.

Councilmember Newton said I just wanted to acknowledge some of the changes on the petition from when we heard this last month to address some of the community's concerns, particularly as they pertain to parking, privacy, and traffic. There will be a left-turn lane off Margaret Wallace Road that will mitigate traffic concerns. From the standpoint of parking, the private road has been extended from 25-foot curb to curb to 31-foot curb to curb to ensure that emergency vehicles have access [inaudible] violate

the no-parking provision of the private road. From a privacy standpoint, the commitment made by the petitioner to ensure that to the extent possible trees being planted in the buffer zone around the site will be done preliminarily prior to the construction of homes to the extent possible and then also that the back lot as it abuts up against the neighboring lot, the garage there will be a buffer of that particular unit so there won't be any sort of ability for someone in lot seven to look into that neighboring piece of property. I just wanted to bring up those changes to commend the [inaudible] and also the petitioner for his cooperation in all of this. Having said all of that I'm in support of this petition.

David Pettine, Planning said just to clarify those changes that Mr. Newton mentioned, all happened prior to the Zoning Committee vote so there aren't change after the Zoning Committee. I just wanted to make sure everybody was good with that.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 171-172.

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ITEM NO. 13: ORDINANCE NO. 9823-Z, PETITION NO. 2020-015 BY MCSHANE PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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 7TH STREET FROM R-43MF (MULTIFAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Kelly, to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Elizabeth Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/residential land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the request supports the land use recommendation for office and residential uses. The proposed building will be oriented towards Independence Park with the design features utilized to enhance the ground floor and pedestrian entrances. The design incorporates the use of the existing alley to access proposed parking and refuse collection. The proposed building height will be consistent with the existing residential development to the south. The subject property is along Park Drive and is adjacent to MUDD (mixed use development) zoned properties along Park Drive. The MUDD (mixed use development) standards will encourage high quality design and mixed-use development, and also support walkability. MUDD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing walls, entrances, and screening.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-015 by McShane Partners, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Elizabeth Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/residential land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the request supports the land use recommendation for office and residential uses. The proposed building will be oriented towards Independence Park with the design features utilized to enhance the ground floor and pedestrian entrances. The design incorporates the use of the existing alley to access proposed parking and refuse collection. The proposed building height will be consistent with the existing residential development to the south. The subject property is along Park Drive and is adjacent to MUDD (mixed use development) zoned properties along Park Drive. The MUDD (mixed use development) standards will encourage high quality design and mixed use development, and also support walkability. MUDD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 173-174.

ITEM NO. 14: ORDINANCE NO. 9824-Z, PETITION NO. 2020-020 BY RIAB PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (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 consistent with the Southwest District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office land uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because portions of the site are already zoned for non-residential uses. The surrounding area is already developed with office and business park uses. The site is located within an appropriate location for office uses in close proximity to the Arrowood Road and Interstate 77 interchange.

Motion was made by Councilmember Watlington, and seconded by Councilmember Johnson, and carried unanimously to approve Petition No. 2020-020 by RIAB Properties and adopt the following Statement of Consistency: This petition is found to be consistent with the Southwest District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office land uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because portions of the site are already zoned for non-residential uses. The surrounding area is already developed with office and business park uses. The site is located within an appropriate location for office uses in close proximity to the Arrowood Road and Interstate 77 interchange.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 175-176.

ITEM NO. 15: ORDINANCE NO. 9825-Z, PETITION NO. 2020-024 BY DOMINION REALTY PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.827 ACRES LOCATED SOUTH OF FAIRVIEW ROAD, EAST OF BARCLAY DOWNS DRIVE, AND WEST OF SHARON ROAD FROM O-1 (OFFICE) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

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 consistent with the South Park Small Area Plan, however, the petition is inconsistent with the residential density for the site based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends mixed uses. The plan recommends a residential density of up to 20 DUA for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses. In addition, the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed-Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development. The proposed rezoning is consistent with the vision articulated in the area plan and in the Centers, Corridors and Wedges Growth Framework, and is consistent with the overall mix of uses in the area. The site plan for this proposal includes a vertical mix of uses and provides active uses on the ground floor oriented to the sidewalk network. The site is located on a bus route with a stop at the site. While the proposal exceeds the specific density in the area plan the site is appropriate for greater density for reasons stated above. The site plan also provides for variations in sidewalk placement and setbacks to preserve existing mature trees and to improve walkability along its frontage of Fairview Road.

Motion was made by Councilmember Bokhari, and seconded by Councilmember Newton, to approve Petition No. 2020-024 by Dominion Realty Partners, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the South Park Small Area Plan, however, the petition is inconsistent with the residential density for the site based on the information from the final staff analysis and the public hearing, and because the plan recommends mixed uses. The plan recommends a residential density of up to 20 DUA for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses. In addition, the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed-Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development. The proposed rezoning is consistent with the vision articulated in the area plan and in the Centers, Corridors and Wedges Growth Framework, and is consistent with the overall mix of uses in the area. The site plan for this proposal includes a vertical mix of uses and provides active uses on the ground floor oriented to the sidewalk network. The site is located on a bus route with a stop at the site. While the proposal exceeds the specific density in the area plan the site is appropriate for greater density for reasons stated above. The site plan also provides for variations in sidewalk placement and setbacks to preserve existing mature trees and to improve walkability along its frontage of Fairview Road.

Councilmember Bokhari said this is something that a lot of us were tracking for a while from the petitioner's side, from the neighborhood side and business community side; there was a lot of support and in the last couple of weeks, tops; it was brought to my attention that there were potentially unsolved issues with the adjacent plot which is owned by Dee-Dee and Cammie Harris. I have spent a lot of time on the phone with the Harris'; I've spent time on the phone with Jeff Brown, the petitioner and staff just to

make sure we scrambled and got to the bottom. Is there something here that makes this something we can't support or is there something here that makes us need to delay this and I will tell you all that I appreciate both groups being willing to have such productive conversations with me, have a couple with each other in that time period. Based on what I've learned, there is only one question really left. I think we saw a lot of willingness to make additional circulation improvements, maintenance, access of the circulation points. Everything the staff has seen, and the Zoning Committee has seen has led me to believe I would request you join me in supporting this tonight and I would just say that the access and the ability for them to use the easements on the side are finalized. I've been given a lot of indication that that would be the case but they are going to have to figure that out and I do hope and ask deeply for both sides, the Harris' and the petitioner to continue after tonight, should this be approved, to work together because you both will be much stronger together in what is a very great part of our neighborhood and an evolving part of our commercial and mixed-use and footprint in SouthPark. I would ask you all to join me in supporting it and I would also thank those parties that have been on the phone so much these last five or six days and ask them to really after today continue to work in good faith with one another to make this a win/win.

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

The ordinance is recorded in full in ordinance Book 63, at Page(s) 177-178.

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ITEM NO. 16: ORDINANCE NO. 9826-Z, PETITION NO. 2020-027 BY THE CITY OF CHARLOTTE AND CROSLAND SOUTHEAST AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 78 ACRES OF THE FORMER EASTLAND MALL SITE, LOCATED NEAR THE EASTERN 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.

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Wiggins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to consistent with the Eastland Area Plan with respect to proposed land use, based on the information from the post-hearing staff analysis and the public hearing, and because the Plan recommends mixed single-family, multi-family, office, and retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this proposal is consistent with the area plan's recommendation for the transformation of Eastland Mall and surrounding properties into a mixed-use, pedestrian-oriented town center. The petition will greater enhance the area's pedestrian experience. The site plan seeks to emphasize pedestrian connections between uses within the development, while creating a strong link between the commercial core and adjacent uses. The site plan's commitment to a Public Park echoes the above, adding that the Public Park shall be designed as a significant pedestrian focal point and amenity for that portion of the development. Per the area plan, this site is envisioned as the heart of the Eastland Community. New development should be based on a long-term comprehensive strategy that meets the needs of both the existing consumer and the new consumer. The petition meets the above goal via its consideration of existing adjacent single-family development and multi-use path connection to the existing Charlotte-Mecklenburg Schools facility. A primary objective of the area plan is to embrace and build a range and balance of shopping choices, housing types, and places of entertainment and recreation in the Eastland Mall area. The petition fulfills this objective through its commitment to a variety of uses permitted in MUDD-O and MX-2 districts. The petition intends to provide a mix of uses in a manner that creates a unified development pattern with generally coordinated streetscape elements, landscaping, and open spaces. The area plan recommends that future development in this area should be flexible enough to allow inevitable changes in

market conditions. Financial considerations and an implementation strategy are recommended. The petition's conditional notes provide this flexibility.

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

- Removed the conditional note that allowed parking as a primary permitted use.

David Pettine, Planning said there was just one note that was removed. We had a conditional note that was allowing parking as a primary permitted use. That is something that wouldn't be a permitted use, it is just an accessory, so they modified that note to match up with the Zoning Ordinance. That was the big change since Zoning Committee; the other item I just wanted to address real quick, it wasn't a change that needs part of a vote, but there were some questions about the park space and the park dedication at the public hearing. I believe there was a two-acre dedication and some of the discussion was that it was contingent upon funds from the County. Just to clarify, that will be donated regardless of funding. I just wanted to make sure everybody is aware that that space will be donated, and it doesn't rely on any funding that is budgeted for the creation of that park. That is not a change we are voting on after the Zoning Committee, but it is something that was in the follow-up report for this petition and I just wanted to clarify while I had a moment.

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

Motion was made by Councilmember Newton, and seconded by Councilmember Egleston, to approve Petition No. 2020-027 by the City of Charlotte and Crosland Southeast and adopt the following Statement of Consistency: This petition is found to consistent with the Eastland Area Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends mixed single family, multi-family, office, and retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this proposal is consistent with the area plan's recommendation for the transformation of Eastland Mall and surrounding properties into a mixed-use, pedestrian-oriented town center. The petition will greater enhance the area's pedestrian experience. The site plan seeks to emphasize pedestrian connections between uses within the development, while creating a strong link between the commercial core and adjacent uses. The site plan's commitment to a Public Park echoes the above, adding that the Public Park shall be designed as a significant pedestrian focal point and amenity for that portion of the development. Per the area plan, this site is envisioned as the heart of the Eastland Community. New development should be based on a long-term comprehensive strategy that meets the needs of both the existing consumer and the new consumer. The petition meets the above goal via its consideration of existing adjacent single-family development and multi-use path connection to the existing Charlotte-Mecklenburg Schools facility. A primary objective of the area plan is to embrace and build a range and balance of shopping choices, housing types, and places of entertainment and recreation in the Eastland Mall area. The petition fulfills this objective through its commitment to a variety of uses permitted in MUDD-O and MX-2 districts. The petition intends to provide a mix of uses in a manner that creates a unified development pattern with generally coordinated streetscape elements, landscaping, and open spaces. The area plan recommends that future development in this area should be flexible enough to allow inevitable changes in market conditions. Financial considerations and an implementation strategy are recommended. The petition's conditional notes provide this flexibility, as modified.

Councilmember Ajmera said I want to address a couple of things with this petition; I know many of us have received e-mails about delaying this petition and I want to speak on that. There has been almost a decade since we needed to develop this site. For those who were asking for us to delay this petition because of the COVID-19 have had opportunities to reach out to us even before COVID-19 and there have been concerns around open space, there has been concerns around skate boarding and open-air market. I just to clarify something that approving this petition does not mean that those discussions will not take place; those discussions will continue as we work with Crosland and the entire development team. I just want to assure the residents that our communications will continue even after this rezoning is approved. However, we do need to address economic opportunities in East Charlotte. There are so many residents that are having to commute outside of the District to find a job so this will enable us to expedite the redevelopment of the site and bring economic opportunities close to home. I will be supporting this petition and I do look forward to continuing conversations with all the residents regarding open-air market, regarding skate boarding open space and greenway connections.

Councilmember Newton said I just wanted to take a moment and thank everyone for their hard work on this. This includes our staff, the petitioner and the community. This has been a collaborative effort for almost a decade now and it is really encouraging to see where we are. I'm very excited about what the future holds. So, once again thank everyone so much and after this passes tonight, I'm really looking forward to what will become a very dynamic, very wonderful development at the Eastland site.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 179-180.

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ITEM NO. 17: ORDINANCE NO. 9827-Z, PETITION NO. 2020-028 BY NYESHA WEAVER AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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)

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Independence Boulevard Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential development at 12 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 site is currently being used as a religious institution, which is allowed under the current zoning. Area plans do not typically specify locations for future institutional uses. Uses permitted in the institutional district are consistent with the surrounding land use context of institutional uses and compatible with residential uses in the area. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan, from residential at up to 12 DUA to Institutional for the site.

Motion was made by Councilmember Watlington, and seconded by Councilmember Johnson, and carried unanimously to approve Petition No. 2020-028 by Nyesha Weaver and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Independence Boulevard Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends residential development at 12 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 site is currently being used as a religious institution, which is allowed under the current zoning. Area plans do not typically specify locations for future institutional uses. Uses permitted in the institutional district are consistent with the surrounding land use context of institutional uses and compatible with residential uses in the area. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan, from residential at up to 12 DUA to Institutional for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 181-182.

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ITEM ON. 18: ORDINANCE NO. 9828-Z, PETITION NO. 2020-029 BY JACO ACQUISITION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the New Bern Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends mixed use (residential/office/retail) as amended by petition 2018-130. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the subject site is within a ½ mile walk of the New Bern Transit Station on the LYNX Blue Line. The proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project. Use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The TOD-NC district may be applied to parcels within 1-mile walking distance of an existing rapid transit station.

Motion was made by Councilmember Watlington, and seconded by Councilmember Johnson, and carried unanimously to approve Petition No. 2020-029 by Jaco Acquisition and adopt the following Statement of Consistency: This petition is found to be consistent with the New Bern Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends mixed use (residential/office/retail) as amended by petition 2018-130. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is within a ½ mile walk of the New Bern Transit Station on the LYNX Blue Line. The proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project. Use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The TOD-NC district may be applied to parcels within 1-mile walking distance of an existing rapid transit station.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 183-184.

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ITEM NO. 19: ORDINANCE NO., 9829-Z, PETITION NO. 2020-031 BY THE CREEK KIDS ZONING AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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 MARLENE DRIVE FROM INST (CD) (INSTITUTIONAL, CONDITIONAL) TO INST (INSTITUTIONAL).

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends institutional land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the plan recommends institutional uses on the site. This petition is proposing to remove the encumbrances of the approved conditional plan (2004-016) in order to allow all institutional uses permitted, both by-right and under prescribed conditions which would allow a more diverse set of institutional uses to serve the needs of the community. The site abuts single-family residential development. Religious, educational, and institutional uses are considered compatible with single-family uses. This petition accomplishes a goal of the Central District Plan of “stabilizing the neighborhoods” by providing necessary social and physical services that will support positive and sustaining changes.

Motion was made by Councilmember Egleston, and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-031 by The Creek Kids Zone and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends institutional land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the plan recommends institutional uses on the site. This petition is proposing to remove the encumbrances of the approved conditional plan (2004-016) in order to allow all institutional uses permitted, both by-right and under prescribed conditions which would allow a more diverse set of institutional uses to serve the needs of the community. The site abuts single family residential development. Religious, educational, and institutional uses are considered compatible with single family uses. This petition accomplishes a goal of the Central District Plan of “stabilizing the neighborhoods” by providing necessary social and physical services that will support positive and sustaining changes.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 185-186.

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ITEM NO. 20: ACTIVE TRANSPORTATION PROJECTS

Mayor Lyles said you have in your document a report on the Active Transportation Projects in each District.

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HEARINGS

ITEM NO. 23: HEARING ON PETITION NO. 2020-081 BY UNIVERSITY CITY PARTNERS – FOR A TEXT AMENDMENT TO MODIFY THE SETBACKS IN THE RE-1 AND RE-2 ZONING DISTRICTS

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is a Text Amendment that was submitted by University City Partners; it is a Text Amendment to modify setback standards in RE-1 and RE-2. These are typically University City’s Business Parks and that is the zoning that governs those business parks. Really just want to propose standardize those setbacks in RE-1 and RE-2 to have just one minimum setback. So, we look at the proposed setback across the board of being 40-feet and you can see there is a difference between RE-1 and RE-2 between 40-feet and 100-feet and then 100 and 125, 100 and 150 so we would look at just a setback of 40-feet and this will achieve a blending of scale and setbacks of buildings consistent between the two districts. The majority of the area that these districts are in lies within designated mixed-up activity centers which really encourages a diversity of uses to support all the existing offices and development and we want that really to be occurring in more of a compact and walkable pattern which these setbacks would help to facilitate. We also want to improve the ability to create a mixed-use environment and increased density in some of these office and retail developments and also encourage strategic use and viability in some under developed and under-utilized land. We do have supporting language from the General Plans that are in that area, but just wanted to give you an idea of why we are looking at this doing this modification to that setback. We do recommend approval of this petition, it is consistent with the University Research Park Area Plan as well as University City Area Plan. It will give us a one Universal setback to work from within those two and help to facilitate some of the development outcomes that are looked at in those two different plans. Will be happy to take any questions, but a fairly straight forward request for us this evening.

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

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ITEM NO. 24: HEARING ON PETITION NO. 2019-146 BY ALB ARCHITECTURE, PA FOR A CHANGE IN ZONING FOR APPROXIMATELY .17 ACRES LOCATED AT THE EASTERN CORNER OF NORTH DAVIDSON STREET AND EAST 19TH STREET IN THE OPTIMIST PARK COMMUNITY FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL) & UR-C (CD) (URBAN RESIDENTIAL, COMMERCIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said just a matter of housekeeping, I know we are all familiar with our friend from C-DOT, Felix Obregon; I just want to let everybody know Felix is going to transition to another role within C-DOT so we are not losing him organizationally, but we won't see him at our Zoning meetings moving forward so I just want to recognize him and allow LaKisha Hall, his Supervisor, really quickly to maybe acknowledge him and give him a short send off as this will be his last meeting with us tonight before we get into a brief staff presentation.

Mayor Lyles said I'm sure Felix is so disappointed; he is probably sad not to be on this program every third Monday night. Felix; congratulations on the promotion, it is always great to see our folks doing well and doing things that they love so, thank you.

Mr. Pettine said back to our Petition 2019-146; this is .17 acres on the corner of East 19th Street and North Davidson Street. As some of you are familiar with the area, we've got an existing old commercial building that sits really right on the streetscape here. The property is zoned R-8 and what we are doing with this proposed zoning is going to two separate districts, UR-1 and UR-C to try to accommodate two separate outcomes, one is preservation of the existing commercial building that sits right there on the corner and then we will look at some infill on the rear of the property up on 19th Street for a duplex I believe. The proposal for this again, development Area B which is Building 2 up on the corner is that old commercial building that sits right up on the corner and then development Area A we would look at residential units that would have a maximum height of 40-feet as well as some privacy fencing. Development Area B would allow us to reuse that existing building that is up front as well as if the historic structure is demolished, we would look at a new structure that would be in line with additional buildings that are in the area with that maximum height of 40-feet. We are also getting some streetscape improvements on both frontages so again this petition mainly aims to preserve that building up on the corner while allowing some infill on the back side of the property.

Staff does recommend approval, we do have a few minor issues related to site and building design and transportation to work through. I feel confident we will be able to get through those. We've been in continued discussions on a lot of these items related to this zoning petition and I feel we are getting pretty close to getting all that squared away. It is inconsistent with the area plan which recommends 12 units per acre, but again we are looking at an infill of just two units on a small acreage so that density does look a little inflated, but the end result would be just some residents that are in line with infill that we've seen along this area of North Davidson and 19th Street. Will be happy to take any questions after Ms. Lauer's presentation.

Angie Lauer, 925 Pine Forest Road said I am really here just to answer some questions and primarily to say thank you for preserving this little historic store that is on the corner. I would appreciate all the Council's support on this.

Councilmember Egleston said no questions; just want to simultaneously thank and apologize to our staff. I've been probably a little bit of a pain in the butt over the past

year about this because initially there were thoughts of forcing this older commercial building on the front of this site to be torn down because some folks would look at it and say it doesn't make sense where it is, and they wanted to see something different. Both the property owner and I felt like it was unique, it is a way to integrate small service or retail business into a neighborhood who doesn't have a lot of walkable businesses yet, so it is gaining by the month and so staff continued to look at it and continued to work with the property owner and found a solution I think that is more beneficial to the neighborhood than we would have. I apologize for being a pest about it, but I appreciate the work that was done to get to where we are now.

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

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ITEM NO. 25: HEARING ON PETITION NO. 2019-160 BY MERITAGE HOMES OF THE CAROLINAS FOR A CHANGE IN ZONING FOR APPROXIMATELY 80.78 ACRES LOCATED ON THE NORTH SIDE OF PLEASANT GROVE ROAD BETWEEN HUTCHESON LANE AND KELLY ROAD FROM R-3 LWPA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO MX-2 (INNOV) LWPA (MIXED USE, INNOVATIVE STANDARDS, LAKE WYLIE PROTECTED AREA) WITH FIVE-YEAR VESTED RIGHTS.

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 80.78 acres on Pleasant Grove Road and Kelly Road area, just outside of the city limits in ETJ. The property is currently zoning R-3 LWPA and we are looking at an MX-2 innovative zoning request. The land use plan for the area is from the Northwest District Plan, a 1998 adopted plan that does call for residential uses up to four dwelling units per acre on the site. This proposal is proposing to allow for 280 single-family attached townhomes. The maximum building height is 45-feet. Some of the innovative standards are variations of some of the minimum lot widths and minimum individual lot areas, building footprints, also some individual unit heated areas and minimum separation between buildings of 10-feet. The minimum side setback width of 10-feet adjacent to rights-of-way. Those are some of the design standards that vary, but from our standard ordinance provides access points on Hutcheson Lane and Kelly Road. You can see some of those accesses denoted with the red arrows. We do have some other cross connections that you can see that look like arrows into adjacent property; those are to continue the existing street networks but also have dedication of rights-of-way along the frontage of Hutcheson Lane and Kelly Road, architectural standards. We also have some dedications to Mecklenburg County Parks and Rec, that would be this green area down here that is a future park and also dedication of the areas of the SWIM buffer which would be allowable use for a greenway to Mecklenburg County Parks and Rec as well. So, two public donations for this project.

Staff does recommend approval of this petition; there are some outstanding issues related to transportation and land use that we are continuing to work through. It is consistent with the Northwest District Plan which recommends residential uses up to four dwelling units per acre. This comes in at 3.47 so that is consistent again with the adopted area plan and we do recommend approval of this petition. Will be happy to take questions after presentations by the public.

Colin Brown, 1420 East 7th Street said I'm with Alexander Ricks, here on behalf of the petitioner. Joining me tonight are Maurice Johnson, the Division President of the Charlotte Division for Meritage Homes, he will be speaking, and we also have Amy Massey with Kimley Horne; she is available if there are questions. Dave did a good overview of the location of the property which is highlighted in blue. This is a large property, almost 81-acres, very close proximity to I-485, good access to uptown with the Brookshire Freeway. Well located, the gray area indicates this is an unincorporated

Mecklenburg County, so this is an annexation opportunity and Meritage would like to do that moving forward.

The land use plan is a dated land use plan, it calls for four dwelling units per acre. Our rezoning petition is less than that. Also, there is a greenway recommendation and the zoning plan would include dedication of that greenway area. The request is to an MX-2 innovate district; we are proposing 280 townhomes on this 80-acre site. That is 3.4 dwelling units per acre, so a very low density based on what you typically see in these rezoning's. Here is a colored version of the site plan so you can really see what is going on. The brown area is the townhome footprints and what you see is an effort to really concentrate the townhome footprints together and leave the bulk of the site as open space because there are some sensitive areas on the site. This is a more technical look at the site plan. As Dave pointed out there would be a dedication to Mecklenburg County for most of the northern portion of the site for future greenway. There is also proposed dedication of a park site here with street access. Also showing buffers around the site, so on most edges unlike a single-family development where there would be no buffers, the townhome development here we are showing buffers, but they are not required, we are providing those. One area we do not have buffers is this location here; we are building a public street which would be a collector street standard per City request. It will accommodate more traffic on this street and C-DOT and sub-division had asked if we could locate it closer to the property line so there could be access as this property develops in the future. We have had conversations with the adjacent property owners, there are some concerns about the location of that street adjacent to this property owner. We have proposed, it is not part of our site plan, we have shown an alternate plan where we could shift that road over, reorient the townhomes and provide some buffering. We have not made that a commitment of our zoning, but we are happy to continue that discussion with the adjacent property owner.

Meritage would be providing some nice amenities, pool, cabana, relay the natural setting of this site and the vast amount of open spaces would be the real amenity with areas to walk, trails connecting hopefully this future greenway to the public park and allowing this development to serve as really a nice pedestrian connection of all of that. We are requesting some innovative standards and what I want to say to you is this rezoning we are only requesting 3.5 dwelling units per acre, a little bit less than that, so this isn't a rezoning where Meritage is coming in and asking for a lot of density to build a lot more units. The point of this rezoning is noticeably to find design flexibility so they can locate the developed area, the townhome in areas where they are appropriate and leave the rest of the site alone. We have some really nice natural areas enhancing that greenway and park. These are not part of our rezoning plans, but just to give you an idea of the almost 81-acre site, the proposed area of the lots where the townhomes would be only about 17.5 acres so that is the goal again to really concentrate those building footprints in the appropriate areas and leave the bulk of the site undeveloped. The preserved open space that would not be touched is about 30-acres and then when you have the other open spaces that would be contributed [inaudible], we believe there would be almost 52-acres of open space total which is about 64% of the site. So, again, that is the thrust of this rezoning, it is not to try to max out units or a count on homes, but to provide some flexibility. We are getting slightly higher density than is allowed under the current zoning, but the real thrust is to get design flexibility so we can appropriately stay away from the sensitive areas.

Comments that we usually hear on rezoning's in this area, we hear about school impact a lot. I want to show you, and these are the memorandums provided by CMS. Under the current zoning CMS predicted 126 students would be generated, under this development, even though there are more units because of the townhome type of development planned, the yield would be only 83 students is their prediction. So, again this is CMS's memo that shows they would anticipate if this rezoning is approved and developed as townhomes, we would see fewer students generated than if this site were maxed out by right and developed with single-family homes. The same answer on traffic impact; traffic is something we talk a lot about in every area of the City and I just wanted to point out here, this is C-DOT's memo showing that if developed by right, if someone developed 242 single-family homes which is the base that would be allowed under R-3,

it could generate 2,340 trips. The proposal with more townhomes, yes, we are proposing more townhomes, but the townhome product we would expect, and the Department of Transportation would expect for them to generate fewer trips, so we are actually showing a traffic reduction this zoning proposal versus a by right development.

Transportation commitments, so even though we do expect this could generate fewer trips than a by right development, we don't trigger the thresholds for a traffic study, however this is a sensitive area, there are some comments we got in community meetings, concerns about traffic so the petitioner did commission a traffic study. We did take that through, C-DOT reviewed it and there are some transportation commitments we would be making. A new left-turn here towards the site from Hutcheson and a new left-turn lane from Kelly Road to provide for the site. Again, we are not required to do that, we didn't meet the thresholds but we decided to go in after discussions with C-DOT and do that so there are some additional transportation commitments being offered.

This is a conceptual rendering, just to give you a feel for it. It is something we could show the community, so they understand the product type. At this point I'm going to turn things over to Maurice Johnson with Meritage Homes and let him talk to you a little about the company and their interest in this area.

Maurice Johnson, 13925 Ballantyne Corporate Place said thank you for allowing me the opportunity to speak. Collin did a great job in really going through the ins and outs of the petition, however, I just wanted to spend some time and just let you know where Meritage stands, and I give you a point of reference on Meritage Homes. We are the seventh largest publicly traded homebuilder in the country. We've got 17 communities that we are operating in and around the Charlotte MSA. The reason we are really focused and very excited about this project is due in large part to the location and what we've been able to envision with the site. As Colin mentioned before we've purposely looked at the site and really tried to maintain and create a sense of destination. A very highly amenitized community; we will have all the features that you would like in a pool, cabana and the like. Given the fact that we are responsibly looking at how we are going to locate the townhome buildings, as Colin mentioned earlier, there will be several aspects of walking, tot lots and access to the greenway. Then if you look at the location of the site what we are seeing significantly is just the need to get to uptown and the need to get to all the surrounding retail area. If you look at the River Bend Area just across I-485, access to the Airport and the like and shopping and recreation. We think that in addition to all of this you look at the low maintenance lifestyle that we will be able to convey with the townhomes, so if you ask why townhomes, because townhomes offer significantly lower maintenance than your traditional single-family home. In addition to that, if you didn't know, Meritage Homes offers 100% energy star compliant homes on every single home that we offer across the country. So, in addition to low maintenance lifestyle will be the most energy efficient homes that production builders offer.

With that being said, just to talk a little bit about the school impact that Colin mentioned earlier, we believe that our targeted consumer is going to be young families and empty nesters, which as the traffic study really supports, they will deliver less of a traffic impact in and around the surrounding areas so, we are excited about the project. We believe that it is a great attribute to the area, and we believe it definitely serves some underserved demand.

Gary Knox, 19824 West Catawba Avenue, Cornelius, NC said I am Gary Knox and with me is Rick Ruffin who is Counsel to a specific property owner, and I've been asked to collectively to speak on behalf of the Pleasant Grove Community and adjacent property owners and there are non-less than probably 35 adjacent property owners. I'm going to read an opening statement from Eddie Knox if I may just for context. Eddie has delivered to you his letter opposing the rezoning for a host of different reasons, many of those I will reiterate, but for this evening's context he would like to say his apologies for not being here, but zoning categories are like a social contract. Yes, Pleasant Grove is not Myers Park, but these citizens and property owners have spent their hard-earned money and efforts on their properties building their homes, yards in reliance in what we

the public part of the governance has told them are the rules that apply equally to them and their neighbors under R-3 zoning. Now they are being told that you are going to breach that social contract and change the rules to suit a national big corporation who has no other reason other than to salvage a poorly negotiate real estate purchase of 80-acres where only 50% or less is truly developable. This community is not anti-development; they say develop all you want, just follow the rules that we have followed and relied on. The heading in a petition that has been signed by over 300 plus citizens in the area all say they respect property rights, they respect the fact that properties will be sold, and they respect the fact that they will be developed. They just ask that they be developed under the existing R-3 zoning designation. The neighbors are rightfully upset and united in opposition to the destruction of the character of their community in a corporate greed that should not cause them to run rough shod over a social contract. You, as the public servants elected, we also ask that you ask yourselves who is the public, this united community or ordinary citizens or a big national corporation? Thank you for your service.

That comes from Eddie Knox. My background is both in the public sector as I have served on a host of different functions from being a Mayor of Cornelius; I serve on an the MTC, I also chaired the Citizens' Advisory Board for C-MUD policy for two years, I was on it for six. I've been a Chamber President, etc. but in 34-years of real estate, the way I got involved with this matter I got a call following the first community meeting and they were sharing with me the applicant's presentation and what zoning was being sought and I said that doesn't sound right; I said I'll get back to you. I went and reviewed the application, the applicant's presentation to the community and I came to a conclusion this doesn't look right. Then after exhaustive work and with a host of resources and information I came to a very clear conclusion this is not right. It is not right in the context of the application, it is not right in the context of land use with where it is.

According to candied misrepresentations from my experience under did a CMS report was something other than the half page in the community neighborhood did not show the CMS recommendation and for the point of the community I need to say that this community will have more than the calculated number of students because the units are so small, there are no bedrooms downstairs. I can tell you firsthand that does not appeal to empty nesters. This approval will push the capacity at Mount Island K-8 to 162% of capacity and the Pleasant Grover neighborhood embraces that school and is looking to ensure the quality of education within its school in spite of the fact that there has been a host of developments approved that will continue to compound the capacity there.

Buffers were addressed in the first community meeting and came to the second community meeting on February 12th and yet the plan showed February 12th was not the revised plan which had already come back on February 7th to the City and there was also that representation in a community meeting that there was not a traffic study merited or warranted however, in talking to C-DOT staff prior to that meeting, I understood that they had requested the traffic impact analysis study and it was going on at that point in time. That put a lot of bad taste in a lot of folks mouths back in the community.

The conditional zoning district is what this is. When a conditional zoning is approved there is an understanding that there is a host of notes and conditions associated with that approved plan that protects the public, protects the future residents and protects the adjacent property owners. This plan has none of those things that the community is looking for as it relates to true conditions. Environmental conditions are left to be permitted or defined at time of permitting. The very notes say that the plan itself is schematic in nature and that the streets, the buffers and the buildings and the building types can change. That is not the type of security in a conditional zoning that this neighborhood is seeking. This is the meat; I'm going to allow you to read versus me reading it, but the point is there is a clear understanding of what is allowed in a rezoning relative to neighborhood district corridor plans and this application makes assumptions that there has been changes to the Northwest District Plan. It makes other assumptions

that are out of character and changes the nature of the application. When we say that the Northwest District Plan recommends four DUA in this area, that is not correct. It says up to four DUA and it is very clear on Page 13 it says that the densities less than four DUA are not precluded in this base density. Establishing a base density of up to four DUA simply provides the opportunity for a variety of lot sizes. This area historically had just well and septic. The neighborhood under development across the street Sutton Farms has water and sewer, developed under R-3. Those lots are 8,000 square feet, they have 60-feet of road frontage per the R-3 zoning.

We also think that the applicant has missed interpreted the ordinance. By definitions in the ordinance multifamily units are four or more units in a building. If you look at the site plan, there are only three buildings out of all of those buildings of less than four units. The long-range land use plan said that this area will be single-family. By your own designation multifamily is the application, we think that is wrong. This is the exhibit that shows the future land use of the area in question to be single-family up to four DUA.

In rebuttal Mr. Brown said I wanted to clarify one of the initial slides Mr. Knox showed; I don't know if he spoke to it, but it said Meritage has purchased this property; that is not correct. Meritage has it under contract and this is very much their plan so they didn't make a mistake, they are purchasing the property, they would like to develop this townhome concept. As far as the central contract obviously, we do a lot of rezoning's here in Charlotte, but I would say we saw the Northwest District Plan; that plan was adopted in 1990, that means that 30-years ago City Council at that time thought this was perfect for up to four dwelling units per acre. This petition would only be at 3.4; that is just slightly over the existing zoning. Also, and Mr. Pettine or someone can correct me, typically we characterize townhomes as attached single-family units, so I think we are consistent with the plan. If you want to call it a social contract, I think that land use policy has been in place for a long time and that is a recommendation we are consistent with. As far as the traffic study, at the initial community meeting I think I probably said we are not required to do a traffic study because we did not hit the thresholds, but we have done a traffic study based on concerns, some feedback from C-DOT and so this petition does include transportation improvements that would not be provided if someone developed this by right. I'll stick with the same comments on schools and traffic; certainly, understand the concerns in the area but as both CMS and C-DOT has put in their memos the expectation will be that this townhome development proposed by Meritage would generate fewer students and fewer trips than if developed by right.

Councilmember Watlington said my questions were all addressed in Mr. Knox's presentation and in the rebuttal. I'll have more but I will ask off line as they come up.

Councilmember Ajmera said I have multiple questions and there were multiple points that were raised by Mr. Knox. Mr. Brown; if you could just take a look at Mr. Knox's presentation and provide a response for each item that is being raised. As a follow-up I would appreciate it.

Mr. Brown said I'll be happy to do that.

Ms. Ajmera said just one question for Mr. Knox; do you live in the neighborhood or are you representing a neighbor in an official capacity as an attorney?

Mr. Knox said I am not an attorney; my Uncle Eddie Knox is an attorney as is Mr. Ruffin who is here. I am a real estate professional whose area of expertise is land sales, lots sales. I've sold over 2,200 townhome pads. I understand the issues, I understand development and that is my role. I was asked to present on behalf of a very large concerned community.

Ms. Ajmera said do you live in the neighborhood?

Mr. Knox said no, I live in Davidson and I lived in Cornelius for 21-years, so I work in all the towns in North Mecklenburg.

Ms. Ajmera said there was a buffer question and I didn't quite catch that. There were a lot of items that Mr. Knox had gone through. Can you pull up the presentation where there was an item around buffers? Mr. Brown if you could quickly address that item and then the rest of the items you could just send me in a follow-up e-mail.

Mr. Brown said I'll try to do that from this presentation, and I think Mr. Knox is representing some of these property owners that are adjacent to the site. One of the things we are showing here is we are showing a buffer between the townhomes and the adjacent properties. I think the point that he is making is that we do have an area, this area right here, I believe this is Ms. Felts' property where she lives, and we have a proposed street adjacent to her property. Our plans are changing; initially we did not have the street adjacent to it, I think the City staff asked us to put the street adjacent to it so there would be a spiked strip, connections could be made in the future. The plan that we then showed at the community meeting had a street adjacent to the property. Ms. Felts is concerned about that; this is her property, she has development on three sides. We have proposed to Mr. Knox an alternate plan that would provide some buffering around Ms. Felts' property in this location. That is not currently a commitment. We proposed something and I don't think it was well received so we are still showing the proposed street in this area here.

Ms. Ajmera said I certainly liked what I saw in terms of the preserving the open space which is over 30-acres and also the energy efficiency, but I do look forward to getting your responses for all the items that were raised by Mr. Knox.

Councilmember Johnson said I have a question for City staff if I could. Some of the feedback that we've gotten from the community is that they are outside of the City Limits and were not engaged in the discussions about the 2040 Comprehensive Plan. That was a concern or at least it was brought to our attention. They are leaning on the plan that was as we heard was adopted in 1990 so that causes the confusion or frustrations for many residents because it is not consistent with the plan that they are looking at and that they rely on. Can you speak to this community or is there plans to engage them in discussions about the 2040 Comprehensive Plan that might help ease some for the frustrations in the future or for this petition specifically?

Taiwo Jaiyeoba, Assistant City Manager said what I can do is to send you a map of our engagement activities over the last year and a half. We have as much as possible engaged or at least communicated engagement activities to residents of the ETJs all throughout. Not only that, we've also partnered with the County on their Parks and Recreation Master Plan they are working on which obviously goes outside of the City to engage folks who live outside of Charlotte, but in the County. We've covered as much ground as possible and I can share their map with you as well. Obviously, we advertised this, and people may not be able to attend some of these meetings so we will take another look at that. We are not done yet, we are in the thought phase and we will make sure that if there are gaps in out-reach we will address those as we go forward. What I do know in fact is that these particular petitions were found to be consistent with the Northwest District Plan even though it is an older plan, but it is found to be consistent at least by staff with the plan. Again, therein lies the challenge that we have as a community when we have multiple district plans and area plans as old as 1990. Obviously, that is not acceptable and the times that we are in are obviously very different from the recommendations that were in place in 1990. We will make sure for this particular community we will go ahead and reach out and make sure they understand what is going on as part of the Comprehensive Plan in the areas where we can meet with them and answer additional questions for them. The short answer is that we've reached out to everyone in the City, in the ETJ and even outside the City.

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.

Gary Thomas Knox, 19824 West Catawba Avenue, Cornelius, NC

Rick Ruffin, 21235 Catawba Avenue Cornelius, NC 28031

Sandra Wiggins Kalka

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

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ITEM NO. 26: HEARING ON PETITION NO. 2019-167 BY GRUBB MANAGEMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.7 ACRES (TWO LOTS) LOCATED ON THE SOUTH SIDE OF STATE STREET AND NORTH SIDE OF KATONAH AVENUE FROM I-2 (GENERAL INDUSTRIAL) AND R-8 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 0.7 acres located on State Street and Katonah Avenue, you can see the property highlighted in yellow. Just to give some context of where we are, we got Savona Mithael and Booth Place Brewing right across from this site here. The current zoning is I-2, you can see we have a split zoning of the property, we have some R-8 zoning on the back end on the Katonah Avenue side, but on State Street we are looking at an I-2 zoning. The proposed zoning is MUDD-O with mixed-use development, optional. The adopted future land use plan, this is from the Central District Plan, another one of our older plans from 1993, does recommend multifamily for the majority of the site. You can see that in that orange hatched and also, we've got a portion of the site that is single-family residential recommendation up to eight DUA. That is the yellow area or orange area here so, we do have some mix of recommendations as well from this district plan on this property.

The proposal itself is for up to 104 multifamily residential units that would equate out to about 148 DUA on 0.7-acre site. We do have an optional provision which is to reduce parking requirements to a total of six parking spaces on site. We have limitation of building height to a maximum of 70-feet and also uses would be just be multifamily development. We do have a workforce housing program option that would ensure 50% of those units or 52 would be maintained for a period of not less than 15-years of monthly rents that earning not more than 80% AMI. We are also getting some proposed streetscape improvements for an eight-foot planting strip and six-foot sidewalk as well as an extension of the proposed sidewalk beyond the sites frontage along State Street to connect down to the Stuart Street Greenway which you can see here at this identified crossing. We also have some design standards related to building materials, massing and roof form and articulation.

At the moment staff does not recommend approval of this petition in its current form. Generally, our main concerns with this petition is the scale of the building. I feel like the height is just a little bit taller than what we would like to see within this area, particularly given the narrow size of the lot. It really doesn't allow for some of that height to be dispersed across the site to give us some transitions where you could maybe lower the building a little bit closer to some of the single-family and keep it taller in some other areas. We also have some concerns about the ask about parking with just six space for 104 units. We are within a half mile of the future LYNX Gold Stop Line. There are some bus routes in the general area in the greenway, but we still feel like that is a more significant reduction than we would even typically see around some our transit areas that have access to light rail and also while we have the site providing 50% of those units that would be affordable up to 80% AMI, just feel overall the size and scale of the building and the lack of available parking can make some central land use incompatibilities and put some additional strain on some of those adjacent single-family homes, particularly parking along Katonah Avenue. So, at the moment, as we mentioned we are not recommending approval in its current form. I look forward to continuing work with the petitioner and the community to see if we can come up with some solutions that maybe provide a petition that staff can support, but at the moment those are our concerns and that is where our recommendation falls at the moment.

Collin Brown, 1420 East 7th Street said on behalf of the development team, very proud to be working on this rezoning. As you heard we will be here today you will hear from the property owner Mike Whitehead. He currently owns the property. The petitioner is Grubb Properties, Eric Applefield is the project lead, he is on the call and Clay Grubb should also be on the call. The Cluck Design has been very intimately involved in this project although they are not on the slide.

I think Dave did a great job on the orientation; we've got a lot to cover so I'll move quickly. Here we are in Seversville within a quarter mile of several important amenities, especially the Stuart Creek Greenway. Here is a look at the current property, as Dave mentioned, it is currently zoned I-2, that is our heavy industrial zoning. I think it is used for some sort of mechanic shop so, this is not really a contributing property. I think redevelopment would be helpful. The reason we are here, this Council has repeatedly for the last three years challenged the development community to respond to our affordable housing crisis. They have repeatedly challenged my clients, all the development teams trying to find ways to develop more affordable housing. The reason we are here today is this is the Grubb Team's effort to do that requesting no public subsidy. This is a development team coming forward and showing you a way to provide 50% of the units, and in this case that would be 52 units at affordable for under 80% of AMI for 15-years. That is where we are now and that is with no public support on that. So that is the request. How do we do that? The plan, and Clay Grubb has been out front talking about this. One of the things driving up the cost of housing so much is parking and so the key element of this rezoning petition is a parking reduction. As Dave mentioned essentially, we are asking for no vehicular parking for this site. As you all know in urban locations like this when we build structured parking that costs about \$30,000 a parking space. Additionally, we have the space that those parking spaces take up. If we were building parking on this site there would be less room for units. So, this is a very innovative request that the Grubb Team has put forward.

Again, an aerial view here currently showing 104 residential units, five stories of height. Here are the affordability levels and again this is completely voluntary. We have the Grubb Team on if you would like to have further conversations with them. This is a look at the plan view. The Cluck Team is very involved, these guys are involved with Spoke Easy Cycling Studio so the idea, the entire intent of this project, there is no cars because the goal of this is this be a carless development. There are no new housing units in Charlotte that I'm aware of where you can come, rent a unit and not have to pay to store your car. The Grubb Team hopes that we are a point in Charlotte and I certainly agree, where we can build 100 units, not have to have onsite parking. I think this will be greatly embraced. As Dave mentioned, we do have transit in the area, and we have direct access to the Stuart Creek Greenway so what you see here is a ground floor plan showing the ultimate modes of transportation that will be allowed. A lot of focus on bicycling, a lot of focus on other modes of transportation and so that is the idea. It is not for everyone and it is certainly not for me, but if folks move in this building, they want to have a carless lifestyle. By doing that we are able to offer 50% of the units affordable and the other units will be less than most new market rate units because we are not paying to build that storage.

This is a look at the building profile if you were looking at it from State Street, Stuart Creek Greenway on this side. I think the team has done a lot to orient the building based on feedback that we've gotten from the neighborhood. One of staff's comments is concerns about height, so I wanted you to be able to see this from State Street, we have a lower level podium that will have amenities and then there are four stories of retail on top of that; 58-feet here, 62-feet at the top. One of the concerns that staff mentioned was how that relates to other buildings in the area and a few years ago, not that long ago, Seversville was an area of small one-story bungalows. Please take a drive through Seversville today; I didn't really understand gentrification and displacement until I started working in this community and look what is happening. That is not necessarily a bad thing, there is a lot of new development, but this is a look at new townhomes developed just up the street. This is also on State Street; our project would be down the hill and so this is what allowed to be developed by right in the R-8. As I mentioned, staff had concerns about our building at five-stories; this building is one,

two, three with a roof-top terrace that really takes it up to four-stories. You can see behind it, here is a traditional Seversville bungalow and next to that is a two and a half story new home with a basement. The new development we are seeing in Seversville is much taller, much larger in scale than the traditional neighborhood. I think that is going to continue to develop, the lots adjacent to the site on State Street are looking to me like they would be redeveloped, and I don't think they will be redeveloped as one-story bungalows. I think it will look much more like what you see on the screen and when that happens, I think our development will not appear as inconsistent. Some of the feedback we've gotten from the neighborhood and we've gotten a lot, but I wanted to show the responses. We've lowered the height of the building; initially we were at six-stories, we are down to five. We've reduced the units down, we were at 140, we are now down to 104. We have fewer bedrooms than we did initially. We've eliminated the driveway on Katonah; initially we were able to drive through the site, connect the streets; we've taken that off the board and finally we've reoriented the buildings with activated uses face the [inaudible].

I know there is some neighborhood opposition, we are happy to address that, and I'll address that if we have an opportunity in our rebuttal. I will turn it over to Mike Whitehead for a brief minute and then J'Tanya Adams will round us up.

Mike Whitehead, 305 South Summit Avenue said thank you Madam Mayor and Councilmembers; it is good to see many of you again. I've been the owner of the property for 18 years. I also own a property on Summit Avenue which is about a mile away that I've owned for 22-years so I've been a huge supporter and advocate of this neighborhood and I want to be sure that I'm continuing to make good things happen here and I'm very impressed when I was approached by the Grubb Development Team as to what they are going to do. I believe many of you may know Daryl Williams and of those of you who have been around for a while knows he is one of our community leaders, he was on the County Commission for many years, he was instrumental in the development, actually of the Greenway System itself so that shows you how long I've been around. He is an extraordinary community leader, former County Commission, also the President of Neighboring Concepts, an architectural firm. He lives in the area, in the neighborhood of Wesley Heights with his wife. He also owns his own firm which is about a mile away from the site. I received a letter from Daryl Williams, and he asked me if I could read that and share that with you since he can't be there. He is working on a project in Asheville, actually a very cool project that I found out about. I want to read this, again this is from Daryl Williams Architect and former County Commissioner.

He said it is his distinct honor to put this letter to the Council and the Mayor and the City. As some of you know I'm a resident of adjacent Wesley Heights Neighborhood and a business owner in West End. As a nearby resident and business owner I'm urging you to please support the rezoning of this project. Here are the three reasons that he gave; he said one, overdue quality housing options. This development is going to provide much needed quality housing in an area that for too long has been without good diverse housing options for those not requiring much space. Despite the rising home values in some close in neighborhoods such as my neighborhood, the variety of housing options helps to maintain some diversity within the neighborhood. Like most inner cities, urban neighborhoods close to the center city, the Seversville neighborhood is no exception regarding the rising cost of housing. The idea of having approximately 95 studio apartments in this neighborhood which has direct access to the greenway, really right on the greenway, less than one mile from the Gold Line would be an amazing opportunity. That is the first point of three.

The second point is affordability. While we all know there is a greater need for housing with the area medium income of 30% to 40%, homes with 80% AMI are still needed by so many residents in our community. More than anything residents who do not need parking will not have to pay a premium or subsidize parking spaces that they do not need and will not use. For too long we've become so dependent on the automobile assuming that everyone has a car or cannot survive without a car. Neither one of those is true. It is time to get more creative, it is time to think outside the box and not continue to subsidize everyone and make them pay for parking whether they use the parking

spaces or not. Well, what if we tried something different? If the developer of our property is willing to take a risk and develop units that would be more affordable for residents who do not own cars, why not allow them to do that? It has worked in other communities and I'm confident if given the opportunity it can work here in Charlotte.

Amar Johnson, 409 Coxe Avenue said I am President of the Seversville Community Organization. I am here today representing on behalf of the Seversville Community to voice serious concerns about the Stuart Creek Greenway Project for you to take into consideration and be appropriate [inaudible] during this project. First and foremost, the Seversville Community Organization welcomes and embraces development however, the development must be well planned and designed. This project is not. After numerous meetings with Director of Development for Grubb Properties, Eric Applefield, it became very apparent Grubb Properties intends to ignore the ideas and suggestions of the community by being stubborn to make sufficient improvements to the plans, therefore the Seversville Community will oppose this monstrosity of a project that will have an adverse effect on the community. The home owners will be left with the longevity and negative economic and social impacts. Per the prehearing analysis from staff review this project is not recommended. Additionally, Collin Brown, the lawyer for Grubb Properties stated in a meeting last week with Seversville that he does not recommend this project, he would not live here. The key objective points why this project is not recommended includes, but are not limited to, there is no parking, it is grossly insufficient or willful omission. Let me be clear; when I say that it is because Grubb Properties want to put in their lease that residents have to sign away their rights to own a car. They are actually forcing them to say they will not own a car and if they do, they said they will evict them.

Number two, there is no objective data for this project, there has been no real estate appraisal, the highest and best use has not been determined. That is the single most important thing in a real estate appraisal when developing a plan. Additionally, there is no market data analysis stating or supporting that anyone wants to live this lifestyle with no vehicle in Charlotte. They are using Opportunity Zoning money; Seversville is not a low income economically depressed area. The average median price of a home being built in Seversville is north of \$500,000. Additionally, I would like to bring attention to everyone that a few years ago the City of Charlotte conducted an upward mobility study. Please review that study. There were five major areas, one is income and equality. That is very key point and parallel about this project. Secondly, it is family structure, third is education that is also a very key because of segregation and academic achievements are closely linked together. Fourth is race and fifth is social capital. Social capital measures the level of trust between people, people groups and races. It also stated that lower social capital is directly associated with lower economic mobility.

This lease restricts the residents of owning a car; this lease will decrease the resident's opportunity of cultural exposure which means there is a likelihood that the chances of Police brutality, racial injustice and social injustice will increase in the City of Charlotte. Fifth is the safety, sixth is a poor design and seventh, there is affordable housing right up the street called the Seversville Apartments. It is on the corner of State Street and Sumpter Avenue. Grubb Properties should consult with the Seversville Apartment ownership that is a much better design for complexes. In closing, please do the right thing, join myself, and staff analysis and be in lock step in rejecting the project as is. I would now like for you to hear from the leader of the Economic Development Committee for Seversville Organization, Viltis Palubinskas.

Viltis Palubinskas, 410 Katonah Avenue said I live on Katonah Avenue, in the same block that is in question. The premise for this project is based on the assumption that people are able to live in Seversville without a car or direct access to public transportation. The Seversville Community has major concerns about this assumption. Over 400 neighbors have signed a petition siting concerns related to parking and the height of the building. We ask Grubb to share market research to validate their assumptions and we ask to see comparable development in areas with similar population at retail density. Grubb has not provided either. After hearing the community's concerns regarding parking and height Grubb created a new site plan

reducing the unit account by 25% and parking by 70%; 20 parking spaces down to six. It is difficult to access essential services in this area such as grocery stores, pharmacies and healthcare without a car. The FDA labels this area as a food desert however, Audi is the closest grocery store a little over a mile away. The Prehearing Analysis, despite the lack of parking and lack of height transition as well. If Grubb's assumption is wrong the residents will end of parking on the street risking eviction. This project is not set up for success.

Street parking already has already utilized in the area. The older homes don't have garages, so people park their second and sometimes third cars in the street. Some homes don't even have driveways. There is not enough curb space to accommodate the parking of 100 additional people and their guests. Approving this project would set a new precedent for developing apartments in Charlotte without validating the assumptions behind it. Grubb is pushing for this project when City staff and the Seversville Community don't approve.

Bradford Webb, 529 State Street said I am a resident of Seversville, and I live on State Street within a throwing arm's distance of the land in question. The most important factor for this project to be successful is the location. An innovative property of this nature needs to have a practicality to them that makes it a highly successful venture for the builders and the neighborhood to coexist together. I'd like to discuss some of my main concerns about this property and ask that we do not approve this building with its current design. Number one, you've heard it from everyone, parking. The idea of having a 100 plus residential building in Charlotte might makes sense if it were located in a highly condense area with many surrounding businesses where residents could easily commute via bicycle to their professions, grocery stores and other daily necessities. At the proposed location on State Street this will not be possible without the addition of multiple infrastructural pieces. The new design only allows for six parking spaces which is not feasible for the location. Ideally, Grubb would at least maintain one parking space or more, similar to other properties in the neighborhood to keep a massive overflow of parking from spilling on to State Street. Locally, there is one apartment complex that has 47-units called Seversville Apartments. Its resident pricing is approximately 35% lower in cost than Grubb's proposed pricing and each unit still includes one parking space. With the allotted one parking space per household they still have an overflow of parking onto the street. Grubb has mentioned that all residents of this new complex will be required to sign an avadavat making it mandatory that residents cannot own a car. With many people coming to State Street to walk their dogs down the Greenway or to visit Blue Blaze Brewery, this will not be enforceable. Last on my list, and Viltis has covered it as well, is my concern for groceries and grocery stores. The residents located at this area will be over a mile away and it would take up to 30-minues to walk and 12 minutes to drive their car, if they had one.

In summary, this location is not practical. Without strict enforcement of the parking situation I believe the overtime for an extreme circumstance, the scope of the parking mandates will start to creep, and they will not be enforced at all. The only way to remedy this would be to design an appropriate amount of parking spaces and allow residents to own a car.

In rebuttal, Mr. Brown said let me clear; I support this project. It is not for me as I don't think anybody could image me only biking and walking. But I think it is great for a community. We had a follow-up meeting with members of the community, and some of the comments we got are, we support this, this should be built in South End. What I will say to you all is can you imagine if we had built this in South End 15-years ago when property was affordable before the boom got here. That would have been fantastic. You couldn't possibly build this in South End because of the land cost and do half of it affordable. This is an opportunity to do this at State Street in an area that is on fire. If we had the slides, we could show you the Savona Mill development just north of this with a quarter of a million square feet to be developed. Just south of the site at [inaudible] Third and Irwin has announced another quarter million-dollar project, so this area is about to explode. If we don't get some affordability in Seversville now, we are going to lose the opportunity. I agree this would be great in South End, we can't do it in South

End, if we don't do it in Seversville, we will lose this opportunity. I'm going to give the remaining time to J'Tanya Adams.

J'Tanya Adams, 309 Lima Avenue said first I want to address the fact that together I think we can work with one another. Secondly, I-2 has been a problem for the Five-Points area for decades and we must rezone this property to MUDD-O. We have been relegated to mostly manufacturing type facilities and when my neighbors saw I-2 properties change for townhomes, the scale of what you've seen, costing \$400,000 to \$500,000 there was no push back about traffic because it helped the property values. Mr. Pruitt fought for over 20-years for us to get affordable housing, he didn't want to see our seniors displaced and followed Mr. Pruitt's lead. The SCO communities, those who have lived there for three-fifty years.

Councilmember Egleston said I think this is a fascinating project. I realize why it creates anxiety and the discomfort it does for some, and I think we all take that seriously. I don't think that we could necessarily put thousands of units around the City like this overnight and expect them to be filled with people who live a careless lifestyle, but I do think that we are a City now approaching 900,000 people that probably has a couple hundred, I think probably far more, but certainly has a couple hundred folks who live a careless lifestyle. I am interested to hear, and my first question will be to Collin or Clay or whoever wants to field it around what they envision being their method for enforcing the contract that they will ask people to sign that they will not have a car. I did a quick Google Map search, and this is .3 of a mile from a bus stop, half a mile from a future Gold Line Street Car Stop and one mile by way of the Greenway, direction connection into uptown at Frazier Park. So, this is frankly very close to mass transit but also to walk or bike into uptown if that is where you work. Also, with that greenway connection, as we finish over the course of the next 12 months, I think is the timeline for us to finish the Sixth Street cycle track, of which we've done half, that will connect down to that greenway at Ray's Splash Planet near Frazier Park. We are building the infrastructure that will allow this to be a connected community for things other than automobile and I think that this is the kind of thing that if we want to move towards a more multimodal approach to things in our community, we've got to start experimenting with things like this. I think if there is a way that the petitioner can provide confidence to the residents here that this is an enforceable covenant in the lease that the folks cannot own a care, I certainly think that there are enough people to fill this in our community who want to live that lifestyle. That is the one assurance I need to hear from the petitioner if they can address that and how they will enforce that.

Mr. Brown said Clay has given a lot of thought to that. I saw Clay on a moment ago, if you have a good connection Clay, if you can answer that.

Clay Grubb, 4601 Park Road said thank you Mayor and Council for having us tonight and thank you Larken for your comments. At Grubb Properties we have been focusing on moving away from cars for a number of years. My first real exposure was when the Knight Foundation took me to Copenhagen and took John Lewis and Debra Campbell and myself with Charles Thomas. It was really fascinating to realize how impactful parking is to the cost of housing and today I think this is a vote between cars or housing. To put parking under this building would cost us about \$30,000 a space which would cost another \$250 a month in rent or \$3,000 a year in rent. The average American spends \$9,000 a year on their car so you are talking about \$12,000 change in trajectory and if you are making \$25,000 to \$45,000 a year, it is a very material amount of money. We originally looked at doing a light parking program here.

Mr. Egleston said I'm sold on the concept; I think the neighbors just want to know how you enforce it.

Mr. Grubb said that is what I was saying, we were looking at a light parking program here and what we realized was that was not going to be enforceable because it was going to get really hard to decide who has 30 parking spaces out of 100 and so that program went to a program that said you cannot own a car if you live here. You have to sign that in your lease, and we are going to require that you don't own a car. We also

are in active conversations with CATS to bring the bus stop back to this site and it won't be .3 of a mile, it will be three to five feet near the bus stop and I actually jogged this until it was under construction and now you can't get by there right now, but also the delivery will be almost four years from now before we finish just because of all the permitting and everything else it takes to build. We think this is a great opportunity and we are doing it with our impact fund which is why we are able to deliver something that typically wouldn't be financeable and so for the City to get something like this I think will be a great experiment because there won't be a ton of these around the City until lenders can actually see it work.

Mr. Egleston said I agree with everything; I didn't get a whole lot of specificity around if you've done other projects like this. I know you had something that was either lighter parking or no parking in Chapel Hill and what sort of compliance you've seen with something that you've done would be preferable or something that you've seen someone else do, the level of compliance and the method of enforcement.

Mr. Grubb said from our enforcement standpoint, we will evict you if you buy a car. You have to sign in your lease that you will not own a car and with the neighbors, I think they will help us police it. I think we will be the first to hear when they see somebody consistently parking on the street and coming down. In all of our projects we bring a lot of cycle infrastructure and a lot of other means of movement and with what is going to happen across the street, all your amenities and a lot of your job market will be right here in walking distance.

Mayor Lyles said can I do a follow-up to that? By law can you deny someone a rental property because they have a car? I don't know what the Fair Housing laws are; is that something that you could legally do?

Mr. Grubb said car ownership is not a protected class, yes, we can legally do it.

Mayor Lyles said and that is the way the leases would be written?

Mr. Grubb said as long as we can consistent apply it, the Fair Housing rules require consistency so if we were to make an exception that is when we could get dragged in for a Fair Housing.

Mr. Egleston said that was my main thing and I think if I lived right there that would be my primary concern as well. I can appreciate the folks who are saying the street parking situation is already unattainable and that this, if not enforced, could make it worse. I think the enforcement here is critical but again as an opportunity for us to try new things from the City that wants to rely more heavily on transit and support the transit infrastructure that we are already making investments, like the Gold Line and like our biking network and pedestrian network, and for a City that is looking for creative new ways to address our affordable housing shortage there is a lot about this that is really exciting. I think that piece around the parking is going to be the part where whatever you can do to give assurances to the neighbors that that will be strictly enforced and there will be a process in place for them to report folks who are trying skirt that rule would be critical. Because again, this only works if the people who are renting from you are buying into this vision as well. I think that there are enough people in our community already to fill a place like this that do buy into that vision of just making sure that they are and that they are adhering to it is critical.

Councilmember Eiselt said Mr. Egleston did interest a couple of my questions but I have a couple of comments and then a question. First, I want to say that we have right here a land owner and a developer who are both from Charlotte, I know both of them and it is very commendable that we've got two parties right now that have a proven record of caring a lot about this community and wanting to do what is right for the community. We don't always have that and with all due respect to developers out there, but that is not always the case. I do believe that they in earnest want to see something transformational in this community that helps keep great places to live affordable and try out different models. There are some questions that have to be answered, but I want us

to keep an open mind about trying things that are different and when you think about the greenway there and what the possibilities are for this area and then you think about the High Line in New York City, or the Beltline in Atlanta and you can really see the possibilities of living on an alternative trail system or a pathway that could take you to work or take you to where you want to go. I would believe that a development like this would work [inaudible] and there would be a long line of people that would love to have that. To that extent, I think that this isn't just about cyclers, this is about seniors also. I believe the number went by pretty quickly, but I think it said 93 units out of the 104 would be studio apartments because that is the number that is roughly 90% of those units that are studio apartments, so you are not talking about families that are living there. You are talking about seniors, you are talking about single people that want something that is affordable, and a studio apartment is a lot more affordable, and our seniors to have other options to live in a vibrant community I think is fantastic. [inaudible] is an issue and so I would like to ask the developer a question, but I also would like to know what he meant that the possibility of an automobile operating on Automobile North Carolina and I sit on the NC First Commission that is looking at how we are going to fund transportation for North Carolina in the future. I can tell you that with the fact that the North Carolina DOT is broke. We have got to find other ways to fund transportation, not only North Carolina, but in this country and it is going to fall on the backs of people that are retired. That is just a fact. I believe frankly, that the cost of owning an automobile is going to go up and so we've got to get people other options for how to get around. I hope that we are willing to take a chance on something like this, but we have to hear the concerns of other people. I wanted to ask two things, one, Clay are you open to working with the City of Charlotte on possibly contributing to building a bus stop that is right near this facility if CATS is willing to make sure that there are better transit options to the area, more frequent bus routes?

Mr. Grubb said we've been in active dialogue with CATS about bringing the bus stop; this was one of the requests we got from the neighborhood and so far, we've had an enthusiastic response, but we haven't got a formal commitment one way or another. I can tell you in the growing LYNX project that Larken referred to where we have heavily invested in getting folks out of cars in Chapel Hill, we are contributing to a much higher upgraded bus stop than is standard and we would be committed to helping contribute to something like that to do a really best in class bus stop that would be really cool in the neighborhood. I just want to say from the architectural standpoint, we are always committed to enhancing the neighborhood so I do believe the architecture which we deliver will be consistent with the projects we've built in Charlotte and throughout the country that we are committed to enhancing the aesthetic appeal of the neighborhood.

Ms. Eiselt said my last question is for Ms. Adams; you've represented the area for a long time, and I guess I wanted to hear a little bit more from other residents such as seniors that what is the viability for them in terms of finding places to live in the community? Have you gotten feedback from a broader representation of residents?

Ms. Adams said the Seniors Real Community Organization under the leadership of Mr. Wallace Pruitt for nearly 20-years and then myself, under his tutelage since 2007 have worked towards getting affording housing in Seversville. The Seversville Apartments which mostly no other affordable is only 50-units and they've been full for a very long time. We knew that our seniors needed to be able to age in place; they were being displaced because of the property values and the taxes and we all sought a way for people to remain in West End as well so that is one of the reasons why members of the community that have lived there more than three to five-years, but pretty much have lived there any where from five to 50-years have sought and favored that along with some new transplants so it is important that the community remain inclusive and they also had me and Mr. Pruitt vow that we would do our best to make sure that it remained a mixed income neighborhood and that we had options for all. This has been a very important project for us for a very long time. This type of a project for some affordable housing and we did not want a lot of large units, so this is in step with what we've been looking for and I was very pleased to know that he was interested in trying to help us out.

Ms. Eiselt said with that I will conclude that I understand through other residents in the area that this is a lot to absorb and ask all the questions you need in this next month as we go for a decision a month from now. I hope we could really be open minded as to what the possibilities are because God knows we need some different options in Charlotte for great places for people to live.

Councilmember Winston said I've been looking for an apartment project to come to Charlotte that didn't have parking for a long time, so it is very compelling to see something like this come. I've lived in an apartment all my life before I moved to Charlotte and I can tell you I have never heard of anybody pick a place to live based on the ability to park a car. As we grow into a metropolitan area this shouldn't be an experiment, this has to become more of a normal thing. With that said I would ask the developer and his crew; we haven't seen anything like this in Charlotte, but I would imagine that projects like this do exist in other places. What other markets might you see a development like this pop up in?

Mr. Grubb certain the whole trend has changed dramatically and so we are seeing a lot more of these. I toured projects like this in DC and LA we are working with Chapel Hill and it is moving a lot more. If you think about it, four-years ago we were just getting introduced to bike share, then we got scooters and now we've got Uber and we've got Lift. By the time we deliver this we are likely to have autonomous cars, so the world is changing quickly and I can tell you if we want to attract the young folks and the talent that we hope to, we've got to have housing that they can afford to live in and we've got to be able to have options for them to get out of cars because the car is the number one deterrent to our ability to deliver affordable housing in our urban area.

Mr. Winston said just as I have never heard people that live in apartments before I moved to North Carolina looking for parking spaces in an apartment, I've also never heard of the prohibition of owning a car to live in an apartment. So, that part of it does give me pause. Another question was asked about the legality and I know Mr. Grubb answered, but I know we have some lawyers on staff and I would like for them to take a swing at that answer and see what their interpretation of the legality of the prohibition about ownership of a car and denial of housing is.

Terrie Hagler-Gray, Senior Assistant City Attorney said we will get back to you on that.

Mr. Winston said I do have some questions to the development team about that because that does give me serious pause. You mentioned community policing themselves, you mentioned about trying to have a standard that enforces that prohibition. I feel like that is a very, very dangerous place to be, it is attesting very inequitable and so I would like to hear how you plan to enforce that. Also, I have the hypothetical question, are you saying in order for somebody to sign a lease and that lease to be accepted they would have to swear to not get a car. Does this mean that you would not rent to a wealthy person who is buying this as a second or third apartment that owns an automobile that is parked elsewhere?

Mr. Grubb said that is correct.

Mr. Winston said so there would be no subleasing or anything like that. A person could not rent this apartment as a second home and live in SouthPark and be able to park their car in their driveway? They would not be eligible to rent the property.

Mr. Grubb said correct, it would be too difficult for us to police it so our feeling is you cannot own a car and live in this community. You have to be committed to not owning a car.

Mr. Brown said our thinking Mr. Winston is that is the draw. This community, if someone wants to live here; these are folks that don't want to have the car. That is the goal obviously. You are correct, there's got [inaudible] and I think that is what the Grubb

team was trying to figure out, but I think this is an attraction for the folks that don't have a car, this is where they want to go.

Mr. Winston said another part of this type of lifestyle might not be the traditional fuel fired automobile, but folks might ride a motorcycle or moped. How are we defining; would nobody be able to own any type of an automobile if they were to live in these places?

Mr. Brown said if I can have the slides, I will take you to the one that zooms in on that downstairs area. Eric Applefield is on and as I mentioned Cluck Design and the Spoke Easy folks have been very involved in developing this concept and there are a variety of non-vehicular or non-automobile uses including the powered bicycles, Pebbles which was an education itself for me. I can't get to my slides.

Mayor Lyles said we are trying. It is up now. Mr. Brown were you addressing Mr. Winston's questions?

Mr. Brown said I was attempting too. Mr. Applefield or Mr. Grubb I will take you to here; I think this goes to Mr. Winston's question of what is going to be there, and I think this takes you into that area and you can kind of walk through what is available.

Mr. Winston said it wouldn't be like a moped or motorcycle would not be able to –

Eric Applefield, 4601 Park Road said basically we have designed a number of options; we've got charging stations for scooters, we've got charging stations for e-bikes, we've got Argo Bikes so you can ride your bike to the grocery store and fit several bags of groceries. We've got Pebbles if you want a rein; we've got over 1.5 bike parking spaces per bedroom. Our goal is to attract folks that are not interested in owning a car and we do believe that out of the 900,000 people that live in Charlotte that easily there is over 100, in fact we've got several that don't own cars. I think with myself, I don't own a car and [inaudible] their car. It is definitely a trend and by the time we deliver this we think it will be more than just a trend.

Mr. Winston said I am a big fan of the idea of figuring out how do we get a less car dependent if not a carless society in our neighborhoods however, I do think that the market should push that, and I would hope, and I know that as [inaudible] around traditional rezoning's we have to make concessions to our neighbors to make things work. I feel like we are potentially going down a slippery slope here where we are policing one another and choosing the type of people that we want to be in our particular neighborhoods based on externalities that might sound community serving but can be dangerous. I think of the ideas of HOAs; I'm sure they sound great when they first came about, but this idea of creating an extra judicial system within apartment building or within housing based on some of type of market demand is dangerous. I hope that we can find a middle ground, I'm also not opposed to on-street parking, but I know that is something that you are trying to avoid because neighbors in Charlotte don't traditionally like that. I don't like the idea of prohibition on people's rights of doing what they want with their money when they go to work and earn that. I hope we can continue to explore this project and find out how to make a parking less solution to living in Charlotte, but I hope we can get away from the arbitrary policing of one another by common citizens.

Mr. Applefield said I think this project is really trying to attract people and trying to attract those enthusiasts. We purposely selected this site also for its proximity to Johnson C. Smith University and uptown and then we've partnered with Cluck Design who under [inaudible] this Spoke Easy and owns obviously, the design firm, but they are well integrated to be a cycling community. I think we should also point out that we've all experienced over the past two-months that unfortunately we've had to be confined to our residences and we are trying to offer solutions where we have storage lockers and refrigerated package lockers that people can order things in and be a little more untethered to the commute so to speak.

Mr. Winston said I understand that but we need to remember that the people that need this type of housing most and who are not confined by the cost and burden of putting parking and taking away from affordability are people that could rather do without for \$4,000 a year of owning a car because they are trying to make ends meet, not simply because they have a disposable income for a \$1,000 bike. So, as we are thinking about it, we don't want to cancel out the improvements that we are trying to make within our communities by again being selective. We know we have plenty of people on the Westside and all over this City that need affordable housing, but it isn't simply because they choose to not have a vehicle, but it is because they cannot afford to own a vehicle and still need to access home and work at the same time. I hope that we can get this project to a place that offers this housing option to those people and not just those folks that can afford to live in this type of affordable housing.

Mr. Brown said Mr. Winston; your points are well taken and from the beginning out the outset we did not have the automobile restriction. The main blowback we've had with this has been concerns about residents here having the car and parking on the street, so we are grappling that. You made great points and we will follow-up and continue discussing that.

Mr. Winston said I'm saying that to you and I'm saying that to the community. Listen to what the concerns are. We are trying to appease one of the biggest things that when you develop new things in neighborhoods, no matter where it is, it is a NIMBY thing. We don't want other people parking their cars in front of our houses even though our houses are on public streets, so we are going to have to meet in the middle ground. I would not vote for anything that has a prohibition on people's freewill to work hard and spend their money how they see fit.

Mr. Grubb said the one thing I will do is add real quick, the problem that we are seeing is any new product in the neighborhood is typically running over \$400,000 or more. Today, 80% of Americans can't afford the average price of a new home in America and that is less than \$400,000. We are prohibiting probably 90% of our residents from being able to move into this neighborhood on the current trajectory which is [inaudible]

Councilmember Bokhari said I think anyone, and Collin said it earlier, anyone who has paid attention to this Council for the last 30-years there has been a call to action for exactly what we are seeing here. So, anyone who is surprised, honestly the only ones who should be surprised are us that we actually got it tossed back to us in the form of a project. So, kudos to that to begin with. I just say that the only reason why we probably haven't had it to date is because somebody in the private sector has to step up and stake their money on it being successful or not. Will people come or not so the people are commenting and asking are we taking away people's right and are they allowed to have cars, I think the fact of the matter is they don't have to live here in this type of concept if they don't like that. The Grubb Organization will succeed or fail based on that wager and I'm assuming based on the organization we know they are, they've done a lot of research and diligence on understanding if this rather large bet that makes housing more affordable can work. I'll applaud you there as well as understand after my colleague Mr. Winston said, I think there is a fairness to that point too and we've been asking for these things. It seems like based on your response to him that you had to maneuver based on what we know is when things happen in your back yard what you are going to say and how it is going to impact you and how you view it differently to create the kind of enforcement mechanism for having a car that you have thus far. If you can't figure out in a logical way that doesn't create a burdensome environment for the neighbors around them, I think you may want to call around Council and see if they have same appetite to allow you to back away from that requirement. I think it is something people should sign on for 100%, but we do not want to create neighbors being the enforcement mechanism because honestly, we have plenty of that already. It is called next door. But, if there are other ways that you can figure out that a little more simple which are like I don't know the legalities of this, but the ability to just see that no one has a registered car to themselves in North Carolina. I don't know if that is public or whatever, but explore some of that, but if you can't find anything, I think it would be wise to circle back to the City Councilmembers to see if that is something that is a

requirement in our mind to be able to do something that we've been asking for, for three-years. So, the devil is in the details, this is the first time I've seen it and I guess my final question is for you Mr. Brown, I know you do a lot of roller blading on the weekends; would you be able to roller-blade into this or would that not be okay in this model?

Mr. Brown said I think I've been properly quoted that this is not for me, but as Clay mentioned I think there are thousands of people that this would be for, just not Collin Brown.

Mr. Bokhari said understood; thank you Mr. Brown.

Councilmember Watlington said I've got a few; first of all, [inaudible] I agree in principle that this is a great option. I think it is innovative, but I think we need to figure out what needs to be done to make it work. I'll just put my questions out there, some for the follow-up report and I hope that we can get some answers on these things as we look at the details. My first question is around enforcement of visitors? I hear what folks are saying about restrictions around renters or tenants but what is the thought about how to enforce parking restrictions on visitors?

Mr. Grubb said I do want to say from my standpoint, we are able to confirm when you move in that you do not have a car, you do not own a car. The issue is there is always the rule breaker, and somebody will buy a car at some point and we won't know that until somebody makes us aware of that because it is not like the Register of Deeds or the North Carolina Driver's License folks will notify us. We do not have any way to enforce what visitors do and where visitors park. We will have some excess parking that is available for visitors, but we will not be able to monitor visitors.

Mr. Applefield said I will mention that this type of project attracts someone who wants to buy into an alternative type of transportation and the hope is that they will respect their friends who they are visiting and adhere to that. We have six parking spaces as shown here and there is also ride share and drop-off parking spaces as well.

Ms. Watlington said that may work for people who live in town, but if folks are visiting from out of town they are not going to Uber from Greensboro, but point taken. I think there is some work to be done in that regard. I'm assuming from what you said that there is no on-site management that can enforce this. The next question I have is; I know we keep talking about people wanting to move here because they are choosing a carless or alternative transit lifestyle, how then do you expect to market to folks who need affordable housing who may not be able to afford a car at the time they move in? I just struggle because I think there is a potential barrier for upward mobility because if someone moves here because they need affordable housing and don't happen to be able to afford a car, if they were able to get a raise or if they were able to get another job, now that creates a situation where they've got to find somewhere else to live because they now can afford a car which we would hope people are able to move up the social economic ladder. I'm not a fan of the restriction in the deed in that you've got to be evicted if you achieve some level of success and can afford a car so I would like to look at that one. I'm also concerned about that because in perpetuity if this parcel is sold or if the thinking or the business model changes what protects us five to 10-years from now all of these requirements going out the window?

Mr. Grubb said there is nothing that would necessarily protect us 10-years from now and the reality is that our goal is that we attract people that would love to have their economic mobility grow because they've got a direct access to one of the most beautiful commutes that exist in Charlotte to and from downtown where the highest concentration of jobs is and where the highest paying jobs are, so providing direct access there. The reality is that 10-years from now I don't think this will be controversial. What will be controversial is the developer that wants to build parking. The world is changing and with autonomous vehicles coming, just look at the last five-years how much we've changed in Charlotte with scooters and bikes and transit. I really think that we are not talking really far out in the future before this becomes pretty common play.

Ms. Watlington said I appreciate that; I do think though that what you just said goes back to what I feel is a disconnect between folks who need affordable housing and the people who are working uptown. They can command high enough salaries to buy a car if they wanted to. The last thing I will ask about this one; is it possible that we can use other methods or other means of enforcement, something as simple as a no parking sign along the neighboring streets? That is something that is not specific to this particular property, but it could achieve the same end if the goal is to keep cars off the street. Just food for thought, I'm wondering what other existing signage or means of enforcement?

Mr. Brown said we mentioned that last week; the main issue I guess the worst-case scenario, people drive cars and they park them on the streets. We do have areas in town that are resident parking only like parts in Dilworth. We said to the community if this is such a concern, I think you could pursue that with the City of Charlotte with an outcome that works because I think you and Mr. Winston have made good points and Grubb didn't come into this saying hey no cars. We are providing affordable housing, not spending all of the money on car storage, but as you hear we are getting robust concerns about people parking on the street. We are trying to find a way and maybe your idea about resident parking is a way that we thread the needle.

Mr. Grubb said just one other comment real quick; I want to make sure it is clear that 50% of the apartments are restricted on folks making below 80%, but if you start making more than 80% you don't ever have to move out of your apartment; it is only when you decide I really want to change my lifestyle to a car driven lifestyle that you would need to move.

Councilmember Johnson said this is a very innovative idea, but I also mirror what Ms. Watlington and Mr. Winston said about the economic mobility for individuals. If there were someone that moved in this apartment and then got a better job and had to commute farther then that could create a barrier for economic mobility. I'm also concerned that the lack of enforceability from the City's perspective, if it is not in the notes if this complex were to be sold to another management company or if the idea were to change, and is this actually a backdoor way of developing something without parking? It was not very long ago that there was a development or a petition in front of us, I think it was a restaurant that had all of this seating, but limited parking spaces. I think we as a Council need, while we want to be progressive and consider alternatives to transportation, we also have to be cognizant of considering the reality of the current situation and that we do need to consider parking in our petition. While I'm all for affordable housing; I want to say that we can get dazzled by it in the words of Councilmember Driggs, we can't get dazzled by the buzz words affordable housing if it is not going to work logistically. This may, but I think the lack of enforceability, is this going to burden the residents with on-street parking eventually and that has been the outreach from the residents is that concern. If we are not actually able to enforce the no cars does that place a burden on the residents and does some parking need to be considered realistically for this development?

Mr. Brown said that is a good question and I think that is a policy decision. We talked a lot about affordability. Obviously, we could not deliver this deal, 50% affordable and the market rate affordable with a parking requirement. I think that is a Council level decision, tell us where the priorities are. If the priority is on parking this development would not go forward. I think you would see this site redeveloped, there would be ample parking on site and the units would not be affordable, so this is the back and forth. That is the hard question, we realized we were not bringing an easy one, but the push from the majority of Council had been for a developer to bring innovative solutions and this is what we are proposing. We will be happy to continue talking and take lead from you guys.

Mr. Grubb said I understand the concern, but I want to make sure it clear to everybody if you vote down this project you will actually be doing me a favor. This is not an economically viable project even without parking. The reality is that construction costs is too expensive to build affordable housing in urban Charlotte and we are doing this

through impact funds that is allowing us to accept the much lower below market return on this project. We felt like it was a nice innovative opportunity to try an experiment, but if Charlotte is not ready for it you are not going to hurt my feelings, we just thought it was a nice opportunity to try it.

Ms. Johnson said it is a great opportunity and thank you for the innovation. We do need private/public partnerships but just the reality of the logistics if we are able to enforce that, if we can sustain the model. It is something we have to consider.

Councilmember Ajmera said I have a different perspective on this petition. I have lived in downtown LA where there was no parking in multifamily. I know we are so caught up in this whole parking that we are missing the big picture here, and that is that there are over eight percent of our residents that do not own a car. There are many folks that are moving into our City from throughout the nation that do not own a car. They are looking for a place that they can live without a car and over here; Mr. Egleston mentioned how this is close to public transportation, there is a Gold Line connection or stop nearby so there is a public transportation option and most importantly this development provides 50% affordable housing with no request for public dollars. While I understand the concerns that have been raised by neighbors around parking, and I understand there are some valid concerns that have been raised. But we have to focus on this new group that do not own a car and don't intent to own a car. I know that this is a new concept for many of my colleagues and even neighbors nearby, but we have to make some decisions, not out of fear, but out of courage to do something different, but it is going to help us tackle affordable housing goals, it is going to help us have tackle SEAP goals, it is going to help us tackle transportation goals. While I understand the whole concern of how the enforcement will be and etc. I don't think we should be in the business of policing the neighbors when it comes to parking issues. We've got to look at the big picture where there is data that clearly shows that not every Charlottean owns a car, not because they can't afford it, some people just decide not to have a car and they want to live close to public transportation and they want to take public transportation. So, this really gives us an opportunity to think outside the box and try something new. I thoroughly applaud petitioner's courage to support something different and creative that includes affordable housing. This is the first development I have seen where there is no parking involved and that takes a lot of courage because the developer is taking risks. They know there is going to be a demand for it or not, so I think we've got to try new concepts. We are growing at such a fast pace it doesn't make sense for us to penalize residents who do not have a car just by allowing parking spaces that may not ever get used. I'm looking forward to having continued conversations with residents that have these concerns around parking and hopefully we will be able to come to solutions that we can explore some creative ideas and creative projects like this.

I do have one question that was already addressed by one of my colleagues and there is another item that I wanted to just see in the design that Mr. Brown, I will follow-up with you maybe tomorrow or sometime later this week. I know there was a request by one speaker in our market research. I'd be interested in seeing what does your market research tell you about demand for this kind of development here in Charlotte, and if you would be willing to share that with one of the speakers who had requested it?

Mr. Grubb said we track all of our parking and we are seeing a steady stream of folks who are no longer owning cars. We have now rolled out a program where we give you a \$50 discount on your apartment if you no longer own a car. That is starting to gain traction because you pointed out correctly, I have to charge everybody \$250 more per month if I'm going to build that parking whether they own a car or not. We are happy to share the data we are seeing but it is historical data, but what is more important is the trend. We used to build 1.5 cars per bedroom 10-years ago; we were building 1.2 five-years ago, we were building one two years ago and now we are don't even provide one car per bedroom on any property we build anywhere in the country. We are doing more and more; on Mint Street our project will only have .6 cars per bedroom. It is absolutely the trend and the biggest trend you will see is just in driver's license. It used to be 80% of 16-year old had their driver's license; today less than 60% of 18-year old have their driver's license. These young folks aren't interested in owning cars and even driving.

Ms. Ajmera said thank you Mr. Grubb. I think if you can provide that data and market research report to some speakers who requested it, I think that might get them to be more comfortable with this new trend that we are seeing. There was one more item that was raised by one of the speakers around height and I know Mr. Brown had addressed it, but there is already development there that is by right it is the same height as this development or maybe even higher. Staff, could you speak on the height where potentially could [inaudible] development by right where it would be at the height that is currently proposed by the petitioner or even higher?

Mr. Pettine said the by right height from what I understand in the area would be 40 or maybe 45-feet. This is 70 so we are looking at a higher building than what would be allowed by-right by at least 25 to 30-feet.

Ms. Ajmera said the proposed development is at higher height than what it would have been allowed by-right.

Mr. Pettine said that is correct.

Ms. Ajmera said what is the height that is proposed; I'm sorry I didn't follow actual numbers so what is that height currently allowed by right and what is the petitioner proposing?

Mr. Pettine said I would have to go back and look if it is 40 or 45-feet at R-8 which is what is adjacent next door, then we would be looking at a building height being proposed that we would see on the slide, 62-feet. The plan calls for an allotment up to 70-feet so we are looking at a higher height that would be allowed through this rezoning than what is allowed by-right. At least on by-right in the neighboring property.

Ms. Ajmera said I know this was a concern that was raised by one of the speakers likely especially with a lot of single-family homes nearby so a question for the petitioner, would you consider any change in the height to satisfy the concerns that were raised by several speakers?

Mr. Brown said we've already reduced the height a floor and as Dave mentioned our rezoning petition currently requests 70-feet of height. This is a more refined drawing that we developed since our revised plan that shows a lower height than 70-feet. We need to spend some time where we can do that following this meeting to see if we can get that lower, but I think if you are 58-feet at this corner and we've got as you've seen can have 40-feet next door, and I will confirm that. We are trying to get those closer and we will talk with the design team and see how much we can meet at the max.

Ms. Ajmera said that would be great if you could work with speakers who had that issue. I think that is a valid concern that they are raising. Other than that, I don't have any more questions.

Councilmember Graham said I want to thank the petitioners and those on the opposite side for their participating. I have visited with them on a number of occasions; this is in the heart of District 2 and so saying that all politics is local is true. Once the development is built and leased it is the residents in the close proximity of the development, the local residents who live there, work there, play there will feel the brunt of it. I am very familiar with the height; a frequent guest at Blue Blaze Brewery so I know the site quite well. I know the narrow streets along that property line, I know the property really well itself. I know how residents are moving into that sector of the City and I'm very familiar with the housing prices on them as well as some of the parking issues that they are experiencing now of on-street parking and know from my perspective the restrictions for resident parking only is not something that I don't believe is in our near future over there.

My first question to staff is the petitioner made a number of amendments to his project. Was this done prior to your not recommending it or are these new amendments that you have not considered as of yet?

Mr. Pettine said this recommendation was based off the plan that we've got in front of us. We see that it looks like they have done some further refinements from what they submitted for public hearing, but our recommendation was based on the latest site plan that was submitted to us for review which includes the 104 units, six parking spaces for this 104 units, building height of 70-feet. Those were really the key characteristics that we had concerns about and were the basis of our recommendation. Like I said during our presentation, we look forward to continuing to work with them to see if we can continue to refine and find some common ground with the community, but as it stands that is where our concerns lie right now.

Mr. Graham said Victoria was really good and I think she was reading my mind with all of here questions. All of her questions were concerns that I had, and I really didn't get a good response on the guest sparking; 104 units, it is a Friday night, a third of the units have one guest only, where do they park and to suggest that they should adhere to the lifestyle of the person they are visiting, that does not hold a whole lot of water for me. So, help me understand again, taking the residents parking off the table, help me understand in reference to how can six spots handle 32 guests on a Friday night. Where do they park, how do we account for them?

Mr. Whitehead said first of all I will make sure they all go to Blue Blaze first and Blue Blaze will have to figure out their parking and they can just walk home. At the end of the day it is impossible to know how to police visitor parking and so that is a legitimate concern and we do not have a good answer for it, and I don't think we can come up with a great answer for it, but the reality is there is going to be a significant amount of night time amenities that are built across the street. Blue Blaze is just the start of what is to come, and I anticipate there will be a fair amount of parking that will come with that and our folks will be patrons there and so there will be opportunities for those folks to probably leave their cars late night after walking home.

Mr. Brown said I don't think it is different from a visitor parking perspective than where we have another area of town that are in demand, in NoDa and uptown, there is not visitor parking when I visit my friends in those areas. I know that if I'm going there, I take an Uber. Now I don't think it is uncommon to think that we might be able to provide visitor parking privileges, it is just impossible, so I don't think that is unique to this site, I don't think visitor parking is unique.

Mr. Graham is it fair to say there is a number of opportunities for on-street parking over there?

Mr. Brown said if I go to those neighborhoods I don't drive, and I think that is very common in a lot of our neighborhoods.

Mr. Graham said I understand the response that [inaudible] but I get I understand and I'm not antidevelopment on this site because I really like it too. I think it makes a lot of sense for a wide variety of reasons. The affordability is something that I can't ignore. I as the District Representative, I can foresee the future on a Friday or Saturday night when the [inaudible] goes up because people are parking illegally and I just need to be able to wrap my head around, notwithstanding the novelty of trying to create an environment where people can live that lifestyle, pay to Uber or walk the trail, ride a bike, all those things that I think Council in the past and the Council want. I think Mr. Winston is right if we can get work to get less cars off the street in a responsible way that respects those who want to vehicles, I think we ought to do that. I used the code word responsible right, not that this petition is ill responsible, it just leaves a lot more questions than answers and I really want to vote for it but I'm still struggling. After going out to the site, [inaudible] and I'm still struggling to image on a Sunday again, with even 20 of the apartments have one guests, two guests it is going to create a scenario where I think some of the concerns of the community is valid. Now, some of what I heard, and I guess it is from the community leaders, the Seversville Community Organization, that is not the Neighborhood Association is it or is it another group? I think they spoke earlier, probably about an hour ago.

Mayor Lyles said Mr. Graham, are you talking about Mr. Johnson?

Mr. Graham said yeah, the Seversville Community Organization is that different?

Mayor Lyles said Viltis Palubinskas, I think those two persons represent it. I don't know if they are still on the line or on the call.

Ms. Palubinskas said I am with the Seversville Community Organization. What was the question?

Mr. Graham said is that the same as the Neighborhood Association or is it a different group?

Mr. Palubinskas said that is our Neighborhood Association.

Mr. Graham said I just wanted to make sure. Okay, a lot of questions and I think it makes a lot of sense [inaudible] and really sharpen our pencil again and I'm not making for or against tonight, but I wish we could work with staff to really find some common ground on the guest issue which is the million-dollar question that I have not heard a good response to. Ms. Watlington talked about the upward mobility; I don't think they should be restricted from not buying a car or having a car, I think that is far-reaching but that is just me. I think the ratio to a car to apartment, six to 104 leads me to my question about parking in general and specifically guest parking. I'm open to learning a lot more, I'm really open to the concept and I would love to meet with the petitioners one more time and have them again obviously meet with staff because I would love to have the staff recommend that do this, but right now that is a negative and that is a concern that I share with them.

Councilmember Driggs said I like the creativity; again, it is consistent with the things we are trying to achieve. I will note that the owners are taking the risk on whether it does the math of this or now. The agreement the tenants have to enter into is entirely voluntary. The deal they are being offered is you can pay less for your apartment if you don't have a car and I think to be worried that they should then be allowed to have a car and still pay less for the apartment is sort of contrary to the whole concept. The fact is the average length of stay in apartments, as I know from my District, can actually be pretty short, a couple of years. A lot of owners don't like apartments because they say there is so much turnover among the occupants that the renters don't have the same community commitment that owners do. That is not anything against renters, but I'm just saying that turnover and that statistic will be interesting to know because I don't think moving from the apartment when you can no longer avail yourself of the lower rent in exchange for having a different car is an unreasonable burden. If the enforceability thing doesn't work and all these concerns have been raised, then the problem I have is you really haven't really solved anything or created anything new. All you have done is shifted the parking problem from the tenant to the neighbors. So, we need to know that this compact is real, and the results is going to be that people will choose to live at this place that are happy not to have a car and really don't. I can think of too many ways it would easy to circumvent that requirement. You could have a car and park it a couple blocks away, and I wonder how long it would take for anybody to realize you were doing that or you could be using somebody else's car and not have one registered in your name. I'm really worried that if the enforceability of that provision is actually the crux of the whole thing. I did live in New York, in Manhattan for seven-years, a lot of people didn't have cars and with the kind of public transport that was available there, that was considered very normal and it was pretty typical, especially for your professions who moved into an apartment they could afford and then as their circumstances improved, moved into a better apartment or sometimes several people would live together and one would move out. I don't think this is going to cap anybody's mobility and so in that respect I would not oppose it. I will note that in spite of the trends that Mr. Grubb pointed out that the scooters and everything else, the truth is the traffic on our roads is still getting worse so yes, we should be motivated to look for ways to get cars off the road, but the suggestion that the market is kind of headed in that direction or is physically kind of scaling back the use of cars to me is not observable. I do think it is important to note

that ride share companies are important factors. My son lives in Seattle and he has a car, but he rarely uses it. So, if you have an environment where the availability of ride share is pretty dense, and you can get a ride share within a few minutes of calling one you can go for a lot of rides in the course of a year and still pay less than it cost to own a car. I would just suggest by the way to the petitioner that maybe establishing the presence of a car rental office somewhere near this location would help to have people who occasionally need a car to have a means like the moving truck things that are shifting furniture around or whatever. You might have that as part of your overall design. My question finally, was I would like to know what the rent comparable really are on this. Eighty-percent of AMI for a single person is still; I'm not sure what the single person AMI is, for a family of four it is \$75,000, 60 something. So, you are talking even for the stabilized units, I'm guessing \$1,200 or \$1,400 a month, and so 80% is not that low a cap. I would be interested to know on a per square foot basis; I won't keep people waiting while I look at that, but just want to know on a square foot basis how much that really represents and serves as the difference between the market price you are aiming to charge for the market price units and what the subsidized units will be going for. I will follow-up and study that data.

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.

Eric Harden, erichardin@gmail.com

Jordan Craig, 319 Coxe Ave

Michael Taylor, 331 Bacon Avenue

Misty Denton, 331 Bacon Avenue

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

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ITEM NO. 27: HEARING ON PETITION NO. 2019-182 BY CAROLINA CENTER FOR RECOVERY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.9 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD, ACROSS FROM GIBBON ROAD, EAST SIDE OF I-77 FROM I-1 (LIGHT INDUSTRIAL) TO INST (CD) (INSTITUTIONAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just under 10-acres at Statesville Road and Gibbon Road on the other side of I-77. The current zoning is I-1, the proposed zoning that we are looking is an institutional conditional district. The current land use recommendation for the area is also from the Northeast District Plan, 1996 also calls for industrial uses. You can see the zoning and land use maps up there of the general area. Again, this is for an institutional zoning district. The plan calls for just under 50,000 square feet, reusing the building that is already on site for a health institution. It does commit to limiting those uses to just the health institution. We do have access to the site via the existing shared driveway off Statesville Road. We have Class B buffering along the site's southern and eastern boundary and lighting capped at 25-foot height requirement. Staff does recommend approval of this petition. We have some technical issues related to site design that we need to get ironed out prior to the Zoning Committee. It is inconsistent and we are looking at industrial recommendations for this site but again institutional is looked at to accommodate some changing needs and for this being a health institution we don't typically get specific recommendations where those may be best suited. We do feel that it is compatible with some of the industrial uses that are in the area. Don't have any real significant concerns from that and like I said we do

recommend approval and will be happy to take any questions following the presentation by Mr. Tosco.

Nick Tosco, 301 South College Street said I am here on behalf of the petitioner Carolina Center for Recovery or CCR for short. The CEO, Chris Doyle is with us as well as the architect for the project Steven Overcash and they will be there to answer any questions. They are not going to speak. Just to give you a little background about CCR, they are [inaudible] licensed and accredited substance abuse treatment facility; they are privately owned and operated. They have been providing substance abuse treatment for the past three-years for Charlotte area residents at a facility in Matthews and they are looking to expand to provide a much-needed set of services closer to the City core. However, they only have 20-beds at their Matthews location, and they are phone is literally ringing off the hook, so they need a bigger facility. CCR has worked with multiple parties including City staff to find a site that would work for everyone and this is the site off Statesville Road that they found.

The site plan is there that you can see right now, CCR originally filed a conventional rezoning in December of last year to change the zoning for the entire 23-acre site, but they heard from neighbors and businesses and we've had conversations with Councilmember Graham and we decided to change it from a conventional rezoning to a conditional and only 9.9 acres and that was to allow more comment from the community and so we could restrict it with a site plan that shows exactly how we intend to use it which is as Dave said, is just to reuse the existing building. We've had good discussions we had a good virtual community meeting and hosted a tour of the site as well for some of the community members. Based off the feedback we've agreed to limit the capacity of the facility to no more than 100 beds and to coordinate security with the adjoining property owner who shares a driveway on the site. As you heard there are not real outstanding issues and thank you for your consideration and I'm happy to answer any questions as well as Chris Doyle and Steven.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2020-032 BY BRIDGEWOOD HOUSTON PROPERTY COMPANY, L.P. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.379 ACRES BOUNDED BY ROYAL COURT AND MOREHEAD STREET, SOUTHEAST OF EUCLID AVENUE FROM MUDD-O PED (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL, PEDESTRIAN OVERLAY) TO MUDD-O PED SPA (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL, PEDESTRIAN OVERLAY, SITE PLAN AMENDMENT.

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 1.379 acres on Royal Court and East Morehead Street. This is currently a MUDD-O pedestrian overlay and is currently zoned MUDD-O, we are looking at a MUDD-O with a site plan amendment and we will get into the details of what that requested amendment is to the site plan. It is part of the Midtown, Morehead, Cherry Plan and it does recommend residential, office and retail uses. The proposal is a site plan amendment, currently the site plan that is on file was for office uses and a building up to a maximum height of 160-feet. Since they were maintaining the office provisions that were part of the previous rezoning, the [inaudible] is proposing a different end use and that use would be for an age restricted community with up to 220 units within the building and if that doesn't come together and move forward then we would still be able to go with the 195,000 square feet of office uses and ground floor retail and other MUDD uses that were approved back in 2008. Again, this is for just one singular building, 160-feet in height which was approved back in 2008 and really looks to use that building rather than office and retail to really just look at 220 multifamily units that are age restricted. We do have architectural guidelines, we do have eight-foot

sidewalk and eight-foot planting strips along East Morehead Street as well as streetscape permits along Royal Court. We do have some illustrations for trees to be preserved along East Morehead Street and also to talk with a Certified Arborists to get some help of the existing trees in the right-of-way along East Morehead Street and how we can maybe preserve some of those.

Staff does recommend approval of this petition. As we've mentioned that are just a few issues related to site and building design and transportation that we are still working through. It is consistent with the Midtown-Morehead-Cherry Plan for residential, office and retail use. We do recommend approval and will be happy to take any questions following the presentations by Mr. MacVean and the public.

Keith MacVean, 100 North Tryon Street said Jeff Brown and I of our firm are assisting Bridgewood Property Company with this rezoning petition. On the call with me tonight are Jim Hepburn with Bridgewood Company, also Nate Doolittle with Land Design and Roger Manley BB&M as part of the development team. I do want to thank Dave and the staff for their assistance on this petition. We will be submitting our revised plan early next week to address those remaining issues, we think those are fairly easy to resolve.

Just a little bit of background on the Bridgewood Company, they have developed over 4,700 senior living units across the United States. The principles in the firm have over 30-years of developing that type of product of communities. They specialize and they are solely focused on building senior living communities both independent living facilities, assisted living facilities, and memory care facilities. The community that will be developed on East Morehead Street would be an independent living facility. These are some examples of other residential communities, age restricted communities that Bridgewood has developed throughout the country. The community built on East Morehead Street would be of a similar quality. The typical amenities that are a part of the independent living facility that Bridgewood would build is concierge services, formal living room, dining room; they do provide up to three meals a day for the residents of the community. Most residents take advantage of that twice a day with dinner being the most popular meal for residents of the community. They also have a big charlotte town hall, a movie theatre, fitness, indoor pool, outdoor terraces, a beauty salon and they also provide the residents of their community with transportation, so they don't have to drive, and they do find that a lot of residents, once they move in, don't use their cars.

A little bit of the area context where the site is; I think Dave touched on this as well. East Morehead Street is conveniently located to uptown near the YMCA. [inaudible] Condominiums is to the north of the site across Royal Court. This is a great location for this type; this is a type of location that Bridgewood looks to build their communities in close proximity to uptown, the close proximity to neighborhoods. There is an expectation and we are hopeful that some of the residents of Dilworth and other surrounding neighborhoods will actually be the future residents here. Folks that are looking to downsize or move closer to existing grandchildren and families. This site was rezoned in 2008, it allowed the site to be developed with up to 195,000 square feet of office with ground floor commercial uses. That would generate about 2,000 trips per day. The site is slightly over 1.3 acres currently zoned MUDD-O, the proposed type [inaudible] will allow the age restricted residential community. The site plan will allow up to 220 units, the building will front on East Morehead Street, maximum height of 160-feet that was previously approved, does not exceed that. Access will be from Royal Court, two access points. The existing street trees along East Morehead Street will be preserved and by going to an age restricted residential community, the actual number of trips on the site is reduced to approximately 160 trips per day, so more than half of the above number of trips.

Some of the benefits we see of the rezoning, it does allow residential use on the site, adds housing diversity to the East Morehead Corridor, supports some of the other commercial uses that are in the area, it does by providing this different type of housing, age restricted housing, it allows aging in place for residents of the nearby neighborhoods where they can move to this community and still be in the neighborhood

where they have lived for the last 15 to 20-years. Fewer trips per day and does make streetscape improvements along East Morehead Street and Royal Court.

Robert Bush, 701 Royal Court said I am the Vice President of the Royal Court Condominium Association Board. We are a community of 107 homes completed in 2009 but is directly across Royal Court from both the proposed Bridgewood development as well as the Hanover development that is on the western side of that block that you will be looking at next month. We had hoped for retail and restaurants, but we are welcoming both Bridgewood and Hanover to the neighborhood. Both developers have been open with us and have shared preliminary plans. We are in general pleased with the architectural and proposed finishes, but we do have a concern about the Bridgewood proposal that we think must be addressed and because of that we are opposing the rezoning request. Our primary concern is the location of the proposed service entrance to the Bridgewood Development. That would be waste removal, recycling removal, food delivery, moving trucks along with other regular delivery service vehicles. That proposed entrance is directly across what is a very narrow street, Royal Court, from our building's front door. Literally, you walk out our front door and you would see right into the loading dock. While aesthetically and pleasing we also feel it would also create a significant bottle neck and frequently cause street blockages with move ins and outs, deliveries, trash pick-up and the impact of street parking along Royal Court. I've listened to your long conversation about street parking, so I don't want to get into too much of that. We do have challenges already with street parking and it is primarily due to people who work in the area, especially on the other side of Morehead Street who park on our street because it is free. We have communicated with the City several times in the past year about trying to get a conversation about some sort of permitted parking like the City utilizes in Fourth Ward because this neighborhood is about as close as you are going to get to the Center City without being in the Center City and we know that sort of impact is coming. Our last comment would be that we really think that the Planning people over City staff and the Zoning Committee should look at both of these developments, both the Bridgewood and the Hanover Development together to make sure that they are not creating problems with the site that affects us because we are the closest neighbor. We are pleased that Hanover has listened to us and has moved their service entrance to Euclid Avenue which will then have no impact on Royal Court. We think that with a better design that Bridgewood could do the same by moving their service entrance to the further east part of Royal Court and not be directly across from our entrance. We want to be good neighbors, we want to have great development around us and we appreciate your time and listening to our concerns.

In rebuttal Mr. MacVean said we appreciate Mr. Bushes comments and we appreciate him and his residents giving us time to discuss the petition with them prior to tonight's meeting. We understand his concern about the loading dock area however, when the site was designed, we did not want to have a driveway on East Morehead Street. We felt driveways on Royal Court allowed for a safer access to East Morehead Street versus a driveway on East Morehead Street. The access would be on Royal Court and Euclid, one of those being a signalized intersection, but that is also consistent with the PED scape Plan and the Midtown-Morehead-Cherry Area Plan which is looking to enhance the pedestrian environment on East Morehead Street. We felt having a drive on East Morehead Street would be counter to that and that is why the design of the drive-way is on Royal Court. I would note that the Royal Court entrance service drive will have gates that will be architecturally, they will be more than just plain gates. We will enhance those, and it will be a small element of the building, unfortunately it is on the portion of the block or the site that is closest to Royal Court condos, but we are trying to minimize its impact by design elements. It will be closed when not in use and it is not frequently used, it is not the main access point. The service drive, once folks move in, that is not a daily occurrence and won't get as much use so there will be opportunities to maintain that as a closed access point. Again, we think the building and the treatment of Royal Court will be an enhancement of what is currently there, which is a surface parking lot and a warehouse building. We will do our best to make sure we integrate well with the residents of Royal Court Condominiums.

Mayor Lyles said how many parking spaces are there in the development?

Roger Manley, 1435 West Morehead Street said right now we are on course to 250 parking spaces inside the structure. We are not counting on any street parking and there are some provisions from the site plan where we are looking to expand street parking in front of Royal Court, but our uses are going to be strictly internal parking, about 248 to 250 right now.

Mayor Lyles said is that for staff and the residents?

Mr. Manley said correct.

Mayor Lyles said because there are 220 units and I think Mr. MacVean said that you provide transportation. We just finished a long discussion about cars and transportation and it just seems like that is a lot of parking and it is a pretty big parking deck in that area. Just something I think would be a concern.

Councilmember Eiselt said I do have some concerns about the parking. You said the 240 or whatever it was, parking spots are for residents as well as employees but developments like this also can have a lot of healthcare workers that come in and I've seen this with my Mom, who lives in a place like this and we just moved her in, so I learned about it. They have to hire their own healthcare workers so even though it is upscale, it doesn't mean that they've got the people that could take them to their PT, that could take them down to the workout room or whatever it is. The front parking of her place for example, the parking lot is always full of people coming in from the outside whether it be family members of visitors or healthcare workers. I do have concerns about not having enough visitor parking. I don't know if that interior parking would also be able to accommodate visitors or people that had permits to be able to come into the building that are working with residents but aren't necessarily employees of the company. I don't want to see that burden go on to Royal Court so is that a possibility, that that interior parking could also be open to visitors? It does sound like it is a lot of parking.

Mr. Manley said absolutely it is open to visitors. Specifically, the ground floor is really meant for the visitors of family members coming. There are a number of different places for staff to park as well as the healthcare workers that will be going in and out. I think Bridgewood has a long history of understanding kind of the parking dynamics to the community, what they have found is that when residents move in, they may bring a car but after a while, probably after six-months after not using it for so long they end up getting rid of it. So, there is in their minds very active parking inside the structure for visitors, staff and residents.

Ms. Eiselt said is the parking below grade?

Mr. Manley said it is at grade and also above grade. The first level has all our active uses on Morehead Street and then we have visitor spots on the ground floor, then you ramp up to two levels plus structured parking and then our residents start above there.

Ms. Eiselt said is the parking wrapped or are you looking at the parking deck?

Mr. Manley said we could flash to the conceptual image of the building, it is not a wrap, it is actually kind of one use stacked on top of the other, so the ground floor is a combination of parking and lobby and support space and then above that are two levels of parking and then above that is all the amenities and the residences. It is all kind of clad to look like one building.

Mr. MacVean said it is the parking and then the residents in the building.

Mr. Manley said if we could flash back in either our rendering or look at some of Bridgewood's previous projects they've done the same there as well. It doesn't look like a parking deck, it looks like just one building.

Mr. MacVean said if you can go back to our presentation, I think the last slide or the fourth slide I think is what Roger is trying to get to.

Mr. Manley said that is the ground floor right there so if you go to the two levels above the ground floor that is where the parking would be.

Ms. Eiselt said I wanted to see a better rendering of that. I don't think that we've always kept our eye on what actually gets built. I can think of a building over on the corner of Croydon Road and Selwyn Avenue, a four-story building that was built right next to houses and you look straight in at the garage and you look at the spray foam on the top with all the pipes and it is really nice and we say that it has to be screened with landscaping and those end up being 18-inch bushes. I would want to make sure that residents are not looking in at a parking garage and I would also like to see if you can do the loading and unloading from within the deck instead of outside.

Mr. Manley said to be clear on that; all of the loading and unloading is on the inside of the building. It is just a door 20-foot wide service door that is on Royal Court and we've already shown some examples I think to the Royal Court Association. It is kind of an upgraded service door, it is glass that is kind of frosted out and could have a mural on it. That is the only thing they would be able to see; all of the operations would happen inside the building. The trash, the move-in, food deliveries.

Mr. MacVean said if you go to the previous slide, I think it illustrates what Roger is saying. The deliveries all drive in to the building and all the maneuvering occur in the building. Royal Court is only the egress and ingress points.

Ms. Eiselt said I just wanted to ask if any of your other buildings are built like this or what that ground level parking looks like?

Mr. Manley said can we flash to the Bridgewood slide that shows our other properties?

Jim Hepburn, 6363 Woodway Drive, Houston, TX said if it is okay, I will speak to this since I know most of these projects. Thank you for allowing us to present to you this evening. The building that is on the right there, the Village of South Hampton, that is our latest property here in Houston, we just opened it about a month ago. The first three levels of that building are a parking garage and as you can see it doesn't really look like a parking garage. The entrances are on the east and west side of the building; the entrance ramps up into the parking garage are gated and the perimeter of the garage has windows put in it, so it basically blends in with the rest of the building. The building that is Tanglewood in the upper left, that has a parking garage that is actually below, all of that first level is actually parking. All of these buildings have a parking structure within them, and they are all pretty well hidden from view. It is common with our projects that we tried to; we always have to particularly when we have projects like this and have a relatively small footprint, we have to put the parking garage on the first few levels of the building. We are hoping here not to go under-ground and it looks like we don't have to, and half of that first floor is parking for visitors and staff. The next two levels, a full footprint of the building is parking.

Ms. Eiselt said I just have one last question either for staff or for Mr. Bush. There have been some stormwater concerns that have plagued the Royal Court Condominiums; Mr. Bush; does this concern you all or is it coming from a different direction? It seems there is more impervious here.

Mr. Bush said that part of the block is pretty impervious already and so our real problems are the water that comes down Morehead Street from the west and there is no collection point between the Dowd Y and approximately McDowell Street and so the water comes down Morehead Street and turns onto Euclid and turns onto Royal Court and turns onto East Hill Street and actually if it is a bad enough rain it runs into our parking deck that opens onto East Hill Street. We sent written comments as well and there is a discussion of stormwater in the written notes.

Ms. Eiselt said this question is for staff; considering that we've got this Bridgewood Project and the other one on the docket, is there anything that can be done for stormwater in that area to improve the overall situation? It looks like it would end up at Bridgewood as well, so it is already a problem for Royal Court.

Mr. Pettine said that is certainly a question I think we are going to need to pose to the folks in that Department as a part of the follow-up report. Just not knowing how they would kind of look at those in times of permitting in sequence, now that we've got two developing properties that are right next door. We've got some other projects going on within this area of Morehead Street and Royal Court and then just a little bit further up Morehead Street as well. I think that is definitely a question I would like to pose to them and get you some information in the follow-up report. I just wouldn't be able to answer that in any great detail for us tonight.

Mayor Lyles said Dave; the staff report says that you have three projects coming up with 300 multi-units and some office and retail and another one so, Hanover as well as Overlook and this one? I just want to make sure we are coordinating this, especially around those issues like stormwater.

Councilmember Egleston said we've got another petition coming further down on the agenda tonight too that is just up the block here. I do hope on a couple of fronts these are coordinated and that coordination is probably led by the City. We've got the two that Mr. Bush has referenced, we've also got a smaller petition, Item No. 32 tonight just up the block so part of that corridor that Mr. Bush is referencing is where a lot of the stormwater pressure is coming from. I know we've got some water projects, infrastructure projects going on in this corridor right now but I do think it would be helpful to have more of a 30,000 foot view from staff about the infrastructure improvements we are in the process of doing, infrastructure improvements that will come along with these handful of developments that are coming before us for rezoning right now and how we think we can improve that situation because I've spoken with Mr. Bush on multiple occasions and they were already having these problems and obviously it would be valid to be concerned that they might get worse and not better as some of this additional development happens. The other thing is I believe, if I recall correctly, Mr. Bush and I have conversed also at times about the parking on Royal Court and part of that being that as construction was occurring on the other side of Morehead Street, they were seeing construction workers using their street as a place to park and walk across. If we've got two or three relatively parallel developments going on for large [inaudible] projects the amount of construction workers on site as both of those go on simultaneously could be very significant and prior to either of those having their parking structure built at the base where people could park if they build up from the parking during those construction periods, especially the beginning phases during the foundation work could be significant impact here. I think we've got to account for that, and we've got to do it with a collective view of not just one project or the other but both in tandem. To Mr. MacVean's point about a curb-cut on Morehead Street, I think everyone would agree that is not ideal and not something we want. What I heard Mr. Bush saying was more along the lines of shifting the entry and exit points of your property of the building as far southeast on Royal Court as possible. If he said anything about putting in on Morehead Street, I didn't hear it. I don't think anyone would support that, but if there is a way to shift those in the design, I think that is where he was trying to nudge you towards. Mr. Bush can correct me if I'm wrong there.

Mr. Bush said you are correct Larken, that is exactly what the Hanover people have done, and we think that can be done on the other end of the block.

Mr. Egleston said we definitely don't want to consider any Morehead Street cuts.

Nate Doolittle, 223 North Graham Street said this is Nate Doolittle with Land Design; I just wanted to respond to a few of those items. We've been working with C-DOT pretty extensively on all three projects being coordinated. There is [inaudible] site distance issues on the Royal Court curve that we've worked with C-DOT about where access should occur, not only for parking and the esthetics but for safety concerns. That drove

a lot of the discussion and I'm sure staff can help download you on. Regarding Stormwater, a few things to point out; one Morehead is a state street so City projects on NC-DOT roads are little nuisance so, I'm sure they can tell you about that. We will be piping all of our drainage from both projects so a lot of the sheet flow coming off those properties currently will not be piped, it will reduce any overland flow that is currently occurring, but these are projects that are an acre or two are really a very small percentage of the overall drainage area, but I think piping them will have a positive effect instead of a negative one.

Mr. Egleston said I do hope that staff, particularly C-DOT will continue to work, and I know you've been engaged with Mr. Bush and residents at Royal Court. I hope you will continue to do that to explore what options we have for them as well as the new tenants that would be in these buildings once they come on line because it will create some complications there that I think we've got to figure out the best way to address those. I don't necessarily have a preference for what that is but would defer to our experts in Transportation to help figure out that answer alongside the current residents and the future residents of that street.

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.

Greg Parker, gpofclt@aol.com

Robert Bush

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

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ITEM NO. 29: HEARING ON PETITION NO. 2020-050 BY CHARLOTTE MECKLENBURG HOUSING PARTNERSHIP FOR A CHANGE IN ZONING FOR APPROXIMATELY 10-ACRES LOCATED ON THE WEST SIDE OF PARK ROAD, SOUTH OF MARSH ROAD, AND NORTH OF HILLSIDE AVENUE FROM INST (CD) (INSTITUTIONAL, CONDITIONAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 10-acres on Park Road; it is the YWCA site and most of us are familiar with. Currently, the property is zoned INST (CD); they are looking to propose a MUDD-O rezoning for this piece of property. The adopted future land use is from the Park/Woodlawn Area Plan of 2003, it does recommend institutional uses. That was due to the zoning petition in 2004 that amended that land use plan. If we can look at this slide real quick to get some context to the residential densities around this; we are looking at 12 DUA to the north of the site, 17 DUA just below, eight DUA and six DUA across the street. We go to the next slide and get some of the details, we are looking at 104 multifamily residential dwelling units being proposed, maintaining the existing institutional uses as well as the existing 11 attached multifamily units on the back side so that gets us about 115 multifamily units on a 10-acre site so we are looking at about 11.5 DUA. If we look at that in context with the other land use recommendations out there outside of this institutional pocket, it is consistent with those land use and density patterns we see in the area. I just wanted to point that out as we continue to talk about this slide and the proposal. We do have six buildings, 80-feet would be the height limitation for those. We have landscaped areas to provide some buffering between some of the developments on either side of the property. We have open space amenities to be improved with landscaping and heartscape areas, seating areas. Architectural design standards have been proposed which will include different types of building materials and façade variations. We do have an optional provision that would allow parking between the building and the street as general shown on the site

plan. That would mainly be in this proposed building area along that private drive. Staff doesn't have any concerns with that optional provision being requested.

Staff does recommend approval of this petition; there are no outstanding issues on this petition as it stands so we do recommend approval of it and will be happy to take some questions after the project team's presentation and the public's presentation.

Bridget Grant, 100 North Tryon Street said I am a Land Use Consultant with Moore & Van Allen and I am assisting on this rezoning with Jeff Brown. We are thrilled to be working on the collaboration of the YWCA and the Housing Partnership to bring affordable housing units to the YWCA site on Park Road. I am here this evening with Kirsten Sikkelee with the YWCA and Julie Porter with the Housing Partnership. Our team also includes Camilla Hobinson with the YWCA, Fred Dodson, Liz Ward and Karen Battenbalace with the Housing Partnership. [inaudible] with Housing Studio, Sean Tooley and Jenna Young with Land Design and of course the Moore & Van Allen team.

Kirsten Sikkelle, 3420 Park Road said I am equally excited to be here and thank you Madam Mayor and members of Council. We feel that this project which this rezoning will allow to happen advances the YWCA's mission of eliminating racism, empowering women and promoting peace, justice, freedom and dignity for all people. Our YWCA in Charlotte has been providing safety and affordable housing for over 100-years and when we were given the Park Road property in the early 1960's we chose to move our headquarters from uptown Charlotte to what then were the suburbs on Park Road, and we built that facility with 66-units of housing. For those of you who are familiar with our programs you would know that we have our women in transition program which supports up to 66 women in housing while they seek to move into permanent housing and then we rezoned the property in 2004 to allow us to build 10-units of housing for families in transition from homelessness or housing instability. We have a strong track record in supportive services and housing outcomes and yet while affordable housing has always been difficult for members of our women in transition program and our families together program to identify in the last few years we kept hearing from them that it was harder and harder to find housing they could afford, even when they had eliminated debt and made savings.

I think our community has come a long way since we went through that rezoning in 2004 and that our neighbors have a better understanding of who needs affordable housing. We are very excited with this project, we want it to be 100% affordable housing and we wanted it to focus on the lower end of the income scale; 30 to 60% of Area Medium Income. So, who needs affordable housing? When you think about it, we have our elderly neighbors living next door at Merrywood, people who work there need this housing. We have children being cared for two doors down at Kinder Care, those workers need this housing. We have people handing Chick-fil-A out the drive thru window at Park and Woodlawn; they can use this housing and we have people ringing up your groceries at the Harris-Teeter at Dilworth, working through this pandemic I'll add, and they need this housing. We are very excited to be working with the Housing Partnership, we have worked with them before on our projects and we think they are the pre-eminence affordable housing developer in the Charlotte region. With that I would like to hand it over to President and CEO of the Housing Partnership, Julie Porter.

Julie Porter, 4601 Charlotte Park Drive said I am very pleased to be presenting this evening. The Housing Partnership is a non-profit organization and we recently celebrated our 30th anniversary providing affordable housing solutions in Charlotte. Our mission is to develop affordable housing in a vibrant community and provide opportunities for Charlotte futures. In addition to developing affordable housing the Housing Partnership also provides financial literacy and coaching, home buyer education and foreclosure counseling and more recently have taken on rental and mortgage assistance as part of our region's COVID-19 response we are thrilled to partner with Kirsten, the YWCA and its Board and donors on this new affordable housing community. We will be applying for four percent low income housing tax credits with the state this far and the development will include 104 units. As Kirsten mentioned it will serve various AMI levels for families at 30%, 50% and 60% AMI. Now I will turn

the presentation over to Bridget Grant with Moore & Van Allen to discuss the project specifics.

Ms. Grant said I think we are all familiar with this conditional process, is a process that supports increased community engagement, certainty [inaudible] with the intention of raising the bar on design standards and adding public benefits. Dave did a good job of describing the site and where we are in the corridor, so I just want to again highlight why we are doing affordable housing here. It makes sense. We are on a public transportation route on Park Road; there is another route on South Boulevard as well as the light rail. We have proximity to neighborhood services, grocery stores, drug stores and restaurants are all in the area and in close proximity. In addition, these neighborhood services and the many churches, childcare services and shops provide the employment opportunities. It was envisioned that the redevelopment of this site would retain some of the open space [inaudible] for the site for years. In fact, the building is going to be placed around that open space. You can see from the site plan we oriented the buildings to keep a very large tree at the center of the site and you will notice that the scale of the buildings that we are proposing are not too dissimilar from the buildings to the north of your page and to the south. The adjacent residential at Hillside West or the retirement community to the south Merrywood.

Getting to the nuts and bolts, it is an institutional change to MUDD. We are keeping the existing building and proposing two new buildings. It is a total of 104 new residential units that are all affordable. We are maintaining the existing tree and improving the pedestrian experience along Park Road. We are providing structured parking in a larger building that is adjacent to Hillside West. We've included architectural commitments as well as the new entry to the YWCA and the land use will not be exactly consistent with the adopted land use policy, it does fit into the land use of the surrounding character. These are some of the images that we shared during our community meeting. We didn't include them in the actual rezoning package, but we included them to sort of give you a context idea of the proposed buildings are not taller than the existing YWCA building that you can see in the background. It gave you an idea of the size and the scale of the buildings that are going to be proposed. We hold architectural commitments that are in your notes that give attention to the pedestrian level details. These images also reflect that we have maximum buildings sizes, sidewalks in front of them.

We included some cross sections that are not always easy to locate for everybody, but we wanted to show these because they show you a good idea of where the existing large tree is at the center of the site. The darker shaded building shows you how tall our proposed building is going to be next to our drive isle and also next to Hillside West which is shown on the right side of your screen. A lot of attention was given to keep the scale of the building complimentary to the sounding environment. This last slide is just about site access. After our community meetings I think we had three [inaudible] groups in the neighborhood. We determined that we were going to go ahead and replace a portion of the existence fence at the lower shared property line with Hillside West and look at contemplating that first entrance at the top of your page, switching from a full movement to a right in/right out only just because we are on the curve. Hopefully, if everything works out, we are trying to partner with the City of Charlotte, we would love to see a traffic signal in this location as we are aligning on Townes Road to support safer pedestrian and truck access in this location. I'm going to close by saying we appreciate the support we received from the community to date; we have no outstanding issues, so we do intend to file a new plan a week from Monday to address that fence condition that we are committed to and we are happy to answer any questions.

Pat Coni, 933 Park Slope Drive said I am asking you to vote against rezoning the YWCA for 104 low income Section 8 apartments. I'm concerned about this as are my neighbors and I'm against it for the reasons stated below. I attended the WebbX rezoning meeting May 27th and another rezoning meeting on June 3rd just for Hillside West. Both were hosted by Bridget Grant from Moore & Van Allen. I appreciate what the YWCA is doing in making affordable housing available however, when I bought in Hillside West in 1998 the YWCA only had rooms for women in transition living in the

upper floors of the YWCA. Now the YWCA has 66 units of housing for women and 10 additional townhomes for families. It was women in transition and families in transition program which we supported. In addition to that The Landings at 1147 Marsh Road at Park Road has 92 one-bedroom units for low income seniors 55 and over. That is just a block away and I was not aware that that was low income. Next door to The Landings is Savannah Woods that has 49 low income apartments at 3124 Leaside Lane off of Marsh Road. We are already surrounded by so much of affordable housing. I did not know in 1998 when I bought my townhome that the YWCA was going to use all their available land next door for low income housing. Why is more affordable housing being added to one neighborhood? Affordable housing should be fairly dispersed in Charlotte. Townhomes are selling in the \$350,000 to \$450,000 range and we have to deal with the increasing crime and the decreased home values that comes from 200 plus low income and Section 8 individuals. Some we were told may have prior criminal backgrounds living right next to West Slope Lane and Park Slope Drive. Is the YWCA going to compensate us for the decrease in home values? No, they are not.

We have an increase in crime when the transitional housing for families were put in behind the YWCA. We had to put up a fence between the properties and it was a joint expense between the YWCA and Hillside West, but we still had car break-ins and occasional home break-ins. We also had prostitution on the corner of Marsh Road and Park Road. The YWCA is not managing this property; they are using a third-party company to manage the property and the manager will only be on site Monday through Friday 8:00 a.m. to 5:00 p.m., not week-ends and week-nights when the craziness happens. They stated there will be no on-site security and we will need to call the police if there are any issues. The YWCA cannot ensure that drugs, alcohol abuse, violence and the crime that comes with it will not increase from the residents in this apartment building. The YWCA said they are replacing the fence between the properties, but they cannot extend it to Park Road so that the residents just need to cross the driveway and they are right on our property due to the positioning of these apartments so close to West Slope Lane and Park Slope Drive of go a few feet down on Park Road on the sidewalk. It will be a big increase in traffic; it is already very difficult to make a left turn from Park Slope Drive onto Park Road. This will add 104 more units and at least that many cars. They said that a traffic light will be requested to be added in front of the Y but there are no guarantees on that. It is already difficult to make a left turn, now with all these additional cars from an underground parking deck it will even be harder. The traffic light doesn't necessarily help us at Hillside West as there are many cars coming out of the YWCA property.

I don't really understand why the apartment building is being built right on Park Road and right next to West Slope drive. If you look at the rendering, there is a driveway and then physically West Slope Lane and they left an open area in the middle, so this apartment building is basically right on top of us and it is horizontal with West Slope Lane and Park Slope Drive. I think the explanation was the location of the street in and out of the YWCA, the entrance. They could certainly move it over, so it is not right on top of us and make it smaller or more manageable to start. There is a two-story parking garage underground and then three-stories above the ground which is consistent with YWCA height, but it is not consistent with the height of our townhomes which are only two-story. They will have three-stories above ground and we only have two-stories and they are going to be right next to us with a street in between. There is no real buffer around adjoining our properties; they said they couldn't extend the fence between the property.

Also, they are taking down all the trees except that one 59-foot oak tree so we will lose all those beautiful trees on that property. I am frustrated with all of the low-income housing, the increased crime in my neighborhood and how every inch of available space is being built on. I found it interesting that people who approve of this project live in Myers Park or Dilworth where there is no affordable housing. I would have no problem with this project if it were elsewhere in Charlotte. Can we not leave some green space in Charlotte and not surround my neighborhood with low income housing? We are already surrounded as it is. Hillside East, Merrywood, Kinder care and Parkwood Knowles were not aware of this project and at least the people I talked to, they weren't

notified which I believe is they are legally supposed to be notified as we were and so I'm asking you to delay the approval until those properties who just found out about it last week could arrange to have meetings with the YWCA and get their questions answered because they are as concerned as we are. We've got elderly senior citizens, we've got small children at the Kinder Care and these are adjoining properties. Again, I'm asking you to vote against rezoning for the YWCA for 104 low income apartments or at least to consider a smaller apartment building which is more centrally on the property and we will see how it goes. This is a lot of people, it is one, two, three-bedroom apartments all congested in one building.

In rebuttal Ms. Grant said there is a lot to unpack there so I'm just going to hit a couple of things. We are pleased to be part of a team that is supporting housing needs for all of our community. We did follow the City's notification list, but as you know some of the neighborhoods have to sign up, so we've tried to make ourselves readily available to address concerns from community members as they have come in. We aren't aware of any issues surrounding increased crime in the area. We did reach out to the community coordinator and offered to share their information as well. I think Julie Porter is probably happy to answer any questions regarding the management of our site. I think that their reputation has proven that they do a phenomenal job and I'm happy to let her answer any management questions.

Ms. Porter said obviously, our third-party managers have a lot of experience with affordable housing. If Council has questions has questions, I would be happy to answer any questions, but I think I will leave it there.

Councilmember Egleston said I want to apologize to Ms. ... my blood pressure is slightly elevated now. I do agree with Ms. Conti about the need for a stop light there. I do hope that C-DOT will work with the petitioner and work with the neighbors there. I think that would increase the safety on that site significantly, that I will advocate for. But I've not heard the argument before tonight that the area surrounded by Freedom Park, Dilworth, Sedgefield and Park Road Shopping Center is flush with affordable housing. Frankly, I don't accept the premise that people who are working class are drug ridden criminals. I don't think that most people that live over there feel that way. Frankly, I'm pretty frustrated by that narrative and I think that I certainly have a lot of faith in what the YWCA's commitment to this project is, what the Charlotte Housing Partnership's commitment to this project is and to the work they will do to make sure it is an asset to the community, not a detriment to the community. The fact of the matter is we've got a need in this community of over 20,000 affordable houses. They are going to have to go everywhere and anyone who maybe needs to learn more about what affordable housing is, who it is for. It does not decrease your property values; there is a lot of incorrect information that was just shared, and I don't have time or patience to correct it all tonight, but I think that a sit down with the Charlotte Housing Partnership folks or Ms. Porter, which I know she would be more than happy to do, could probably clear up a lot of the misunderstandings there. I'm committed to helping make sure that we can get a stop light there if possible, but I'm not going to stand by while people paint low to moderate income folks as criminals and drugs addicts and say that they don't want them in their community. I have maybe in 2.5 years never heard nimbyish laid out so bear, so clear and it kind of pisses me off and that is all I've got for that.

Councilmember Johnson said I think Mr. Egleston just about summed it up. I just want to say that when I heard about this at the YWCA's luncheon in February, I was excited to hear about it and am as excited to hear about it tonight and to be able to support it. Thank you for putting faces and job titles to the AMI so that people do understand who we are trying to serve. There is a housing deficit and that is why it is important to have an equitable distribution of affording housing that includes Myers Park and Dilworth and Ballantyne. This is why so that the property values increase together so thank you for this project. This is how we improve economic mobility by breaking generational cycles and giving children and families exposure to better neighborhoods and better schools. I am excited about this, we need more of this and I'm looking forward to supporting it.

Councilmember Winston said I just want to say thank you to the YWCA, thank you to the Housing Partnership and thank you to Mr. Egleston.

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.

Brenda Wilson, b-cwilson@icloud.com

Cheryl Steele, cheryl.steele0@gmail.com

Elizabeth Funck, efunck@ranger-construction.com

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

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ITEM NO. 30: HEARING ON PETITION NO. 2020-002 BY THE DRAKEFORD COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATE 0.55 ACRES LOCATED ON THE NORTHEASTERN SIDE OF VAIL AVENUE, SOUTH OF DEACON AVENUE, AND SOUTHEAST OF DOTGER AVENUE FROM R-22MF (MULTIFAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH THREE-YEAR VESTED RIGHTS.

Mayor Lyles declared the hearing open.

David Pettine, Planning this is just over a half-acre on Vail Avenue off Dotger Avenue over in the Elizabeth community. Currently it is zoned R-22 MF, so we are looking at a multifamily zoning district up to 22-units per acre. The proposed zoning for this petition is UR-2 conditional, we do have three-year vested rights options being requested also. The Elizabeth Area Plan from 2011 does recommend residential uses up to 22 dwelling units per acre. This petition itself gives us two buildings containing a maximum of two units each so, we are looking at two duplexes for a total of four units. That would give us a density of 7.41 dwelling units per acre, well below the recommended density in the Elizabeth Area Plan. We are getting streetscape improvements, six-foot sidewalk, eighth-foot planting strip along Vail Avenue, architectural requirements as well as each residential unit will have a two-car garage. Those garages will be setback eight to 12-inches from the front wall so that will give us a little bit more of a decrease in some of those visual impacts along Vail Avenue. We do have a 35-foot SWIM buffer and post construction buffer in the rear yards for this petition as well. It is a little bit of a challenging site topographically, but again looking at two duplexes for a total of four units on each lot.

Staff does recommend approval of this petition; as we stated it is well below the proposed density of 22-units per acre in the existing zoning that would allow for 22-units per acre. This will be an infill project to replace some older structures with two duplexes each, again totaling four units. We have a few outstanding issues to work through from design and environmental aspects and then some technical revisions. We will be happy to take any questions following the presentation by Mr. Drakeford and his team.

Bobby Drakeford, 1914 Brunswick Avenue said we don't have much to say, obviously, I know it has been a long night and we don't want to belabor things. This is basically a PowerPoint presentation we gave to the community. We've had a lot of constructive dialogue. Much of this you've already seen; we've had a lot of conversation with staff and the County about some demand development issues. You can see basically we are on the peripheral of the community, we border a creek that does impact the site plan. We are surrounded by other multifamily communities, both rental and for sale. We do have letters from two of the neighboring property owners that have spoken and have independently drafted letters that share some of the concepts we discussed, and I think that is in your package. This is just a bigger site plan that shows how the

creek impacts the property and shows that we are much lower than the allowed density. This shows you that we are actually developing less than we are allowed to. These are paired townhomes, and this is represented elevation showing the materials very similar to what is in the neighborhood. This is showing one of the existing similar units that Sassy Burbank has constructed, and this shows you some examples. That is all the time we need, thank you so much.

Councilmember Egleston said Bobby already know what my questions will be most likely. The Elizabeth Community Association, as this is currently presented, their land use committee is not in support of this. They have some minor issues around building materials and wanting to see specific elevations as opposed to representative elevations, but I think the main issue for them; if we go back for the sake of my colleagues, to see the map that shows the curvature of the street there. The people see Vail Avenue there at the end of the round turns into Cranbrook Lane; this is what the neighbors there consider a dangerous curve already and somewhat blind and people go down it too fast One of the things here that is the primary concern of the folks with the Land Use Committee in Elizabeth and the neighborhood in general, and I think the gentlemen who was scheduled to speak, but is not on would have spoken to this to a degree. With the dangerous driving habits over there, the way that street is oriented and where this site sits that pushing the houses up towards the road as this petition proposes creates a more dangerous situation. I think that is something we've got to look at. I think if we consider moving forward on this I've told Bobby that unless we can find some common ground between him and the ECA on this that might be a tough lift, but if we were to consider it I think we would need to work with C-DOT to determine how we can implement some traffic calming measures along there because I've heard that concern from multiple folks about the challenges safety wise that already exist there and they think this would exacerbate those. I know that Mr. Drakeford is staying in touch with the ECA folks and will continue to and see if there is a way they can meet in the middle, but right now it seems like they are pretty far apart.

Councilmember Winston said I have a question for Mr. Egleston; if this is already zoned for multifamily 22, and maybe I missed the point, but wouldn't there already be a denser by-right use of this?

Mr. Egleston said it is not the density that is their concern, it is the setback. There is not an objection to the unit count obviously because it is not really changing, it is four replacing four. It is the fact that it is moving up so much closer to the street than the current condition.

Councilmember Eiselt said what is the need for three-year vested rights? I thought we were trying to get away from that. I guess that would be a question for staff, why you are allowing that.

Mr. Petting said I think that is one of the items we are actually asking to be removed. I think that is one of the outstanding issues; let me take a look at the staff analysis quickly. Yeah, we are asking that to be removed. That is one of the technical revisions that is an outstanding issue.

Mayor Lyles said Dave; haven't we approved a number of those in other petitions tonight, a couple five-year ones?

Mr. Petting said we've had a few. We try to reserve those more for complex mixed-use projects that may take a good bit of time to kind of materialize. I think Eastland was one for example, that had vested rights. That is going to be a long-term project, so we try to save them for the longer larger kind of projects. I think Ballantyne might have been another again to take a little bit more time and complexity to put together. Typically, when we have single use projects like this, we don't like to necessarily lock those vested rights in any more than the state already allows.

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

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ITEMS 31-42 TO BE DEFERRED TO THE JUNE 22ND BUSINESS MEETING.

Mayor Lyles said I'm going to have the clerk read the motion that we have to have defer the remaining items to the June 22nd Business Meeting, which will be a very long meeting as well.

Stephanie Kelly, City Clerk said you will need a motion to open and continue the public hearings for the following rezoning petitions to the Council's Business Meeting on June 22, 2020: Item No. 31, Petition No. 2020-004, Item No. 32, Petition No. 2020-006, Item No. 33, Petition No. 2020-009, Item No. 34, Petition No. 2020-012, Item No. 35, Petition No. 2020-016, Item No. 36, Petition No. 2020-018, Item No. 37, Petition No. 2020-026, Item No. 38, Petition No. 2020-030, Item No. 39, Petition No. 2020-033, Item No. 40, Petition No. 2020-025, Item No. 41, Petition No. 2020-040 and Item No. 42, Petition No. 2020-064.

Ms. Kelly said we will move all the speakers that have already signed up for these hearings to the new date and any additional speakers for these hearings may sign up by contacting the City Clerk's Office no later than 9:00 a.m. on Monday, June 22nd.

Motion was made by Councilmember Driggs, and seconded by Councilmember Mitchell, to approve moving the above public hearings to the June 22, 2020 Council Business Meeting.

Councilmember Eiselt said I don't know how big our Business Meeting is Monday night, but if we also go past 10:00 do we then defer them again or what happens? Do we have to get through all 12?

Mayor Lyles said I think the zoning items are put at the top of the agenda so it would be the business items that would likely get deferred and because there are no protested petitions. I think we spent an hour and a half on two petitions so without those protest I think they go first on the agenda for the Business Meeting.

Mr. Pettine said I think we can get done in about an hour with these; they are all pretty straight forward. We have some conventional in there, the conditionals are fairly straight forward, there is no opposition like we had tonight so I feel like we can knock these out fairly quickly once we get into them.

Mayor Lyles said the thing that I would suggest, and this is just because all of the paper that we use for these documents and color printing, can we bring these same notebooks and label them the number that we delayed and start there so that we don't have to have print up an additional set of documents. With that be okay with the Council?

Several Councilmember said yes.

Mayor Lyles said we will just open the book to that point where we are and start on Item No. 31 for the Business Meeting. I will not be at the Business Meeting, the Mayor Pro Tem has generously agreed to preside to that meeting so I will appreciate the time away and will watch it on Facebook of YouTube.

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

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ADJOURNMENT

Motion was made by Councilmember Eiselt, and seconded by Councilmember Mitchell, and carried unanimously to adjourn the meeting.

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



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 03 Minutes
Minutes Completed: July 10, 2020