

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, November 16, 2020 at 5:04 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, James Mitchell, Matt Newton, and Braxton Winston II.

ABSENT UNTIL NOTED: Councilmember Victoria Watlington

Mayor Lyles said tonight's Zoning Meeting is being held in accordance with the electronic meeting statutes. That means we have given notice, access, and minutes through electronic means. We invite anyone to watch this meeting on the Government Channel, the City's Facebook Page, or the City's YouTube page.

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INVOCATION AND PLEDGE

Councilmember Egleston gave the Invocation and the Pledge of Allegiance to the Flag was led by Councilmember Eiselt.

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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

Ms. Samuel, Chair of the Zoning Committee introduced members of the Zoning Committee. They will meet Wednesday, December 2nd at 5:30 p.m. to make recommendations on the petitions heard in the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at charlotteplanning.org.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer: a decision on Item No. 3, Petition No. 2019-085 by American Asset Corporation to December 21, 2020; a decision on Item No. 4, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC to December 21, 2020; a decision on Item No. 5, Petition No. 2020-014 by Carolina Builders, LLC to December 21, 2020; and a decision on Item No. 9, Petition No. 2020-090 by Remount, LLC to December 21, 2020.

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ITEM NO. 2: FOLLOW UP REPORT

Mayor Lyles said you have the follow-up report in your Agenda for the Councilmembers, it is also available online.

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DECISIONS

ITEM NO. 6: ORDINANCE NO. 9925-Z, PETITION NO. 2020-049 BY THE KEITH CORPORATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 156.32 ACRES LOCATED ON THE SOUTH SIDE OF INTERSTATE-85, EAST OF MOORES CHAPEL ROAD, AND NORTH OF WILKINSON BOULEVARD FROM R-3 LWPA LWCA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA, LAKE WYLIE CRITICAL AREA) TO I-2(CD) LWPA LWCA (GENERAL INDUSTRIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA, LAKE WYLIE CRITICAL AREA).

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic 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 four dwelling units per acre (DUA) for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed site plan will provide transportation improvements surrounding the site in order to mitigate the traffic impacts this development will have on the area. The proposed site plan will provide buffers between industrial development and adjacent residential neighborhoods. Numerous new industrial projects have been developed in the area recently, especially along Wilkinson Boulevard, and Interstate 485, and Sam Wilson Road. The location of the site near I-85, Wilkinson Blvd, and the Charlotte-Douglas International Airport provides regional access which makes this site desirable for large-scale industrial development. The site is located within a growth corridor, as per the Centers Corridors and Wedges Growth Framework, which encourages industrial development near interchanges. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from single-family residential up to four DUA, to industrial land use for the site.

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

1. Petitioner provided a commitment to add a staggered row of evergreen trees along the western property boundary adjacent to the proposed 100-foot buffer.

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

Councilmember Watlington arrived at 5:16 p.m.

Motion was made by Councilmember Bokhari, seconded by Councilmember Eiselt, to approve Petition No. 2020-049 by The Keith Corporation and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Dixie Berryhill Strategic 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 four dwelling units per acre (DUA) for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed site plan will provide transportation improvements surrounding the site in order to mitigate the traffic impacts this development will have on the area. The proposed site plan will provide buffers between the industrial development and adjacent residential neighborhoods. Numerous new industrial projects have been developed in the area recently, especially along Wilkinson Boulevard, and Interstate 485 and Sam Wilson Road. The location of the site near I-85, Wilkinson Blvd, and the Charlotte-Douglas International Airport provides regional access which makes this site desirable for larger scale industrial development. The site is located within a growth corridor, as per the Centers Corridors and Wedges Growth Framework, which encourages industrial development near interchanges. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from single family residential up to four DUA, to industrial land use for the site, as modified.

Councilmember Watlington said first I would like to reiterate my ongoing concerns about the lack of community representation on the Planning Commission. I hope [inaudible] to make an adjustment there making certain that we have someone from District 3 on the Planning Commission. A disproportion of zoning petitions are coming out of this District and without anyone to speak from the community, it is very, very difficult to ensure that there is representation there. I've said this before and I will say it again today, I believe this petition fundamentally changes the place type of this area, and I think that place is undesiring on the residents. The northern portion of Moores Chapel Road can't support the infrastructure even with the southbound improvements, the northbound [inaudible] freight truck traffic on roads that do not have the infrastructure to support it despite the infrastructure improvements that are going to happen southbound on Moores Chapel Road we know that the freight trucks that are currently in the area are using the northbound lane on Moores Chapel Road to get to I-85 north and I-485 north and that is

not going to change. I heard that [inaudible] said that we are not accountable to these people because they are in the ETJ, for me I find that deplorable. I do believe that regardless of whether these people are in the ETJ (Extraterritorial Jurisdiction) or they are within the City limits, we own them with due diligence and there are certainly nearby neighborhoods within the City limits who have hired us to represent their interest. To me, this is fundamentally no different than the Brooklyn Neighborhood. I believe that just like conversations that were had back in the day regarding [inaudible] community benefits that were viewed to justify as a renewal, this is exactly the same type of situation. While I can certainly appreciate that the petitioner and the Petitioner's Agent have done a lot of work to made adjustments and amendments to this particular petition, ultimately, we are feeling the state of the residents here who have been here and have been purchasing homes based on area plans and anticipating what the future of this area will look like. We are basically changing that ahead of the Comprehensive Plan in which they would have the opportunity to give input. I am fundamentally opposed to that.

Like I said I understand that this is an opportunity potentially for jobs and also for tree save, however, I don't think, especially considering the upcoming Silver Line, TOD (Transit Oriented Development) designation at the Sam Wilson intersection that this is the only opportunity to have jobs here. I do understand that this building, though it will not be built as a step building, does not yet have a solidified tenant and so I think there will still be an opportunity to figure out what else we can build here; within TOD or other types of zoning designations that would enable, not only jobs here but also other amenities that this area desperately needs. I think is not the highest and best use of the land and then we can do a little bit better. As far as the tree save, the 56 acres in question don't appear to be conducive to development or at least cost-effective development and it seems why this petitioner has been amenable to donating land. I don't see that very often. When we looked at a little bit more detail, [inaudible] of the land and the fact that there is a stream going through it, I don't think that this is the only petition in which we could still have tree save in that particular area due to the fact that it is not a very easy place to build in the first place.

In summary, I'll say we are putting the cart before the horse, I think particularly for those of us on the council that has been telling our residents that the Comprehensive Plan is the way that we need to go, the direction we would be heading. We are a plan making City and thoughtful about development to say that on one hand in our resident's face and then turn around and made a decision that is this transformational in that area I think is duplicitous and so I will not be supporting this tonight.

Councilmember Ajmera said I have struggled with this rezoning petition, especially for the reasons that my colleague Councilmember Watlington had mentioned earlier with many residents who have bought, many of them their first homes in this area. Trusting our existing plan that calls for residential development and I'm sympathetic to those residents where it feels like a breach of promise when their going against what's currently what the plan calls for which is residential. However, as an At-large Councilmember, I have to look at the overall impact of what is currently being proposed and what could go

by right. I hate to be put in the situation where we are trying to figure out where we have to choose between the lesser of two evils. This site definitely fits all the criteria for tree preservation which we usually acquire for our preservation fund that we have. I have talked to our City Arborist and they have explored that option a couple of years ago so I would like for staff to address this question, why this site was not acquired for our tree preservation fund, and what was the reasons for not acquiring the land back when it was proposed a couple of years ago?

Taiwo Jaiyeoba, Assistant City Manager/Planning Director said my understanding is that we tried through the TCPP Program five-years ago, but it was cost-prohibitive. If it was cost-prohibitive five-years ago we'll assume it's even worse now with regards to that. Well like you said earlier on, I do understand that. I believe that you also have to weigh other factors into the conversation, but we've been focused so much on the 55 or 56-acres that the developer has been discussing with the County with regard to greenways, so the County has taken the lead on that conversation. Our TCPP Program (Tree Canopy Preservation Program) we [inaudible] the land if the County doesn't take it. That is what I will say with regard to those 56-acres but so far, we have not made any move since we were not able to do it five years ago, we've not made any move to do that because we are talking about 300 plus acres and so our focus has really been on the conversation the developer has been having with the County on the 55 to 56-acres.

Ms. Ajmera said thank you; I have had a conversation with our City Arborist earlier today and he expressed how our program couldn't afford to acquire this land. This is one of the reasons why I have been checking and advocating for strengthening our tree preservation fund so that we are not put in this situation where we are not able to acquire the land, where it protects our water source, where it protects our forest and really address our concerns. As I mentioned earlier, we do need to strengthen our tree preservation fund. We need to strengthen our tree ordinance to address some of the issues that are being raised by our residents. Now we are having to choose between the lesser of two evils. Again as I have said, I hate to be put in this situation that knowing that the option here is either we get 10% tree save versus 50% the developer is proposing. Also, for \$7 million in infrastructure improvements, we are looking at additional buffers that would not have been proposed in the right-of-way development. So, knowing all of these proposed changes that being raised or proposed by a developer I'm inclined to support it. I am not thrilled about this development. I have talked to many environmental advocates about the potential concerns and our quality of life. I have talked to river keepers, Sustain Charlotte, Cleaner Carolina, and all of these organizations have looked at what could potentially go on this site by right versus what is currently being proposed and they all said they are staying neutral in this case. Considering all the improvements that are being proposed by the developer, I will be supporting this rezoning petition.

Councilmember Winston said I've been thinking about this rezoning petition for a month since it was presented. I think this is a great project, I think this is the type of project that we need, the type of jobs that we need. I believe Keith Corporation has been very sensitive to the needs of the community. I think they have been the type of partner that

you want. The park is a great thing, the protected bike lanes, the buffers that are put in place, and the dependence on our Airport infrastructure to be completely honest, the build-out of our Airport area. I'm also very impressed by the community members, I think there is an amazing organized effort here and I think they have been clear about their grips and I think they are going about it in an effective way. I've been talking to County Commissioners, I've been talking to neighbors and while I wouldn't say everything is perfect, there is a bit of nimbyism here but there are some definitely specific points that make sense. The reason why I have struggled with this is not because of an argument the petitioner or the community has raised. It is really about this Council and our staff and the ability to move to a well-planned City and this is the type of decision that makes it difficult because we don't have clear policy guidelines that help us make an informed and based decision. As I have been thinking about this, I have been thinking a lot about a decision that was made a couple of years ago on the last iteration of Council. It was for a residential rezoning across the street from some industrial land. I believe it was either done just before we put the \$50 million, for the first time, on the ballot for our Housing Trust Fund or it was just after, but this developer was going to be without any public ask was going to put many units of affordable housing on this plot and it was next to a bus lane, it was next to jobs, it was next to food, it kind of checks all of the boxes and I was the only one that voted for this because 10 other members of Council brought up a very good point, which I didn't necessarily agree with; should we be putting residential in relatively close proximity to light industrial zoning. It was very clear, I was the only one; 10 of my colleagues decided against affordable housing near transit, against affordable housing near jobs although it checked all the boxes and it was because we didn't have clear guidelines about how we deal with industrial zoning near residential. That was two to three years ago and we still don't, even though many members of the Council have specifically asked for this.

On top of that, we would be rezoning some land that we say is protected, watershed land that is protected. This is not just an issue of tree safe, this is not land that can be replanted and regrown elsewhere in the City, but again we have no guidance to necessarily make based decisions on how to take away that protective status for any type of rezoning let along again this industrial zoning. I don't see how we can necessarily reckon with voting against affordable housing in Steele Creek when it checks all the boxes and then we can just figure out which project we like better on down the way. We need better policy decisions and I hope this Council and I hope the staff finally recognizes this and does something about this to address this, therefore I will be voting no on this because it does not seem to be any clear policy guidelines as to why this is actually a good idea from a land-use perspective.

Councilmember Bokhari said first I would like to have a message directly to the neighbors and I will agree with the sentiment just raised, you guys have really come together and that kind of civic activity is very important, and not only do we applaud that and the petitions and everything you've done to get the message to us which we've heard loud and clear. I also want to relate to you no-one on this Council takes a decision like this lightly and in all of the conversations, I've had with everyone we also try to put

ourselves in your shoes and imagine something like that being put next to us. I just want to tell you that is not something I think any of us take lightly in any circumstance and it weighs very heavily, and I know that. With that being said I will say to the petitioner and The Keith Corporation and all of these groups, you guys have gone above and beyond in my opinion trying to counterbalance that and we do greatly appreciate that. Some of this has been mentioned, but I will mention it again, just for the record, 50% tree save, that is substantial, not to mention the other environmental enhancements. Approaching that \$7 million infrastructure roadway improvements, sewer lift without public assistance. That infrastructure we know how critical our infrastructure around large developments and large projects in Charlotte is right now because we feel the pinch with traffic and congestion so much, so when someone is willing to go this far, I will tell you none of us take that lightly as well. The buffer, the park, the greenway dedication that is literally unique and very unheard of from the average that we would see with things like this. When you look at overall the job that we have at hand here from a land-use perspective marching towards this 2040 Comprehensive Plan I'll tell you none of us know exactly what it looks like, but I can pretty much tell you when that time comes this is going to match what we would be looking at for manufacturing and logistic place types.

The question that I think we are all having to ask ourselves is that place type going to have a home in Charlotte, or should we not have that at all? I think that is kind of the crux of where we are. Of course, anyone who lives anywhere near that stuff has mixed emotions and feelings about it, but at the end of the day when you look at the proximity to the Airport, the Intermodal facility, I-85, I-485, all of these areas you have to ask yourselves and that is what we are doing tonight, we have to ask ourselves the question do we believe the jobs, the economic impact and the returns we are seeing to be able to get back into the manufacturing industry and to create those jobs, not just in the United States where we disparately need to restore those, but in Charlotte alone as we diversify our talent base and the jobs that are the glue that will ultimately connect the upward mobility we are striving to achieve. I must say you guys have done everything in your power to make a difficult situation more palatable and I will just say I'm appreciative of that. I'm going to be supportive of this and I would just tell my colleagues one final note when we get to the 2040 Comprehensive Plan point, but more importantly the UDO (Unified Development Ordinance) and when we rezone this entire City today, we can kind of hide behind things and say well you know we don't have that yet. That is going to come, and it is going to look very similar to this except it will probably be more density and more of it. I think we need to start wrapping our minds around something I've been saying for years now, a very serious situation and conversation we will be entering into with this entire community on are these kinds of jobs or density or insert topic here that is controversial with everyone's backyard today. Is that something we are willing to do or is it something we are willing to say you know, this growing City that is going to be X number of million people by this date and that isn't something we are willing to do? I'll say you guys have done the best with the circumstance here and I appreciate it personally.

Councilmember Eiselt said some of my points have already been made and I would also like to reiterate that I too took this rezoning very seriously. I went out there after I

talked to Dr. Epps about I, I did drive out and went and looked at the site and drove those roads to get a better understanding of what would be coming to that area. Really, in talking to both sides and talking to some of the environmental groups, talking to one of our County Commissioners, talking to our Planning Department, I really came to the conclusion that Mr. Bokhari touched on is that when the Comprehensive Plan is finished, we are going to find that the light industrial, that has been pushed out of the City. The South End I would argue over the fact that in the years that this area plan was developed, we have been pushing light industrial out of the South End. I remember one of our rezonings where the owner of a light manufacturing facility said please at least require my neighbor to have a buffer because when that brewery opens, they are going to be complaining about the noise from our facility. We have to identify where that light industrial is going to go, and it makes sense to me and it is the most environmentally friendly answer to put it near the Airport.

We have this situation which is unusual in the southeast that our Airport, our railroads, and our freeways are all in the same area and so we have the opportunity to develop alternative logistic industry in a way that has the least impact on traffic, on the environment and on the overall community and it needs to go by the Airport. I do want to say that on the jobs front, I think this is an important point because I've had roundtables for the logistic industry because they think it is so important the jobs that they bring to the area. Logistic distribution is the highest wage growth industry of any industry that you don't need a college degree to have a job. The alliance identified them I think one of the top two industries that we would like to see grow in this region because it does help us solve the problem of the fact that a lot of the jobs that have come to this region are often the high tech, high paying jobs but that creates the problem with affordable housing when we continue to push up the income levels overall in the area and therefore, we continue to put upward pressure on our housing. When we provide jobs that are at the \$40,000 to \$50,000 level that provides the ability for more people to work and more people to stay in their housing. Unfortunately, we get these overlapping goals that sometimes you just can't align perfectly and we've got to look at it and say in this case this is an opportunity for 1,000 jobs in the industry that is high wage growth and an apprentice that actually had less of an impact environmentally than it would if you did this by right. If you do it by right, you would get 150 acres and end up with 450 houses with 10% tree save. I think Ms. Ajmera said it, it is not a perfect answer, but in this case, I'm going to be supporting this rezoning because I just think that overall it is the way the City is growing sensibly. Unfortunately, we are just never going to have a situation where we can really achieve what we would like to for every resident in the City. We just have to do it for what we consider to be the highest and best use.

Councilmember Egleston said I won't repeat the points that have been laid out well. I think Ms. Eiselt made the point about the jobs that are here and how important those are and the opportunity they create. Ms. Ajmera made the point about this from an environmental standpoint is much more ideal than what could be developed there by right, particularly given the large tract of land that is being set aside to be given to the County for greenway and tree preservation. We've spent a lot of time of late talking about our tree

canopy, this will preserve far more trees than by right development would, and the by-right development would likely clear all of the trees and then just plant young saplings back were this a mature tree canopy that has been there for however many hundreds of years. I think for those reasons I will be supporting it. I do want to make one specific response; I don't know that Ms. Watlington intended it to sound this way, but I want to make sure that no-one thinks that was what was meant unless she has heard someone say something that I haven't. She made mention of people in the ETJ, we are not accountable to them, that she had seen or heard that sentiment somewhere. I certainly have not seen or heard that sentiment and the comment that I made during the hearing a month or two ago, I hope is not misconstrued as that. I said we needed to hone in on what the best practice was for people who are elected to represent the City limits of Charlotte, weighing in on decisions that are outside of the City Limits of Charlotte. Undoubtedly, many of the people we've heard from about this rezoning do live in Charlotte and we are directly accountable to them by way of the ballot box. I want to make sure that no-one thinks there was a sentiment from anybody on this Council, at least as far as I am aware, that they [inaudible].

Ms. Watlington said to speak for yourself.

Mayor Lyles said Ms. Watlington you are out of order. He has the floor.

Mr. Bokhari said okay I speak only for myself and I know that I made a comment about that I have concerns around the way that we handle ETJ rezonings because if I were a resident out there, I could see myself feeling like it is unfair for someone who I cannot elect or vote for or vote against making these decisions. I said it is something we need to consider more holistically, not specific about this rezoning, but I think the amount of time as best I can tell every member of this City Council has put into this rezoning, I think it should go without saying that we care about the residents there and we care about their opinions and I think they have done an excellent job of bringing our attention to them. I wanted to clear that up I guess for myself only and any others can speak for themselves.

Councilmember Johnson said I have some questions; is there anyone from Stormwater that can answer some questions for me?

Mayor Lyles said did you call the questions in? I don't know if we have someone from Stormwater or not; we have Transportation, Planning and the Manager's Office is here, the Attorney's Office, but we can get the answers to your questions if you would like to e-mail them in.

Ms. Johnson said we received a video from the public that there is foam in the water in these streams that are adjacent to the resident's home. That foam is coming from some of the industrial sites that are near that creek. We also know that this is a critical watershed area near the Lake Wylie protected area, so we've heard some of the Councilmembers speak about the environment and the tree save, but we also have to be concerned about the water supply in that area. We know that is something that the residents have stressed.

I also have an e-mail from one of our City staff that speaks to the foam in that area that I sent to Taiwo. We've all been included in the e-mails with the effect on the environment through the water.

I would also like to say for this developer that they have done a good job of providing concession for this development. They have offered to donate the land, and this will bring jobs and that is important, we do have to balance that. For this development, I think we have to consider the location. We know that we've heard from the residents that they are in the ETJ. County Commissioner Velma Leake reached out to me and she felt like this is disrespect to the residents of that area. She is directly over that area and that is her feeling. We've heard from the environmentalist, we've heard from Sustain Charlotte about the effect of this development on the area. There is a petition we've all seen with over 1,000 signatures so I just feel like we have to listen to the residents.

We talk about equity, that area already has four to five warehouses. This type of development, if they went to Ballantyne or some other area and 1,000 people had signed a petition, or we heard from hundreds of residents then this would be unthinkable. I feel like we were elected for the people and to protect the environment and if we are hearing this type of outpouring, then we don't have a choice but to listen to them. For me we heard from the Council Representative closest to it, closest to the people. She has spoken and we've heard from the Commissioner who is directly over that area, she is opposed to it. We've heard from the residents, thousands of them who are opposed to it. We've seen with our own eyes foam in the water that is not supposed to be there so I don't see for me where I would have a choice than to oppose this development so I will be opposed.

Mr. Jaiyeoba said essentially, I saw the photos that were forwarded last night with regards to the foam, so this message from Stormwater is that it is currently under investigation, but it has no color, no smell, no high indicator that sometimes that is often hard to tract and it could have different sources of origin like it could be natural, but it could also be mobile carwash and maybe nothing related to the development in the area. I also understand that Dr. Epps reported other possible water quality violations last May and upon investigation, they did tract the source to a wastewater pump at the facility that manufacturers liquid cleaning products. The company corrected the problem but there was no significant or any impact from that incident. Not that this is the same thing, but they will investigate this as well and at this point, they don't think that it is anything significant, but we will definitely communicate that to Dr. Epps and also Council once we have any report, but it is maybe likely the same thing that happened in May, which had no impact.

Councilmember Driggs said I wanted to join my colleagues in assuring the residents that none of us takes likely the concerns that they've raised and in fact, if you hadn't been so effective in voicing your concerns, I'm not sure that we would be struggling with this the way we are. All of us have had to devote a lot of thought to this and to consider what you have communicated to us as well as the things that the petitioner has done in order to make this an attractive solution. I would mention too in reference to our Plans, the 2040

Plan, etc. the existing plans are basically out of date and really quite irrelevant to what is there now because we are looking at very different circumstances and the 2040 Plan hasn't been adopted yet. I think it is fair to say that we shouldn't be implementing a plan that has not been adopted and won the approval of the public. So, what we are left with is the need to just make a decision on a case by case basis as to what we think the [inaudible] public interest is. I think we have pros and cons here and the cons have been articulated very well by residents. The pros that we are aware of, and I won't both to go into a lot of detail on them, but the park, the jobs, there is an industrial development nearby. It is not completely out of character with the area and I frankly welcome Keith willingness to make these investments to fund the improvements and I think we are kind of in the right to go ahead and approve this. I would mention, the existing zoning should never be construed as a promise, so we are not breaking a promise if we entertain a request for a landowner to allow a different use from the one that we've previously designated for that land. I think we have given a lot of thought to the impact it has on residents and some of the concerns they've raised. My view is that I balance the advantages that outweigh those concerns and think we should approve this, and I will.

The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Mitchell,

NAYS: Councilmembers Johnson, Newton, Watlington, and Winston

The ordinance is recorded in full in Ordinance Book 63 at Page(s) 404-405.

The following person 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.

Jimmy Vasiliou, jvasiliou@gmail.com

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ITEM NO. 7: ORDINANCE NO. 9926-Z, PETITION NO. 2020-066 BY YORUK DEVELOPMENT, COMPANY, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.62 ACRES LOCATED ALONG THE NORTH SIDE OF SARDIS ROAD, EAST OF SUNNY WOOD LANE, AND SOUTH OF WATERGATE ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the South District Plan, but inconsistent with the plan density. However, the increased density is supported by 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 development use; and the plan recommends a density of up to 3 dwelling units per acre, and the General Development Policies support up to 8 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposal is for single-family detached homes, the same use developed in the surrounding area. The petition limits the density to a maximum of 4.97 units per acre. The site plan limits building height and provides architectural commitments compatible with the existing single-family development. The site plan provides screening and tree save areas around the site and larger setbacks that are similar to traditional single-family zoning. The proposal develops vacant land rather than redeveloping existing single-family homes. The site design and layout limit the number of driveways curb cuts connecting to Sunnywood Lane and Sardis Road North thus limiting potential vehicular and pedestrian conflict points. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single-family at 3 DUA to residential at 5 DUA for the site.

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

1. Added a decorative six (6) foot fence along the entire northern and eastern property boundaries.
2. Added a right-turn lane from Sardis Road North to Sunnywood Lane.
3. Added a note indicating no parking signs will be installed along Sunnywood Lane, subject to approval by C-DOT.
4. Added a note regarding enhanced landscaping along Sardis Road North, that will include a double row of trees.
5. Added a commitment to provide a double row of trees along Sunnywood Lane.
6. Added a note requiring the installation of pedestrian scale lighting along the site's frontage on Sunnywood Lane and where possible along the interior alley.

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

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and to approve Petition No. 2020-066 by Yoruk Development Company, Inc, and adopt the following Statement of Consistency: this petition is found to be consistent with consistent with the South District Plan, but inconsistent with the plan density. However, the increased density is supported by 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 development use; and the plan recommends a density of up to 3 dwelling units per acre; and the General Development Policies support up to 8 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposal is for single family detached homes, the same use developed in the surrounding area. The petition limits the density to a maximum of 4.97 units per acre. The site plan limits building height and provides architectural commitments compatible with the existing single family development. The site plan provides screening and tree save areas around the site and larger setbacks that are similar to traditional single family zoning. The proposal develops vacant land rather than redeveloping existing single family homes. The site design and layout limit the number of driveways curb cuts connecting to Sunnywood Lane and Sardis Road North thus limiting potential vehicular and pedestrian conflict points. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family at 3 DUA to residential at 5 DUA for the site, as modified.

Councilmember Bokhari said I just wanted to take a second, particularly for the viewing community out there who sees us once a month having these conversations and wonders how all of this works. For all of us this happens, but particularly for District Reps where you've seen a controversial one before. This was also a controversial one, not necessarily because of the nature of it, but because anytime there is a material change in everyone's backyard, it is something that is painful. It is something that no matter how okay it is in the broader policy approach, it is things that may not be the most welcome change. I will tell you there was a group of neighbors here led by a gentleman I got to know during this process, Phil White who was one of the greatest debaters I've come across in my history here so far, and I will tell you that a lot of times us District Reps have to go against a developer half the time and go against the neighborhood the other half the time. Neither scenario are circumstances pleasant but that is part of this job and we have to listen, we have to empathize but then we also have to figure out once we are on the right track for doing the right thing and making the right principle decision, we have to see how it can help the other side come together in some way because they have to co-exist together and that is exactly what we did here with this petition.

I am so grateful for the petitioner once again, for the things we've seen today; the six-foot fence, this was something that made a lot of sense to the neighbors but particularly ensuring parking on Sunnywood Lane was going to be addressed. Ensuring landscaping along Sardis Road North, including that double row of trees that is now part of that commitment to provide another double row of trees on Sunnywood Lane, installation of

pedestrian scale lighting along the site's frontage but most important and complex was this right-hand turn lane from Sardis Road North to Sunnywood Lane to deal with some of the traffic that was going to be added here. I am happy to report that the petitioner, C-DOT, staff, everyone jumped into action when we got that list and neighbors, I know that you didn't necessarily get everything that you wanted out of this, but I greatly appreciate the time you spent with me and the ability for us to have made this a little bit better. I would ask that you all join me in supporting this.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 406-407.

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ITEM NO. 8: ORDINANCE NO. 9927-Z, PETITION NO. 2020-089 BY PULTE GROUP, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.42 ACRES LOCATED ON THE WEST SIDE OF BRIAR CREEK ROAD, NORTH OF GREEN OAKS LANE, AND EAST OF WEMBLEY DRIVE FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) 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 and the General Development Policies, based on the information from the post-hearing staff analysis and the public hearing and because the Central District Plan recommends MULTI-FAMILY residential with no specified density, and the General Development Policies support a residential density of over 17 units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed density of 18.4 units per acre is less than the maximum 22 units per acre permitted under the current R-22MF zoning district. The site is compatible with the abutting MULTI-FAMILY residential developments to the north, west, and south. The proposal commits to a 12-foot multi-use path along Briar Creek Road. The project provides usable common open space throughout the site. The request proposes a CATS bus waiting pad on Briar Creek Road.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-089 by Pulte Group, Inc. and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan and the General Development Policies, based on the information from the final staff analysis and the public hearing and because the Central District Plan recommends multifamily residential with no specified density, and the General Development Policies support a residential density of over 17 units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed density of 18.4 units per acre is less than the maximum 22 units per acre permitted under the current R-22MF zoning district. The site is compatible with the abutting multifamily residential developments to the north, west, and south. The proposal commits to a 12-foot multi-use path along Briar Creek Road. The project provides usable common open space throughout the site. The request proposes a CATS bus waiting pad on Briar Creek Road.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 408-409.

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ITEM NO. 10: ORDINANCE NO. 9928-Z, PETITION NO. 2020-093 BY GRIFFMAN INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.41 ACRES LOCATED ALONG THE EAST SIDE OF GRIFFITH STREET, THE WEST SIDE OF LYNX BLUE LINE, AND SOUTH OF POINDEXTER DRIVE FROM TOD-M (O) (TRANSIT-ORIENTED DEVELOPMENT, MIXED, OPTIONAL) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT, URBAN CENTER).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Blumenthal) to approve Petition No. 2020-093 by Griffman Investments, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the New Bern Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the petition is consistent with the New Bern Transit Station Area Plan land use recommendation for transit-oriented development, and as amended via petition 2008-101. 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 approximately 280 feet from the New Bern Station on the LYNX Blue Line. The proposal permits a site previously used for industrial uses to convert to transit-supportive land uses. Use of conventional TOD-UC (transit-oriented development – urban center) 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.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-093 by Griffman Investments, LLC. and adopt the following Statement of Consistency: This petition is found to be consistent with the New Bern Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the petition is consistent with the New Bern Transit Station Area Plan land use recommendation for transit-oriented development, and as amended via petition 2008-101. 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 approximately 280 feet from the New Bern Station on the LYNX Blue Line. The proposal permits a site previously used for industrial uses to convert to transit supportive land uses. Use of conventional TOD-UC (transit-oriented development – urban center) 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 ordinance is recorded in full in Ordinance Book 63, at Page(s) 410-411.

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ITEM NO. 11: ORDINANCE 9929-Z, PETITION NO. 2020-094 BY CHILDRESS KLEIN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.54 ACRES LOCATED NORTH OF PERIMETER POINTE PARKWAY, WEST OF REBECCA AVENUE AND SOUTH OF WEST BOULEVARD FROM I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) AND R-22 MF (MULTI-FAMILY RESIDENTIAL) TO I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) AND I-1(CD) SPA (LIGHT INDUSTRIAL, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) 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 for a majority of the site but inconsistent for the remaining portion of the site based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends light industrial for a majority of the site; and multi-family residential for the remainder of 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 proposed site plan, while inconsistent with the portion of the site that is recommended for multi-family use, proposes to maintain that area as a buffer. The portion of the site that is consistent with the adopted light industrial land use for the site, is within an existing office park. The site is located within the Old Coliseum mixed-use activity center, as per the Centers Corridors and Wedges Growth Framework. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, from

current recommended multi-family use to light industrial land use for a portion of the site and remain light industrial for the majority of the site.

Councilmember Mitchell said just for clarification on the consistency, do we have to do the whole roll call?

Terri Hagler-Gray, Senior Assistant City Attorney said what we've been doing since it takes six votes to pass, six votes unless someone of you says that you are against it, it is a unanimous vote.

Motion was made by Councilmember Watlington, seconded by Councilmember Matt Newton, and carried unanimously to approve Petition No. 2020-094 by Childress Klein and adopt the following Statement of Consistency: This petition is found to be consistent with the Southwest District Plan for a majority of the site but inconsistent for the remaining portion of the site based on the information from the final staff analysis and the public hearing, and because the plan recommends light industrial for a majority of the site; and multi-family residential for the remainder of 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 proposed site plan, while inconsistent with the portion of the site that is recommended for multi-family use, proposes to maintain that area as a buffer. The portion of the site that is consistent with the adopted light industrial land use for the site, is within an existing office park. The site is located within the Old Coliseum mixed use activity center, as per the Centers Corridors and Wedges Growth Framework. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, from current recommended multi-family use to light industrial land use for a portion of the site and remain light industrial for the majority of the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 412-413.

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ITEM NO. 12: ORDINANCE NO. 9930-Z, PETITION NO. 2020-097 BY 6800 SOLECTRON OWNER, L.P. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.40 ACES LOCATED ALONG THE SOUTH SIDE OF MALLARD CREEK ROAD AND ALONG THE EAST SIDE OF PENNINGER CIRCLE FROM RE-1 (CD) (RESEARCH, CONDITIONAL) AND INST (CD) (INSTITUTIONAL, CONDITIONAL) TO RE-1 (CD) (RESEARCH, CONDITIONAL) AND RE-1 (CD) SPA (RESEARCH, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Northeast District Plan (1996) based on the

information from the post-hearing staff analysis and the public hearing, and because the plan recommends institutional and office uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this site proposes up to 50,000 square feet of facilities to accommodate uses including health clinics, offices, financial institutions, and laboratories. These uses are in accordance with the Northeast District Plan (1996) goal of providing a variety of job types to retain a strong employment base in this area. This proposal will increase access to health care access for surrounding residents. The proposal commits to pedestrian access and connectivity by proposing a 12-foot multi-use path on Mallard Creek Road and a minimum 6-foot sidewalk along Penninger Circle.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-097 by 6800 Solectron Owner, L.P. and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan (1996) based on the information from the final staff analysis and the public hearing, and because the plan recommends institutional and office uses for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this site proposes up to 50,000 square feet of facilities to accommodate uses including health clinics, offices, financial institutions, and laboratories. These uses are in accordance with the Northeast District Plan (1996) goal of providing a variety of job types to retain a strong employment base in this area. This proposal will increase access to health care access for surrounding residents. The proposal commits to pedestrian access and connectivity by proposing a 12-foot multi-use path on Mallard Creek Road and a minimum 6-foot sidewalk along Penninger Circle.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 414-415.

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ITEM NO. 13: ORDINANCE NO. 9931-Z, PETITION NO. 2020-098 BY AHI 3100, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.18 ACRES LOCATED SOUTH OF NORTH TRYON STREET AND ITS INTERSECTION WITH EAST 36TH STREET IN THE NODA COMMUNITY FROM B-2 (GENERAL BUSINESS), I-1 (INDUSTRIAL TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER)).

The Zoning Committee voted 7-0 (motion by Nwasike, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inserted inconsistent with the North Tryon 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 office/retail and park/greenway uses for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site meets the applicability requirements of the TOD-CC district as the site is less than a half-mile walking distance from the Blue Line's 36th Street Station. Requesting TOD zoning in this location realizes one of the listed land use goals by capitalizing on the location's proximity to the Blue Line. The petition's request for TOD will likely, once constructed, address many of the North Tryon Area Plan's other goals regarding transportation and community design. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan from office/retail and park/greenway uses to transit-oriented development for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-098 by AHI 3100, LLC and adopt the following Statement of Consistency: This petition is found to be insert inconsistent with the North Tryon 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 office/retail and park/greenway uses for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site meets the applicability requirements of the TOD-CC district as the site is less than a half mile walking distance from the Blue Line's 36th Street Station. Requesting TOD zoning in this location realizes one of the listed land use goals by capitalizing on the location's proximity to the Blue Line. The petition's request for TOD will likely, once constructed, address many of the North Tryon Area Plan's other goals regarding transportation and community design. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan from office/retail and park/greenway uses to transit-oriented development for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 416-417.

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ITEM NO. 14: ORDINANCE NO. 9932-Z, PETITION NO. 2020-099 BY D. R. HORTON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 20.88 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF MALLARD CREEK ROAD AND SOUTH OF MORRIS ESTATE DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Barbee, 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 Northeast District Plan (1996) based on the information from the post-hearing staff analysis and the public hearing, and because the plan

recommends single-family/ multi-family uses up to 8 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 130 for sale townhome units with a density of 5.7 dwelling units per acre (DUA). This density is consistent with the Northeast District Plan (1996) recommendation of single-family/multi-family uses up to 8 DUA. The petition will help fulfill the Northeast District Plan goal of having a variety of housing types that are accessible to amenities. This petition proposes to improve Penninger Circle to meet city roadway standards and to build a sidewalk on the project side of the street.

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

1. Petitioner clarified all units will have front load driveways for each residential unit and will retain single driveway aprons for each unit.

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

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-099 by D. R. Horton and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan (1996) based on the information from the final staff analysis and the public hearing, and because the plan recommends single-family/ multi-family uses up to 8 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 130 for sale townhome units with a density of 5.7 dwelling units per acre (DUA). This density is consistent with the Northeast District Plan (1996) recommendation of single-family/multi-family uses up to 8 DUA. The petition will help fulfill the Northeast District Plan goal of having a variety of housing types which are accessible to amenities. This petition proposes to improve Penninger Circle to meet city roadway standards and to build a sidewalk on the project side of the street, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 418-419.

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ITEM NO. 15: ORDINANCE NO. 9933-Z, PETITION NO. 2020-100 BY DELRAY VENTURES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.9 ACRES LOCATED ALONG THE SOUTH SIDE OF SHARON AMITY ROAD, EAST OF ADDISON DRIVE, AND WEST OF WATER OAK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the South District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends institutional use for this parcel. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the General Development Policies support the requested density of less than or equal to 12 DUA; and the proposal redevelops a parcel with an institutional use (Masonic Lodge) and would not result in the removal of existing homes. The General Development Policies would support over 17 DUA for the site. However, the petition proposes single-family residential attached use with a density limited to 9.68 units per acre. The site is located adjacent to existing multi-family residential to the east, developed at 11.74 dwelling units per acre. The plan provides buffers adjacent to single-family homes, larger than Ordinance minimum setback along the public street, and architectural design requirements that mitigate the impact of the project on surrounding single-family homes. Provides a transition of development intensity between the single-family homes to the west and the adjacent multi-family development east of the site. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single-family use to Residential \leq 12 DUA for the site.

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

1. The petitioner amended the site plan to add a second access point on the eastern side of the site as shown below.

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

Motion was made by Councilmember Newton, seconded by Councilmember Egleston, to approve Petition No. 2020-100 by Delray Ventures, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan, based on the information from the final staff analysis and the public hearing and because the Plan recommends institutional use for this parcel. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the General Development Policies support the requested density of less than or equal to 12 DUA; and the proposal redevelops a parcel with an institutional use (Masonic Lodge) and would not result in the removal of existing homes. The General Development Policies would support over 17 DUA for the site. However, the petition proposes single family residential attached use with a density limited to 9.68 units per acre. The site is located adjacent to existing multi-family residential to the east, developed at 11.74 dwelling units per acre. The plan provides buffers adjacent to single family homes, larger than Ordinance minimum setback along the public street, and architectural design requirements that mitigate the projects impact on surrounding single family homes. Provides a transition of development intensity between the single family homes to the west and the adjacent multi-family development east of the site. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family use to Residential <= 12 DUA for the site, as modified.

Councilmember Newton said this petition came before us last month and there were no speakers aside from the petitioner themselves on this, but I did want to acknowledge the community meetings that have occurred since then to address concerns pertaining to entry access which everyone should be aware of at this point, we just approved the resubmittal of the new site plan to include additional entry access, concerns pertaining to tree save and stormwater. I wanted to thank the community and its involvement and engagement, also wanted to thank the developer and petitioner for their willingness to meet with the community. I was a part of a number of those conversations.

We are talking about Sharon Amity Road here and I know that we as a Council have considered rezoning the Sharon Amity corridor before, a big concern with the traffic impact on the corridor. Having said that I know the community is also happy with the [inaudible] involvement quality of their product. I have spoken with C-DOT (Charlotte Department of Transportation) so given the fact that this is right in front of curve] on Sharon Amity Road leading up to Emery Lane I still have some concerns pertaining to that being a blind curve, but I'm in conversations right now with C-DOT pending the approval of this petition to relook at Walker Road, reassess the lights that hang on Walker Road, which is just a blinking light. I don't know the effectiveness of this and quite frankly I don't see that it mitigates the potential traffic safety concern that arises on Emery Lane. We will be working through that; the petitioner has also agreed to be a part of that process moving forward as well. I'm really happy and looking forward to working with C-DOT for that Walker Road/North Sharon Amity intersection and to mitigate some of the traffic concerns that have arisen, but by in large at this point, I think I wanted to thank the

community, wanted to thank the developer for working together on this and coming to some agreement here to get us to this place where we can vote on this.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 420-421.

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ITEM NO. 16: ORDINANCE NO. 9934-Z, PETITION NO. 2020-101 BY WHITE POINT PACES PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.005 NON-CONTIGUOUS ACRES BETWEEN THREE PARCELS LOCATED IN THE OPTIMIST PARK COMMUNITY IN THE VICINITY OF OPTIMIST HALL FROM TOD-M (O) & I-2 (TRANSIT-ORIENTED DEVELOPMENT, MIXED, OPTIONAL, HEAVY INDUSTRIAL) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT, URBAN CENTER).

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be both inconsistent and consistent with the Parkwood Station Area Plan's with respect to proposed land use, based on information from the post-hearing staff analysis and the public hearing, and because the plan recommends both transit-oriented uses and office/retail/industrial-warehouse-distribution uses for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this petition's request for transit-oriented development zoning achieves the Plan's land use policy of promoting a mix of transit-supportive land uses through new development and redevelopment. The request is consistent with adjacent zoning and land uses around the southwestern portion of the intersection of Parkwood Avenue and E. 16th Street. The TOD-UC district may be used in any transit station area or near a streetcar stop where high-intensity transit-oriented development is appropriate. The TOD-UC district is not appropriate for sites adjacent to single-family zoning districts or uses. These parcels are not adjacent to any single-family uses. The area plan recommends employment-based land uses, such as industrial, office, and retail use on the parcels north of North Brevard Street and adjacent to the rail yard between East 13th and East 24th streets. A proposed TOD-UC district would likely generate office and retail uses on the parcel that falls within this area. The approval of this petition will revise the adopted future land use for one parcel as specified by the Parkwood Transit Station Area Plan from office/retail/industrial-warehouse-distribution to TOD for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-101 by White Point Paces Partners, LLC and adopt the following Statement of Consistency: This petition is found to be both inconsistent and consistent with the Parkwood Station Area Plan's with respect to proposed land use, based on information from the final staff analysis and the public hearing, and because the plan recommends both transit-oriented uses and office/retail/industrial-warehouse-distribution uses for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this petition's request for transit-oriented development zoning achieves the Plan's land use policy of promoting a mix of transit-supportive land uses through new development and redevelopment. The request is consistent with adjacent zoning and land uses around the southwestern portion of the intersection of Parkwood Avenue and E. 16th Street. The TOD-UC district may be used in any transit station area or near a streetcar stop where high intensity transit-oriented development is appropriate. The TOD-UC district is not appropriate for sites adjacent to single-family zoning districts or uses. These parcels are not adjacent to any single family uses. The area plan recommends employment-based land uses, such as industrial, office and retail uses on the parcels north of North Brevard Street and adjacent to the rail yard between East 13th and East 24th streets. A proposed TOD-UC district would likely generate office and retail uses on the parcel that falls within this area. The approval of this petition will revise the adopted future land use for one parcel as specified by the Parkwood Transit Station Area Plan from office/retail/industrial-warehouse-distribution to TOD for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 422-423.

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ACTIVE TRANSPORTATION PROJECTS

ITEM NO. 17: ACTIVE TRANSPORTATION PROJECTS

Mayor Lyles said the active transportation projects are listed on the agenda.

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HEARINGS

ITEM NO. 18: HEARING ON PETITION NO, 2019-180 BY JOHN JOLLEY – ROSEGATE HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.2 ACRES LOCATED ON THE WEST SIDE OF WALLACE ROAD, NORTH OF WOODBERRY ROAD, WEST OF EAST INDEPENDENCE BOULEVARD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just over nine-acres on the west side of Wallace Road, north of Woodberry Road; it is running parallel to Wallace Road to Independence Boulevard. The current zoning of the property is R-3, we also have some UR-2(CD) that was from a previous rezoning that was done within the last year. This petition includes that property as well as the one that is just north of that in yellow. Going into the future land use, this is from the Independence Boulevard Area Plan which is from 2011. It does recommend residential development up to 12-units to the area. The portion that was part of the previous rezoning did amend that to recommend residential up to 22 dwelling units to the acre and also the Southeast Corridor Transit study did shift the proposed alignment of the Silver Line just south of this site from the center of Independence Boulevard over to the Monroe Road Corridor.

The petition is proposing up to 201 multi-family units which would be about 22 dwelling units to the acre. There will be eight buildings on the property, no less than 14 of those units would be reserved for rents that are at or below 80% AMI. The maximum building height of this project will be three-stories or 40-feet. Would have cross access to adjacent single-family homes through Pineborough Road; 50% of that frontage along Wallace Road would be building walls, architectural elements, pedestrian-scale masonry walls, or open space. We do have a lot of architectural features that have been committed to for façade articulation, raised entrances, etc. We have a minimum of 15,000 square feet of amenity and open space throughout the site. Sidewalk connections on Mason Wallace Park would be coordinated with Park and Rec and there would also be transportation improvement which would include a 14-foot planting strip along that Wallace Road frontage, eight-foot sidewalks along internal private streets as well an eight-foot planting strip along Pineborough Road Extension and the private street that is internal to the site.

The staff does recommend approval of this petition. We have a few technical revisions related to the site plan, labeling, and some transportation notes that need to be addressed. It is inconsistent with a portion of that Independence Boulevard Area Plan that recommends 12 DUA, but it is consistent with the plan recommendation for that 22 dwelling units per acre on the southern portion of the site. We recommend approval upon resolution of those issues and will be happy to take any questions following the petitioner's presentation.

Paul Pennell, 1318-E6 Central Avenue said I am with Urban Design Partners here to present to you Zoning 2019-180. This petition has been with us for some time now. I am joined by the petitioner; I'm not sure if Justin Adams has signed up tonight but I believe he is on the call and also Jack Miller with Monroe Road Advocates. Currently, we are looking to request UR-2(CD) for this approximate 9.2-acres, requesting multi-family uses for 201 residential units with nine buildings. Fourteen of those residential units are earmarked for 80% AMI affordability. Currently, the site has approximately one-half acre from in station currently as shown here within the development corridor, directly adjacent to Wallace Road and Mason Wallace Park. This was actually the approved rezoning petition that included 22 DUA residential for Petition 2019-074 a couple of years back as Dave alluded to. The original petition for 2019-074 is represented in blue, 2019-180 is representing the red border encompasses the entire zoning district.

This is the site plan as it is today; a rendering of what the site plan currently looks like. Again, nine buildings with a clubhouse and amenity area for the residents. We are also looking to make sure that we have a continuous sidewalk from the proposed site back to Monroe Road to a good bus route for residents to utilize. An actual representation of what the clubhouse looked like for a previous project that the petitioner has completed. There are additional considerations that we are taking into account here that was committed to under 2019-074. A lot of those commitments are carrying over into 2019-180. I will be happy to dig into those in a little bit more detail here, but I would like to yield some of the remainders of time here to Jack Miller with the Monroe Road Advocates.

Jack Miller, 6634 Ronda Avenue said I am Jack Miller with Monroe Road Advocates; I am a Board member. We have been working with the petitioner and the predecessor to the petitioner since about the spring of last year on this project. The petitioner has been very responsive to some community concerns that were raised and also issues that were raised by our organization. Some of the things they have addressed are concerns; were was cut-through traffic, stormwater run-off, neighbor's privacy concerns, and tree canopy preservation. There have been changes to the original plans in response to those concerns.

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

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ITEM NO. 19: HEARING ON PETITION NO. 2020-037 BY CITY OF CHARLOTTE PLANNING, DESIGN AND DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 49.3 ACRES LOCATED ON BOTH THE NORTH AND SOUTH SIDE OF RUSSELL AVENUE, WEST OF INTERSTATE-77 NORTH OF OAKLAWN AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-5 (HDO) (SINGLE-FAMILY RESIDENTIAL, HISTORIC DISTRICT OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is a little bit of a unique rezoning petition that we have and in fact is establishing a historic district which we haven't done since late 2010. It is about 49 acres located on both the north and south side of Russell Avenue, west of I-77, north of Oaklawn Avenue. It is known as the Oaklawn Neighborhood. The properties in this area are all currently zoned R-5; they will remain zoned R-5 and what this rezoning would do would be to establish a Historic District Overlay on the properties that are involved within that community. It is from the Central District Plan from 1993 and does recommend single-family uses up to four dwelling units per acre so this request to establish Historic District and basically maintain that zoning would be continuing to implement the plan recommendation from that Central District Plan.

A brief overview of what this process has been to go through the Oaklawn Park Historic District Overlay process. Since 1976 the Historic District Commission was established by City Council; we have six local Historic Districts; Fourth Ward, Dilworth, Plaza/Midwood, Westley Heights, Hermitage Court, and Wilmore was the most recent one done in 2010. A Historic District is staffed by three members of the Planning Department; we have 12 Historic District Commission members. There are over 3,000 properties within those districts. In 2019 they processed 365 applications, 233 of those are staff reviews and then 132 of those were Commission reviews. Those are for different things that would be done within those Historic Districts on the properties that are within those six areas that I mentioned earlier. Overall, we have about 700-acres of the City within these six Historic Districts but does not include the acreage that would be part of this potential one here for Oaklawn Park.

To give you a timeline, this started back in October and November of 2018, kicked things off with a neighborhood meeting. The State Historic Preservation Office was involved, did a site visit, met with neighborhood leaders and HDC staff, and then in December and January, they established that District boundary map. As you can see here the Oaklawn Park Neighborhood is the area that is established out there in red. The image on the right shows a plat map which is a kind of superimposed on an aerial that shows the location of Charles Ervin Streets and the blocks that were involved in establishing that Oaklawn Park Neighborhood. Some of the houses and common architecture are there just on the left to show you the types of homes that we are looking at within this Historic District.

In February and August of 2019, we went through some more history interviews. We did a house to house survey, took photos of the homes within those neighborhoods. The next

slide will show you kind of what those look like. You can see each home was inventoried with a photo, an address, parcel ID, year of construction, number of stories, all the pertinent dimensions and features of that lot and that house was put out there on these detailed inventory sheets, the different significant features that talk about the architectural components of each home, when there was potential any reservation permits done, who the first occupant was and just a host of information and this was done for every home that is involved within the Historic District Overlay that is being proposed this evening.

When we talk about the Oakland Park Neighborhood, the who and why the neighborhood association was concerned about development pressure and they wanted to establish some protections to maintain the character and architecture of the neighborhood that makes them significant. How to do that is again to go through this process to create a Local Historic District and establish the zoning overlay through the rezoning process. This took place over the fall and winter of 2019 and into where we are now in 2020. All properties within that neighborhood boundary would be involved in that and what does this mean to property owners? It does protect our buildings in the District through a local design review which includes new construction, demolition, painting of brick; all property owners within that District are required to contact the HDC (Historic District Commission) Office before starting any work. It does not restrict the use, does not review any interior changes, does not require any specific paint colors, or require improvements or changes. It does not qualify owners for grants or tax incentives.

After we went through that house-by-house survey and the neighborhood photos, we went to Historical Development Essay which was written by Dr. Tom Hachette, a local here in Charlotte. The next slide shows you some of the documentation that he put together for this neighborhood which was fairly extensive. This was an essay that he was required to provide as part of this process, went through a lot of historical background and research to put this together. That then was worked into the rest of this process that we went into a neighbor of the petition of support in September 2019 through February 2020, gathering signatures and getting support from the community. In November of 2019, we went into an open house event, and the next slide after this one does show the petition with everyone's name and signatures on it or just an example of one of those pages.

The next slide talks about the open house event which was held in November of 2019 with the community. Dr. Tom Hachette was there as well and he just talked about what the Historic District was and the process that was involved to establish it and working with the community to go through that process with them. We ended up in February and April, the local Historic Designation Report was submitted to both the HDC and the North Carolina State Historic Preservation Office. That was another part of the requirement to establish a District, this is just an example of what that letter was to the NC Department of Natural and Cultural Resources. Following that there was an establishment of different guidelines for Historic District Design for the Oakland Park Neighborhood. Again, these are all drafts that would go into this document that HDC maintains. Then we get into July/November where we are now. We started off with this typical process of going

through the application, having a public hearing where we are tonight and went through our community meeting back in September with staff and the community and we were here instead of October, we are in November of 2020 so that Council vote would potentially be next months. We did establish a website for this project through the City, so we have our clearinghouse of information for all the background and research work that was done. You can go and visit this, it is on the Planning Department's page through the Historic District. It is for Oaklawn Park Neighborhood so if you want to take a look at any of those reports or documentation that we talked about in this presentation, you can certainly go there and check that stuff out.

Again, this was a fairly long process to get to this point, it was very much driven by the community. The community was heavily involved with both staff, with Dr. Hachette, all the folks that you will hear from this evening have been involved really from the start and certainly applaud their efforts and their commitment to moving this forward and getting us to this point. We do recommend approval; it is a rezoning petition to establish this overlay. As we mentioned, it is consistent with the Central District Plan, it is consistent with the Centers, Corridors, and Wedge's grown framework as well as the General Development Policies. We think would be a positive addition to our Historic Districts that we already have within the City and we look forward to seeing this process through and will be happy to take any questions following a presentation by members of the community.

Mayor Lyles said it is my great regret that we are not going to be able to hear all of the stories that went into this, but I think if we can all visit the website and look for that we might actually learn something. It is a great neighborhood and I'm really glad to have the opportunity, but I'm sure that Mr. Graham will speak to that.

Renee Dunlap, 1438 Dean Street said I am the President of Oaklawn Park Community Improvement Organization. I reside in Oaklawn Park on Dean Street. Oaklawn Park is concerned about the development pressure and wants to establish protection to maintain our deepest value neighborhood character and architecture as a result of our community support of Historic designation. One hundred twenty-eight residents signed the petition of support which is over the 51% needed to move forward in the Historic designation process. This is why we as a community support rezoning Petition No. 2020-037. As a resident, I would like to speak to you because officially we would like to become an official Historic District. Up to the COVID 19, we met monthly; we had at least 25-30 members in the [inaudible] Oaklawn Park was created in 1950 and it was during the time of the latter [inaudible] segregation. Today, the brick homes and the split-level [inaudible] that the original owner-occupied is [inaudible] neighborhood. The community includes some of the original owners and their descendants. I grew up in Oaklawn Park, I then moved out and then returned 20-years later. It was like the neighborhood was in a time capsule from the 1960s. It looked like it did when I grew up there, and you ask why. It was the pride, the pride of the original owners they had in the community that they lived in. They took plenty of care and shared the Oaklawn Park was a safe and clean place. That is one of the reasons why the residents today work so hard to process the Historic District so it can be a success. We honor the owners before us for caring about where they lived, and

gentrification moved through our Charlotte neighborhoods. For us a Historic District can be a tool to help Oakland Park residents pay tribute to the original owners, save our neighborhood character as well as the rich history that we hold in our community. History, that so many communities here in Charlotte simply have lost.

Mary Manuel, 1524 Jennings Street said it is a working-class, African American family neighborhood. We've been there for 65-years. This is our Mecca and it will continue to be ours and now that you folks have found a bit of our paradise you bring your aggregate's and grandeur to make changes. If you want gray bricks, buy gray bricks, if you want a two-story home, go build it in a neighborhood with two-story homes. We are here to celebrate our parent's and our grandparents' success in creating a neighborhood of significant African American history and request that it be elevated to the status of a Historic District on the National Register of Historic Places.

Councilmember Johnson said there were some dates on the slides on the various districts that are designated as Historic Districts, not the project timeline, but you were comparing the neighborhoods and there were some dates. There were some other areas that were designated as Historic Districts and there were some dates. I wanted to know what those dates were. I think one of the dates might have been in the '90s and I wanted to know if that is when it was established as a Historic District or is that when it was built.

Mr. Pettine said those are the dates it was established.

Ms. Johnson said it was established in the '90s?

Councilmember Egleston said the designation was.

Ms. Johnson said another thing he said is the areas would not be eligible for grants if it is designated as Historic. Is that what you said, Dave?

Mr. Pettine said I will have to ask Ms. Harpst if she can clarify that. Kristie, can you clarify that for me, please?

Kristi Harpst, Historic District Program Manager said there are no grants specifically due to the Historic District zoning overlay. No.

Ms. Johnson said when you said they were not eligible for grants you meant?

Ms. Harpst said it is specifically related to Historic District designation; they would be eligible for any City grants that they would normally be eligible for. It is just no additional grants.

Ms. Johnson said okay, good. If a neighborhood wanted to start the Historic designation process what they can do? This seems like a tool against gentrification and I'm thinking

specifically right now, this area and Hidden Valley and other areas so what can neighborhood leaders do or can be done to start this process?

Ms. Harpst said that is a great question; it starts with the staff. You talk to me or Dave with the Planning Department and we walk the neighborhood through the entire process.

Ms. Johnson said does it affect the sale of the home; is there a special process that residents need to go through when they sell their home?

Ms. Harpst said no ma'am, no special process.

Mr. Egleston said Ms. Johnson, at least on my screen I think this is the site you asked for where it says in the big number 6, it has the names of the Districts. Maybe we are having more technology issue, I'm looking at it on my screen, but anyhow it was when they were designated, the earliest being in 1976, the latest being in 2010, and not when they were built. Obviously, I'm excited about this. Anytime something gets on the Historic Preservation significance comes up, I'm excited about it. I do hope that this inspires, as Ms. Johnson said, other neighborhoods to consider this process and I get asked about it in my District because so many of the older neighborhoods are in my District. I'm glad that we have staff that can help shepherd the community through this process and thank you to all the community members who helped to go through this arduous process to get to this point.

I do hope it inspires others to follow suit. Ms. Johnson asked about preventing gentrification and I think the Historic Districts can be a double-edged sword. I think that they can make sure that we are not tearing down houses that like these are more modest in size or maybe a better fit contextually into those communities and replacing them with million-dollar mansions which we see all throughout the City that don't really fit into the neighborhoods and do price people out of the neighborhoods. These designations do undoubtedly increase property values which can be good if we identify communities that might be interested in preserving the path that has a high rate of homeownership because it can build equity for those long-time homeowners in those communities. Where we have a lot of rentals, which we do in some of our communities where people are being displaced, that rise in property value can be translated into rising rent and can often be a reason for displacement. So, I want us to proceed with caution with some of these even though we've got communities that it is a good fit and the majority of the residents are in favor of pursuing it I'm always going to be an enthusiastic supporter; I just want to make sure that we are acknowledging that there is another side of this depending on the composition of the neighborhood, particularly around whether the percentage of renters versus owners, this could potentially cause the displacement that we might hope that it prevents. I'm excited to see this one and I hope we see more of them.

Mayor Lyles said Mr. Egleston, I think you make a great point and now that the voters have approved the additional \$50 million for affordable housing, I hope that when people come in and look at Historic Districts the Planning staff also points out homeownership

and how we can make more homeownership possible. I know that Councilmember Graham is looking at our framework and I think that the only way to actually build equity and to keep the preservation whether it be Historic or just as an affordable unit that we utilize our ability to help people underwrite their mortgages at an affordable rate that allows this kind of thing to happen. A really good point that you are making and appreciate that.

Councilmember Watlington said two things; I would like to know if there is any information on the front-end because I've had a neighborhood or two in District 3 that has sought to do this and could not go very far down the path. If there is anything that you have in the way of documentation as far as preliminary requirements if you could send that it would be great. The second thing because I was just curious as to what was the reason behind bifurcating Jennings Street?

Mayor Lyles said I'm sorry, the reason you have what?

Ms. Watlington said splitting Jennings Street.

Ms. Harpst said it was based on the neighborhood's input and where they wanted to define the Oakland Park boundary to be.

Ms. Watlington said do you know, and then Councilmember Graham does, do you know if it was because they saw something particularly different about the architecture on the other side of the street, or did they say anything about what was distinguishing? I realize that Oaklawn itself, they consider that part of the neighborhood, but should we conclude that the neighborhood immediately adjacent to it along that street is also not eligible?

Ms. Harpst said not at all, it must be eligible as part of maybe Lincoln Heights or another good size neighborhood.

Councilmember Mitchell said Councilmember Graham's video is down.

Mayor Lyles said I do know that Washington Heights is looking at this as one of the options for their neighborhood. There are lots of places and I think it is a good thing that we are doing. We will have Mr. Graham come back and speak in a moment, but right now I'm going to close the public hearing.

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

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.

Aaron Sanders, 1414 Orvis Street

Pearline Harrell, 1446 Waddell Street

Christa Lineberger, 1916 Sharon Lane

David Hart Gosser, dan.gosser@gmail.com

Darrick & Maxine Cunningham, 1536 Russell Avenue

Mrs. Doris Crawford, 1230 Dean Street

Dr. Tom Hanchett, 1609 The Plaza

Gary Dunlap, 1438 Dean street

Jerome Walker, 1423 Dean Street

Jessica Hindman, 720 East Tremont Avenue

Kerrick Faulkner, 1301 Mulberry Avenue

Kim Parati, 1920 East 7th Street

Mary Adams Manuel, 1524 Jennings Street

Mary Alyce Haynes-Smith, 1811 Russell Avenue

Nichelle Bonaparte, 1815 Patton Avenue

Paul J. Henningson II, 327 West Park Avenue

Renee Pride Dunlap, 1508 Waddell Street

Reuben C. Scott, 1519 Russell Avenue

Samaria Frazier, 1422 Waddell Street and 1425 Waddell Street

Shall Blackwell, shallbee376@hotmail.com

Shirley Wallace Chiles, 1816 Russell Avenue

TaLaya Brown, 1301 Mulberry Avenue

William Hughes, 1513 Russell Avenue

Willie Hill, 1425 Waddell Street

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ITEM NO. 20: HEARING ON PETITION NO. 2020-0073 BY BLUE AZALEA FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.8 ACRES LOCATED ALONG BOTH THE NORTH AND SOUTH SIDES OF SHARON VIEW ROAD, WEST OF COLONY ROAD AND EAST OF SHARON ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2(CD) 5-YEAR VESTED RIGHTS (URBAN RESIDENTIAL, CONDITIONAL, WITH 5-YEAR VESTED RIGHTS).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 4.8 acres on Sharon View Road. This petition does have two properties involved, one on the north side of Sharon View Road, which is the bulk of the property, and then there is the small triangular piece on the south side of Sharon View Road. The current zoning is R-3, the proposed zoning is UR-2(CD) and they are requesting five-year vested rights on this petition. The adopted future land use is from the South Park Small Area Plan that was adopted in 2000. It does recommend up to 12 dwelling units to the acre for the bulk of the site on the north side of Sharon View Road. The south side of Sharon View Road, that smaller triangular parcel is under the South District Plan from 1993 which only recommends up to three DUA, however, in that case since it is an older plan, we do apply the General Development Policies and that does support the density requested for that 4.1 units to the acre that would comprise that smaller portion on the south side of Sharon View Road.

The proposal itself is for up to 32 single-family attached dwelling units. It would be 6.6 dwelling units to the acre; 28 of those would be within that northern side, the larger portion of the property on Sharon View Road. The maximum building height is 40-feet which is consistent with residential building height in the surrounding zoning districts. We would have a four-unit maximum within those primary structures. We do have an extension of Beauclaire Lane from the eastern side of that project which is right next door. That is that little leg off the roundabout of Calvet Court, you can see an arrow there that is going left and right off Calvet Court that is the extension of Beauclaire Lane. We also have a commitment to a bike-ped connection from Sharon View Road to the northern extent of that site that would also provide a potential extension to the adjoining property to the north. That is the cul-de-sac at the end of that proposed Peggy Lane off of Sharon View Road. We also have commitments to enhanced architectural details which include raised entrances, limitations on blank wall expanses, building materials, and other architectural components.

The staff does recommend approval of this petition. We have some resolution of outstanding issues that need to be addressed off of some technical revisions related to the site and building design, transportation, and the environment. One of those is to clarify the right-of-way that would be at the end of that cul-de-sac and how that would be

dedicated or conveyed back and the width of it that could support both bike-ped, maybe potentially support a future road connection as well. The staff does recommend approval of this petition upon resolution of those outstanding issues. We will be happy to take any questions following the petitioner's presentation.

Walter Fields, 1919 South Boulevard said I am representing Blue Azalea, Joe Diazo is my client and he is here with us in case there are questions that come up. Ms. McGregor is one of our neighbors and I'm going to give some time to her in just a moment. Dave did a good job of covering the basics of this case. Two small tracts, both infill pieces in the SouthPark area. The site plan is as he described it. You can see just to the east that is an avenue on development that we went through a rezoning just a few years back and it has done quite well, and we are now connecting to them as was required by their rezoning. We have created a linkage between Sharon View Road and our rear property line for a bike-ped connection. This has been something that has been very popular with the community and is one thing that we have been consistent from the very beginning in terms of our desire to make that connection that we've been concerned also from the very beginning about that being a street which would tie up to Fairview Road.

These are examples of the architect of these units. These are townhomes, each will have two garages as well as some surface parking. The architectural style is represented by these illustrations. The site plan contains a number of architectural notes many of which have come to us by virtue of comments from the Planning Staff. We began this process officially in February meeting with the City staff and there is a list thereof all the neighborhoods that we have had meetings with, zoom meetings, and otherwise. We've had well attended electronic community meetings, we've had numerous conversations with the Planning staff, C-DOT, and Stormwater and have committed to additional improvements along Sharon View Road which will help both the Stormwater problem and a traffic problem, and we will be sort of joint venturing some of that with Stormwater and they already have plans of the area.

This is a map which shows the streets, the little blue dot there is the project site and there was a request to have a public street connect through the site. We brought that up to the community at every meeting and they've had concerns about that. I will stop at this point and ask Elizabeth McGregor, one of our neighbors to offer her comments on that point.

Elizabeth McGregor, 3122 Landerwood Drive said I speak to you on behalf of the Mountainbrook Civic Association. My neighborhood is located within the same block as the development. If you look at the yellow line that is the first yellow line going south from the blue dot, that is Mountainbrook.

Mayor Lyles said the three minutes are up. I think we will have the Council Representative help us walk this through as well as the staff.

Councilmember Bokhari said can I start with a question to Ms. McGregor while are rules on speaking are pretty hard and fast, but how do you guys feel about the street because honestly, that is probably the biggest concern that I have right now?

Ms. McGregor said we do not want –

Mr. Bokhari said I want to make sure my colleagues understand this broader opposition that we have to figure out next month. I heard from the neighbors and we are going to hear from Ms. McGregor in a second of how they feel and how the petitioner feels and then my second question is going to be to either C-DOT or Planning as it relates to their thought process so that we could at least see both sides of this as we figure it out. Ms. McGregor, I'm sorry to interrupt you there, go ahead.

Ms. McGregor said that is quite alright, thank you. We do not agree with a potential Cameron Valley Parkway Extension because we believe that a bike-pedestrian path is much better suited for our environment. It serves as a much better transition from the busy commercial district to our quiet residential single-family neighborhoods that have been here for a long time. Traffic conditions are extremely difficult and one way to alleviate that would be to add more ways of being able to get around without using a car. For instance, to support my point the ULI (Urban Land Institute) report to SouthPark states that design for people, not cars although SouthPark has a variety of high-quality development projects. These projects are isolated to disconnect from one another. Stronger connections create better places and reduce traffic congestion, the largest you heard voiced by the community. Experience in other cities have demonstrated that if a place is designed around cars, cars and congestion will increase, but if a place is designed around people more people will arrive and move without a car. In addition, walkability fosters profitability. Walkable neighborhoods are places where people stay longer, come back more often, and spend more money.

Mayor Lyles said I understand what you are saying. If you will submit your remarks to the Clerk, we will make sure they are included in the record, but I think the question was do you agree and how do you feel about it?

Mr. Bokhari said I have one more and I will preface it by saying there is a lot of good stuff in this development and this petition. We have serious stormwater flooding issues around here. This goes a good way towards helping fix that. There are good sidewalks as you've seen but for me and I've been engaged in this one much earlier on than normal because there has been this issue. Helped the staff whether it is C-DOT or Planning, help us understand the other side of this because I do understand the connectivity nature that you've been discussing, but I need to maybe direct response.

Lakisha Hull, Charlotte Department of Transportation said thank you Mr. Bokhari for the question. We've been speaking to community members for the last few months in regard to the connectivity issue and so in regard to the northwest portion of the site where they are showing the ped bike connection after reviewing the area policies, the plans, the

manual for street design staff is recommending that that area is preserved for the access for a street connection in the future and that would be further reviewed upon the redevelopment of the site to the north. This is also very close to other rezoning petitions in the area that looks at connectivity to help alleviate traffic off of Sharon View Road and then there is the SouthPark C-NIP(Comprehensive Neighborhood Improvement Program) that required that this would be one of the key connections to create better mobility in the area.

Mr. Bokhari said I think what we've got to do is we've got 30-days from this point until we approve it or deny it and we need to come together on what I would interrupt is probably the last material issue that has two sides to it and figure out something that is either the right material compromise or what is the right principle approach to what we are going to do here because I don't see a path forward yet, unfortunately. I hate for it to come for us to have to rule on this hard and fast so, the staff I would like you to keep working hard. I know you have been but, on this topic, we need to come to a conclusion, and if we need to go sit down with the community every week for the next four weeks to make sure we all understand the perspective I think that is what we are going to have to do.

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

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.

Elizabeth McGregor, 3122 Landerwood Drive

Kris Horacek, www.spancharlotte.org

Rick Miller, 3237 Wamath Drive, Rick.Miller@hdrinc.com

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ITEM NO. 21: HEARING ON PETITION NO. 2020-052 BY SELWYN PROPERTY GROUP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1 ACRE LOCATED ON THE WEST SIDE OF THE INTERSECTION OF EAST BOULEVARD AND SCOTT AVENUE, EAST OF KENILWORTH AVENUE FROM NS PED (NEIGHBORHOOD SERVICES, PEDESTRIAN OVERLAY) TO MUDD (CD) PED (MIXED-USE DEVELOPMENT, CONDITIONAL, PEDESTRIAN OVERLAY).

Mayor Lyles declared the hearing open.

David Petting, Planning said this is a very prominent one acre in the Dilworth community at the corner of Scott Avenue and East Boulevard. The property is currently zoned NS

with a pedestrian overlay, the proposed zoning is MUDD(O) with the PED overlay. This is under the East Boulevard PED Scape Plan which does recommend multi-family, retail on the subject side. The plan has text that supports the maximum building height of 75-feet at locations closest to East Boulevard. We have looked at some of the maps that are also within that plan, there may be a little bit of a contradiction between the mapping and the text language that we are trying to clear up right now. We have a recommended text that says 75-feet, the proposed building height at 85-feet may be inconsistent with that, but again we need to rectify a little bit of what could be a discrepancy between the map and the text language. I just want to point that out as we go through this.

The proposal itself from 2020-052 is up to 80,000 square feet of office space. An option to do up to 170 residential units, that would be up to 10,000 square feet of ground-floor retail. It does prohibit things like car washes except as it would be an amenity to any residences, automobile service stations, and eating, drinking, entertainment establishment (EDEE) with accessory drive-thru windows. We do have optional provisions that would include overhead encroachment into East Boulevard streetscape to accommodate a cantilevered building design, again the maximum building height is 85-feet. We would have one entrance along East Boulevard with full access would be provided along Scott Avenue. We have architectural guidelines included which would be preferred building materials, articulation commitments, limitations on blank wall expanses greater than 20-feet as well as some things like pedestrian scale ground floor treatment along both Scott Avenue and East Boulevard. We do have a residential terrace permitted for office or residential uses only and then we have treatments for the parking structure to ensure that vehicles are screened from view from outside through the use of parapets, grillwork, louvers, and other architectural features.

The staff does recommend approval of this petition. We do have some outstanding issues to resolve related to transportation, site, and building design. As we mentioned it is consistent with the East Boulevard Pedscape plan for multi-family retail, but it is inconsistent for the proposed office use, but again staff does recommend approval and we will be happy to answer any questions following the presentation by the petitioner.

Collin Brown, 1420 East 7th Street said I am here on behalf of the petitioner. David did a great job on the overview so I will move through these quickly. This is a very prominent corner, I'm sure you are all familiar with it. Dave mentioned the height on the corner. Also, we have been very actively involved with the Dilworth Community Association (DCA) over the past couple of weeks. I think they are interested, and I think they are excited about the use on the site about this becoming something. This is a corner that everyone knows so the priority is how this building looks. The DCA had requested the development team put a little more meat on the bones. We had a lot of written development standards, but they are asking for some visuals. Namely the priority as per usual is the public realms, what is on those bottom three floors of the building, so we provided some additional images. When we present the revised plan these will be incorporated into the package. I know there are no speakers from DCA tonight, but I do want everyone to know we are still involved in a robust conversation with them. As recently as this afternoon they have

come back to us asking for some additional architectural commitments. Our team continued to evaluate those, and we expect there will be additional commitments forthcoming prior to you guys seeing this item next month for a decision.

One of the interesting things we think of is the cantilever that Dave mentioned. This is something we see uptown a lot where the property is very valuable, but what is really important is having this nice streetscape experience so this is just a rendering of that, showing you how that looks on the bottom level, having a very wide pedestrian zone and then you can see how this was illustrated out in the prior images. This could provide, especially in the times that we are in now, some may be covered and shaded outdoor seating to function really neat where you continue to make the East Boulevard Corridor as an active, pedestrian-friendly corridor.

Councilmember Egleston said Mr. Brown pointed out there were no speakers from the Dilworth Community Association tonight. I think that speaks to their confidence in the conversations they are having with the petitioner that they are going to get to the same place before this comes to us for a vote. I know they had had concerns around the lack of specificity on the appearance of, particularly the street level portion of the building. I'm glad to see the petitioner addressing those. Also, as they always are, mindful of what materials are allowed in the petition, so the more we can hone in on that, I know they and I will be appreciative. There are some pedestrian safety issues that they have raised and are discussing with Mr. Brown. Then one of the things that were brought to my attention was there is a lack of trees on the site now, notwithstanding the Christmas Trees that will be there through the month of December, but permanent trees are lacking on this site as far as just a cleared site, so the tree save is going to be difficult there. What trees are existing on that site, I know they are hoping that the petitioner will be mindful of during the construction phase and saving as many of the handful of existing trees as possible as they start to do the excavation. I appreciate the continued work with the community.

Councilmember Johnson said I will defer my question.

Councilmember Eiselt said thanks for the presentation Collin, I think this is going to be great to have a nice building on that site. I'm going to have to go back and look at it tomorrow, I'm scratching my head to think if there are any trees that are on that lot at all. Either way, my question actually has to do with parking. Collin, it looks like the parking is all interior so when we talk about screening it won't be visible anyway. Is that true or is it just behind the site?

Mr. Brown said there will be a level of souterrain parking, so one lower level and then there would be parking on this level which is from Scott Avenue. We are providing active ground floor uses almost in the entirety of East Boulevard and most of Scott Avenue. There is an area here, this is parking and then we do have parking on these levels. That is one item we are going back and forth with the DCA and I think we are happy with the language that they have proposed on how that parking would be screened.

Ms. Eiselt said okay, great because the screen is an issue I have across the City. I hope under the UDO (Unified Development Ordinance) we can tighten up what we consider to be actually [inaudible]

Mr. Brown said there will be paring here and they are paying attention to on this corner here, making sure the corner doesn't feel at all like there is parking back there, so those amendments are going to be negotiated now is how the corner holds that presence and that is why we've kind of gotten to actually have some visuals so everyone is on the same page with what that could look like.

Ms. Eiselt said I do hope the trees that are in the picture [inaudible] would be an improvement here.

Mayor Lyles said Mr. Brown, I have one question and I would like to ask for a restriction from the staff to say that one of the vendors has to sell epicurean biscuits.

Mr. Brown said it is amazing how many people [inaudible] Every time we talk about this site there is a long-time Charlottean has an Epicurean story.

Councilmember Ajmera said is the first level going to be retail?

Mr. Brown said there are active ground floor uses. It is tough to say what retail is going to look like now, but if you're looking down on the site Ms. Ajmera, all of this level is commercial ground floor uses. We would love for that to be a very exciting retail, food, and beverage concept, but there is a commitment that the ground floor will be active use.

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

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ITEM NO. 22: HEARING ON PETITION NO. 2020-013 BY BOULEVARD REAL ESTATE ADVISORS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY .613 ACRES LOCATED ON THE EASTERN SIDE OF THE INTERSECTION OF TRYON STREET AND CAMA STREET, AND SOUTH OF FREELAND LANCE FROM R-8 (SINGLE-RESIDENTIAL) TO UR-C (CD) (URBAN RESIDENTIAL COMMERCIAL, CONDITIONAL)

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is .613 acres located on the eastern side of South Tryon Street and Cama Street, just south of Freeland Lane. The property is currently zoned R-8, the proposed zoning is UR-C (CD). The adopted future land use for this petition is from Scaleybark Transit Station Area Plan, it does recommend residential uses

up to 12 dwelling units to the acre. As we had mentioned this proposal is for UR-C and the development scenario for this proposal are up to 18 single-family attached units, 50 multi-family dwelling units, and 50,000 square feet of non-residential uses. This would restrict non-residential uses to exclude things like drive-in windows, automotive sales, and fuel sales. Some of the restricted conditional uses include shelters, retirement communities, cultural buildings, childcare centers, bike-sharing stations, single room occupancy residences, etc. The max building height per the ordinance standards would be in place for this. The building height within 20-feet of the eastern property boundary would be limited to 50-feet so that would be kind of a step back for that scenario for part of the property for building height.

The vehicular access would be from East Cama Street and also, we have multiple architectural standards for the different development scenarios that would be involved in this petition. The staff does recommend approval upon resolution of outstanding issues related to transportation and site and building design. It is inconsistent with that residential use up to 12 dwelling units per acre, although one of the scenarios would support residential uses. It is within a half-mile of the Scaleybark Station and again we do recommend approval of this petition. Be happy to answer any questions following the presentation by the petitioner.

John Carmichael, 101 North Tryon Street said I have a PowerPoint, but I don't know that we necessarily need it. Mr. Pettine did a good job going through the presentation. The site is about .6 of an acre, it is located on the northeast corner of South Tryon Street which is a state-maintained major thoroughfare, and East Cama Street which is a City maintained minor thoroughfare. The site is a half-mile walk to the Scaleybark Transit Station. The request is to rezone the site to UR-2 (CD). The current zoning is R-8; to the east of the site, you've got UR-2 (CD) and TOD-TR a little further to the east. To the south you've got R-8 and UR-2 (CD), to the north you have R-8 zoning. A church is located to the north of the site. You've got R-5 across South Tryon Street to the west of the site.

The development proposal is to allow either 18 townhomes or 50 multi-family units or non-residential uses up to 50,000 square feet. As Dave mentioned the uses will be limited to those allowed in the B-1 Zoning District, however, you could not have accessory drive-thru windows, likewise, automotive sales, service, or repair and fuel fills would not be permitted. There are architectural standards that are part of the petitioner's rezoning plan for each development scenario. We appreciate the planning staff's recommendation of approval and we will address outstanding site plan issues this week. With me tonight are Chris Branch and Michael Bender of the petitioner and we will be happy to answer any questions, and we certainly appreciate your consideration.

Councilmember Winston said I have a question for the Planning staff as it relates, not just to this property, but the surrounding areas. It says that this property is about a half-mile away from the Scaleybark Light Rail Station. Why wasn't this area included in the TOD (Transit Oriented Development) realignment that we did last year?

Mr. Pettine said the realignment rezoning was based only on the parcels that were actually recommended in the Station Area Plan for TOD uses so everything that we brought forward in the alignment was intended to be consistent with adopted area plans. This one wasn't recommended for TOD uses in that plan and so that is why it wasn't part of the alignment. It is certainly within the Station distance areas for potential TOD zoning, but it wasn't part of any adopted Station Area Plan that recommended it. Only parcels that were recommended for TOD in those area plans were brought forward for the alignment.

Mr. Winston said [inaudible] you can give it to me in a follow-up report.

Mr. Pettine said why this one isn't recommended for TOD?

Mr. Winston said yes, just why.

Mr. Pettine said yes, we can certainly do that.

Councilmember Eiselt said I think Mr. Winston asked my question so I'm good.

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

The following person submitted written comments regarding this item pursuant to S.L. 2-020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

Darshawnda Hailey-Brown, deehailey72@gmail.com

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ITEM NO. 23: HEARING ON PETITION NO. 2020-042 BY BOULEVARD REAL ESTATE ADVISORS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.236 ACES LOCATED EAST OF SOUTH TRYON STREET, SOUTH OF TRYCLAN DRIVE AND WEST OF DEWITT LANE FROM R-6 (SINGLE-FAMILY RESIDENTIAL) TO O-1(CD) (OFFICE, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said I apologize for the oversight on the Council District, as was mentioned it is District 3. This is approximately .236 acres located east of South Tryon Street, south of Tryclan Drive, and west of Dewitt Lane. The current zoning is R-5, the proposed zoning is O-1 (CD). The adopted future land use is from the Scaleybark Transit Station Area Plan, it does recommend residential up to five DUA. There is a note in there

that says similarly single-family properties on Elmwood Place and Yorkshire Drive are recommended for residential at four DUA, however, if all property owners agree and the land is consolidated redevelopment for TOD mixed-use would be appropriate. If redevelopment occurs three connections to Dewitt Lane and Tryclan Drive should be provided. This is just a stand-alone piece so we just added that note for context if all those properties on Yorkshire Drive and Elmwood Place were somewhat consolidated into a larger block, we may consider TOD, but in this case, we have an O-1 (CD) request in front of us this evening. The O-1 is just proposing parking for the site with some buffers and screening. Some limited access off of Elmwood Place, as you can see in the aerials the site is currently used for parking and storage of automobiles that are inoperable so this would certainly be a clean-up of the site within the back of that neighborhood on Elmwood Place.

The staff does recommend approval of this petition, as mentioned we do have some outstanding issues to resolve related to transportation and site and building design. It is inconsistent with that residential up to five DUA however, we feel it would serve as an interim buffer between TOD zoning and single-family residential uses. Would certainly buffer all properties around the site, clean up the site that is currently being used for it looks like storage of some inoperable vehicles. We also have some possible amenities on the parcel as well as a prohibition of dwelling units or habitable structures. We do recommend approval and will be happy to answer any questions following the petitioner's presentation.

Ty Shaffer, 101 North Tryon Street said I am here on behalf of the petitioner. Mr. Branch and Mr. Bender are here and will be happy to answer any questions you have. We are pleased that the staff recommends approval of the petition. We will work to address the outstanding issues. We are also going to continue talking to neighbors. I will note that the petitioner is going to be making some changes to the petition in response to feedback that we received at the community meeting. Just to clarify a couple of points, the site is zoned R-5, has not been used for residential uses. The O-1 (CD) request here, the limited set of uses would be used only to serve development on the adjacent TOD-TR parcels that front Tryclan Drive. Those uses would be, as Dave mentioned, off-site parking to serve those uses. There is a residential development on the adjacent TOD parcels. There might be amenities on this parcel, it might be a location of trash and recycling handling areas that serve that use, but again all those uses would have to serve the improvements and the uses on the adjacent parcels.

This is a capture of the parcel from the site plan, just a couple of things to point out. The dotted line you will see across most of the site, almost the entire site is covered by storm drainage easements which really limits what any owner of this property could do with the parcel. The petitioner is proposing a single access point from Elmwood Place. The initial petition request was that that be limited to emergency vehicles, delivery vehicles, and service vehicles. One of the changes that will be made in response to feedback at the community meeting is that will only be allowed for emergency vehicle access. They will gate and key that access drive so no risk of cut-through traffic, no delivery vehicles, no

service vehicles coming out of the site that way. They also will be adding a six-foot privacy fence. There was a staff comment about adding a note limiting the parking that can be placed on this site and the combined development with the TOD parcels. The petitioner is going to accommodate that request.

I did receive an e-mail today from Ms. Robinson, one of the neighbors, requesting an additional meeting between the petitioner and members of the community. We are more than happy to do that. We will continue talking with the neighbors and what any additional concerns might be and see how they might be addressed. Happy to answer any questions.

Councilmember Winston said I guess this is a [inaudible] for the staff. Again, this site seems to be very close to the Blue Line Extension. Let me give you a little more context, I have these questions a lot when there are these rezonings very close to the TOD realignment and the reason why I always ask this is because it is to my memory that the realignment in those station area plans were supposed to kind of eliminate the kind of conditional rezonings that happen in this area to create [inaudible] of what can be developed around station areas and to kind of get away from the hodgepodge of stuff. It would be very helpful for me to understand the methodology as to why parcels like this were left out of that realignment and why we should be considering a conditional rezoning like this in those types of areas.

Mayor Lyles said I have to follow-up on this one. This is zoned R-5 for housing, and the request is for office, but it backs up to a residential. I'm confused about why we are having the petition. I understand that people can petition for it, but I don't quite understand the recommendation for it. It seems odd to me.

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

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ITEM NO. 24: HEARING ON PETITION NO. 2020-076 BY GREEN BIRD PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY .51 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF PARKWOOD AVENUE AND ALLEN STREET IN THE VILLA HEIGHTS NEIGHBORHOOD FROM B-1 (NEIGHBORHOOD BUSINESS) TO NS (NEIGHBORHOOD SERVICES).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is about a half-acre on Parkwood Avenue and Allen Street in the Belmont Community. The property is currently zoned B-1, they are proposing a Neighborhood Service, NS Zoning District. This is from the Belmont Area Revitalization Plan which was adopted in 2003. That plan recommends multi-family, office and retail

uses for the site. This proposal is for up to 22 multi-family dwelling units and up to 10,000 square feet of ground-level retail as well as a roof-top terrace within one single building on the site. We do have a restriction on auto-oriented uses allowed within the NS District which would include accessory drive-in windows, auto service stations, auto sales, fuel, and commercial car washes, so again those would all be restricted uses. We do commit to transportation improvements including an eight-foot sidewalk and planting strip along Allen Street as well as Parkwood Avenue.

We go back [inaudible] residential units through an adjacent alley which would be improved there off of Allen Street. Architectural elements have been incorporated under the conditional notes which would include preferred building materials, ground floor transparency, as well as articulated features for the building façade. The staff recommendation for 2020-076 is for approval and we do recommend it upon resolution of outstanding issues related to the site and building design. It is consistent with the Belmont Area Revitalization Plan which recommends multi-family, office, and retail. We will be happy to answer any questions following the petitioner's presentation.

Councilmember Egleston said this is in the Villa Heights neighborhood, not in the Belmont Neighborhood. It is across the street from the Belmont Neighborhood. Dave mentions the Belmont Neighborhood.

Mr. Pettine said it is still the Belmont Area Plan, but it is the Villa Heights Community, correct. Sorry about that.

Paul Pennell, 1318-E6 Central Avenue said I am with Urban Design Partners, here to present Petition No. 2020-076. Dave, thank you for the great presentation and yes, Mr. Egleston we have been working with the Villa Heights Homeowners Association through this petition. This is a picture of the existing site, I believe this historically was a small engine repair, lawn mower repair, a commercial building that has since been vacant for quite some time. Dave's presentation was quite thorough so I thought we would go through to reach some of the more-meatier parts of this particular petition.

It is requesting an NS District from B-1 within a four-story building with 10,000 square feet of commercial retail uses on the ground floor and multi-family uses on floors two, three, and floor with a roof-top terrace.

We wanted to provide a massing document here that demonstrates what this proposed building would potentially look like here from an amassing standpoint adjacent to the existing Parkwood Reform Presbyterian Church and also beyond on the other side of Parkwood the recently approved Parkwood Mixed-Use Petition, with Verde Homes. I can dig into this a little bit more in detail, but this particular petition would be parked with a structure parking deck in the back. The lower level would be accessed directly off of Allen Street and the upper level would actually be accessed through an improved alley. I wanted to demonstrate also that the existing topo on site is actually hiding quite a large portion of the structured parking that will be proposed in the back.

This is a rendering of the site plan demonstrating the improved alley off of Allen Street. That improved alley would actually continue as a one-way through over Pegram Street accessing the future light at the intersection of Parkwood Avenue and Pegram Street. The improved alley would actually access the upper level of the structured parking which would be utilized for the 22 residential units. The lower level would be utilized for the commercial uses on the ground floor and also utilized for the residents and after hours.

We have been working with Villa Heights and Mermen's Architecture to come up with architectural renderings that would provide some design characteristics of the mill character of the community. I think these massing and elevation studies help to demonstrate that. This is a wonderful rendering that Mermen's Architecture has completed for us. We can go into a few more details here if they come up in questions regarding specific community requests and we can work through that if there are any particular questions regarding this petition.

Mr. Egleston said Mr. Pennell, the two affordable units was a community request that you are saying on the residential side you cannot meet, but in lieu of that or separate from that you are saying there is the possibility of affordable retail space being designated. Is that correct?

Mr. Pennell said that is correct. There are 22 residential units that are being proposed here. None of them will be affordable units, however, the owner will be a future user of this particular site and they have committed to utilizing some square footage of the ground floor retail space as an affordable retail space. We will follow-up on exactly what those metrics look like with you as we move forward.

Mr. Egleston said I believe you that represented a project on 36th Street maybe last year where we did something similar to this and had dedicated affordable commercial space which I thought was really unique and I really liked that project. I like the idea of exploring that with this one as well. I hope that you all are able to make that work. There was actually a good article about an area of North Tryon Street right now, Charlotte Agenda did this past week that talked about this sort of commercial gentrification. We talk about residential gentrification and Mr. Bokhari has also spoken of industrial gentrification, but there is commercial and retail gentrification that is occurring as well. We are losing a lot of these local small businesses that can't necessarily afford the high-end rents in some of those new developments in town. I do appreciate you continuing to find ways to work with your clients to incorporate this into some of these projects. I hope others will follow your lead because I think that it is the next crisis, we are going to face in addition to the residential displacement that we are seeing. It is going to be harder and harder for local small businesses to find places that they can afford. I love that component of it and thanks for the presentation.

Mr. Pennell said you are welcome. Thank you.

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

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ITEM NO. 25: HEARING ON PETITION NO. 2020-105 BY SARATOGA ASSET MANAGEMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.95 ACRES LOCATED AT THE EASTERN CORNER OF THE INTERSECTION OF SEIGLE AVENUE AND VAN EVERY STREET FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO UR-C (CD) (URBAN RESIDENTIAL-COMMERCIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

Davie Pettine, Planning said this is just under an acre on Seigle Avenue and Van Every Street. It is currently zoned MUDD-O, the proposed zoning is UR-C (CD). It is from the Belmont Area Revitalization Plan which does recommend the residential, office, and retail for this site. The proposal is for up to 24 attached residential units within four buildings, maximum height is 40-feet with three-stories. Do commit to one affordable for sale unit at 50% AMI or lower for 15-years. Some transportation improvements were proposed including an eight-foot planting strip and sidewalk along the site's frontage on Seigle Avenue and Van Every Street. Also, commit to enhanced architectural elements including rehabilitation of a portion of an existing structure on the site as well as the prohibition of vinyl as a primary building material, so some blank wall provisions to provide a little bit more of an architectural component to the site.

The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and site and building design. It is consistent with the Belmont Area Revitalization Plan recommendation for residential, office and retail uses for the site, and staff will be happy to take any questions following the petitioner's presentation.

Paul Pennell, 1318-E6 Central Avenue said thank you again for my third and final time; I am with Urban Design Partners, here to discuss Petition No. 2020-105. There are some details I would like to cover. This was actually a portion of a previous rezoning petition that was 2019 that was approved about a year ago. Within this particular petition, we have needed, after doing some onsite investigation of the existing on-site conditions. There are some required changes that were necessary regarding the two existing buildings on site. We are currently requesting from a MUDD-O District to UR-C for 21 residential units and approximately 3,000 square feet of commercial uses that will be adaptively reused within a single building on site. Dave had presented that there was an affordable unit that is currently being committed to within this development. There is going to be a slight modification to that. We have been working with Miles Vaughn with House Charlotte on this particular petition to actually earmark one of those retail units on-site under the Charlotte Housing for Heroes Program. So, we will actually be committing and referencing that within the development conditions to utilize that Program within this petition.

The previous petition actually included all of the existing buildings on site. I can go into more detail on that if there are any questions regarding why those buildings are not being adaptive reused. But today providing a diagram here of what is being kept on-site, it is the purple square there that you can see. There is actually the one existing building on site that is being committed to remaining. The other two hashed buildings will need to be removed.

Currently being proposed are 21 townhome units at the Corner of Seigle Avenue and Van Every Street. Van Every Street will be improved and again we will be utilizing the Charlotte Community Heroes Ownership Program under this particular petition and with that, I will open it up to any questions.

Councilmember Egleston said Mr. Pennell, could you go back to the picture you have? Those are the two buildings that are coming down.

Mr. Pennell said the beige building on the right will be removed and then a portion of the gray building will remain. There is a portion of the gray building that is closest to the railroad will remain.

Mr. Egleston said the fact that I never like old buildings coming down, again just to give credit where credit is due, I think you said retail, but I assume you meant residential when you were specifying about the Housing for Vets Program.

Mr. Pennell said correctly. So, within this particular use, it would be a retail use, possibly a local office, but the petitioner is actually exploring upfitting it and making it their corporate office and then to your previous question, yeah, the affordable unit on-site would be under the Charlotte Heroes for Housing Program.

Mr. Egleston said that doesn't change the 50% AMI, it would be just specifically for a veteran who was looking for a homeownership opportunity?

Mr. Pennell said our understanding is that the program is actually an 80% AMI, but the unit would actually be restricted for teachers, nurses, police, firemen. It has a very specific category of who will be eligible for that particular unit.

Mr. Egleston said again, it is a place where we know we have a need. We have a lot of affordable units for rental coming online, but not nearly enough as we try to create sort of a ladder for folks to work their way through the different levels of area medium income as it relates to renting and finding an opportunity to get into a responsible homeownership opportunity and this is just that. Again, thanks for always trying to find a way to include these new projects, and not coming to us with hands out looking for help to do it.

Mr. Pennell said you are welcome.

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

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ITEM NO. 26: HEARING ON PETITION NO. 2020-113 BY CATALYST CAPITAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.95 ACRES LOCATED ALONG THE SOUTH SIDE OF WILKINSON BOULEVARD AND ALONG THE WEST SIDE OF BERRYHILL ROAD FROM I-1 (LIGHT INDUSTRIAL) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT – COMMUNITY CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just under seven-acres on Wilkinson Boulevard and Berryhill Road. The current zoning is I-1, light industrial, the proposed zoning is TOD-CC, transit-oriented development – community center. The adopted future land use for this parcel is from the Bryant Park Land Use and Streetscape Plan which was adopted in 2007. It does recommend warehouse distribution for this site as well as some of the surrounding parcels on Wilkinson Boulevard in a pedestrian-oriented form that did anticipate a future transit line. This site is within .15 miles from the proposed future transit station for the CATS Silver Line. That plan anticipated the west transit corridor as a proposed Streetcar Line which would run along West Morehead Street as well as Wilkinson Boulevard. The site associated with this petition is part of that segment that would be proposing the Silver Line Lite Rail Transit Corridor and within like I said, a quarter-mile of that proposed Remount Road LRT Station. CATS has provided us with some information from their end that talks about being supportive of transit-oriented development within a quarter-mile of their future transit station areas and so they are supportive of TOD in this area as they continue to study this Silver Line alignment as well as some of the land-use planning that is going to go along with that corridor.

As it stands, the petition is inconsistent with the Bryant Park Lane Use and Streetscape Plan, however, it is within that quarter-mile of the proposed Remount Road Transit Station, and both the staff as well as CATS support the TOD District within that proximity. That is consistent also with the adopted TOD ordinance, so we do recommend approval of this petition. It is a conventional TOD District so there is no site plan or conditions to go over with Council at this time. Be happy to take any questions.

Collin Brown, 1420 East 7th Street said I am here on behalf of the petitioner. Dave did a great job on the overview. As he mentioned, this is conventional, so we don't have a site plan to show. I do have a presentation that basically covers what Dave covered, so I will be happy to take any questions you have. In the interest of time, I will pause and see if you have questions.

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

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ITEM NO. 27: HEARING ON PETITION NO. 2020-114 BY FREEDOM DRIVE TERMINAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.01 ACES LOCATED EAST OF LITTLE ROCK ROAD, NORTH OF FRED D. ALEXANDER BOULEVARD, AND SOUTH OF OLD MOUNT HOLLY ROAD FROM B-1 LLWPA (NEIGHBORHOOD BUSINESS, LOWER LAKE WYLIE PROTECTED AREA), R-4 LLWPA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-1 LLWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is six-acres located off of East Little Rock Road, north of Fred D. Alexander Boulevard, and south of Old Mount Holly Road. The current zoning is B-1 and R-4, both have a Lower Lake Wylie Protected Area Overlay on that parcel. This proposal is for I-1 and would also maintain that Lower Lake Wylie Protected Area zoning overlay on the site even if rezoned. The adopted future land use from the Northwest District Plan which is from 1990 does recommend multi-family for the B-1 zoned portion of the site and then single-family, less than equal to four dwelling units to the acre for the R-4 zoned portion of this site. This is a conventional petition so just go to I-1.

The staff does recommend approval, while it is inconsistent with that Northwest District Plan, the site is adjacent to some heavy industrial uses, a Duke Energy sub-station as well as a railroad corridor on the backside of the property. The site is just south of that heavy industrial tank farm and those uses along Old Freedom Drive and Old Mount Holly Road. It is not likely well suited for or compatible for residential uses, given the industrial uses and zoning there around it so staff does feel that the change to industrial designation is appropriate. It is conventional so no conditional notes to speak of and we will be happy to take any questions following Mr. Riordan's presentation.

John Riordan, 8511 Davis Lake Parkway said there is not much of a presentation here, it is a pretty straight forward plan here. We do have some site plans that weren't asked to necessarily submit. It is a plan for a 4,800 square foot auto shop to run a [inaudible] roadside service out of for a towing roadside repair. I will be happy to take any questions, but otherwise, there really isn't much more of a presentation.

Councilmember Winston said I would love to talk to staff sometime this month. Obviously, this petition has some similarities to one of the decisions we have but inclusively, it feels like a totally different land-use decision. I would love to get a better understanding about what these protected areas actually mean as well as if was at one

point in time in 1990 this area was seen as a place for single-family housing, how do we get there 30-years later that this seems like an implicit place to put heavy industrial? How do you kind of erode that plan over time? I would love to talk with staff over the next month about that.

Councilmember Ajmera said why does this not have a design plan?

Mayor Lyles said because it is a conventional rezoning.

Mr. Pettine said that is correct.

Ms. Ajmera said well it's hard for me to support something again, this is as Mr. Winston said. This is very similar to what we approved earlier except it is a different use and there was so much improvement that was proposed on the earlier one, especially with the open space and infrastructure improvements, buffers, and so on. So, not having a plan in place I don't know if I can support it.

Mayor Lyles said Mr. Pettine could you explain the difference between conventional and conditional zonings? There are some rules around both and I don't remember what they are.

Mr. Pettine said they would still need to provide open space and tree save and buffers that's just subscribed by the current ordinance. So, the conditions would be no different with them submitting a permit to do it by right, they would still adhere to all the ordinance requirements for separation of uses, buffers, screening, open space, tree save and any other requirements that are found in the ordinance would still apply. So, that is what they would be dealing with once they got into any kind of permitting situation under I-1.

Ms. Ajmera said I understand but that is regulatory. What we have seen in the one that we approved earlier was going above and beyond what is required.

Councilmember Johnson said I just wanted to piggyback off Mr. Winston's comments. I would also like to be in that meeting because when we are looking at protecting water areas in these types of issues it is us as Councilmembers that are held accountable for staff's decision. I would like clarity as well, what these designations truly mean to the community.

Mayor Lyles said that is a great idea because I don't think we've actually ever sat down and talked about what these areas mean for some of the newer Councilmembers. Before we had this, we had lunch meetings where we could go through some of these educational items, but obviously, we are not able to do that now. So, we will have to figure out a way to get that done in a way that works to explain some of these more technical issues of what they mean.

Mr. Johnson said perhaps we should educate the public as well, so they rely on a protected classification. So, if that designation is up for interpretation or we need to be clear on what that means. I think it would help the Councilmembers old and new and also the public as well.

Councilmember Watlington said I would just like to point out my earlier concern about the beginning of the end has so quickly come upon us. As Councilmember Driggs mentioned earlier it appears that our area plans are irrelevant at this point and so, I'm just concerned that as we position this Comp 2040 work that we don't lose engagement because people feel like we are going on a boondoggle because we have clearly already decided what we are going to put where. To the residents, I would just say the writing is on the wall, get out while you can.

Councilmember Eiselt said I want a little bit more information on this area as well because you are putting it in the middle of a residential and then it changes the plan, which is a 1990 plan but on this one I will go as I did for that last one, back to Planning and figure out what is intended for this area. We are in a catch 22, it is not approved but we need some guidance on this.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2020-115 BY CROSLAND SOUTHEAST FOR A CHANGE IN ZONING FOR APPROXIMATELY 2-ACRES LOCATED ON THE WEST SIDE OF PECAN AVENUE, NORTH OF INDEPENDENCE BOULEVARD, SOUTH OF CENTRAL AVENUE FROM B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO TOD-UC PED (TRANSIT-ORIENTED DEVELOPMENT, URBAN CENTER, PEDESTRIAN OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is two acres on Pecan Avenue, just on the other side of Independence Boulevard at the intersection of Pecan Avenue and Commonwealth Avenue. The existing zoning is B-2 PED, the proposed zoning is TOD-UC PED. The adopted future land use from the Plaza/Central Pedscape Plan does recommend the multi-family, office, retail. The multi-family is at a density of greater than 12 units per acre. As mentioned, the proposed land use also recommends office and retail uses for the majority of the site. There is a portion of the site that doesn't have a recommended land use. There was an area that we recently rezoned earlier this year through 2020-036, there was some old left-over right-of-way for Independence Boulevard that didn't have a zoning designation so that is why you also don't see a plan designation. That will all be

encompassed within this petition under 2020-115 and that would then all go except the TOD-UC that is proposed this evening if it is approved.

The staff does recommend approval of this petition; it is a conventional TOD. It is consistent with the Plaza/Central Pedscape Plan recommendation for multi-family, retail, and office. It would be within a quarter-mile of the proposed Pecan Avenue Station along the LYNX Silver Line. It is also just over a quarter-mile from the proposed LYNX Gold Line Plaza stop at the intersection of Central Avenue and The Plaza, so it does fit the TOD criteria and it is supported by the policy under that Central/Plaza Pedscape Plan. We will be happy to answer questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street said I am here on behalf of Crosland Southeast. Dave did a good overview; this is conventional but I think the site warrants just making a couple of points. I just want to point out to folks watching, this is an area and a parcel that has got a lot of attention at the corner here and Dave says Pecan I say Pecon. So, I just want to talk about we are only talking about the two-acres that are closest to Independence Boulevard within this area that is highlighted in blue there is really a portion of an existing building. I just want everybody who may be watching from home to understand this is really kind of a vacant portion of the site and only the portion closest to Independence Boulevard.

As I look at it from the street and as Dave mentioned, I think it worth pointing out, we've been talking a lot about the TOD zonings. This is the first one that I've worked on that is in close proximity to two transit stops. There is the future Silver Line, there is the future Gold, so we've really got a magic site for future transit, so I think it makes a lot of sense for the TOD. We are proposing the UC and again, this is a TOD-UC Conventional so there is not a site plan. There are no development standards core commitments, so this next bit of information is just general information for the Council. It should not be part of your decision-making on this rezoning for there is not a condition, but I do want you all to know that beyond the scope of this rezoning are a few buildings that have been there for a long time. As you know, Councilmember Egleston is very interested in buildings that have been around for a long time and so the problem team is actively working with the Historic Landmarks Commission for a local designation for both of these buildings, and then potentially we hope a long-term conservation easement for this building here. Again, that is general information for you all. Happy to answer any questions you may have.

Councilmember Egleston said I just wanted to thank the petitioner. There were a lot of interested parties in this site and as I started to have discussions with the folks who were bidding on this very expensive parcel, many of them told me that my hope is that we can save the two historic buildings in the back, which are part of Cole Manufacturing and are about 100-years old. But that was not going to be plausible given the inevitable cost of this parcel. Crosland has been very accommodating to that request, has come up with some really cool ideas with what should be done with those buildings so I'm excited about that and I do think that given the proximity to two different transit lines a higher intensity here is called for, and greatly appreciative of their finding a way to make it work even

though a lot of folks said it couldn't be done, they've done it. So, thanks to them for going through the process of making sure that we preserve these.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2020-117 BY VULCAN MATERIALS COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 15-ACRES LOCATED ON THE EAST SIDE OF OLD NATIONS FORD ROAD AND THE SOUTH SIDE OF HEBRON STREET FROM R-17 MF MULTI-FAMILY RESIDENTIAL) AND I-1 (LIGHT INDUSTRIAL) TO I-2 (GENERAL INDUSTRIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 15-acres on Old Nations Ford Road and Nations Ford, and the south side of Hebron Street. The current zoning is R-17 MF as well as I-1. The proposed zoning is I-2 general industrial. The adopted future land use for this proposal is from the Southwest District Plan which does recommend industrial uses for the eastern portion of the site and multi-family greenway uses for the western portion of the site. As you can see the rest of the area around this proposal is also recommended for industrial uses. If we go back to the zoning slide, I just wanted to highlight the same I-2, the predominant zoning around this as well as some of that R-17 on Nations Ford Road and then I-1 and I-2 on the northside of East Hebron Street.

This is a conventional petition as well; staff does recommend approval. It is consistent with the Southwest District Plan recommendation for industrial uses for that eastern portion of the site and it is inconsistent with that recommendation for MULTI-FAMILY greenway use for the western portion of the site. It is in an area that has predominant industrial uses west of Nations Ford Road. The currently MULTI-FAMILY zoning is not particularly suitable for residential development due to the proximity to the existing quarry to the east and south of the site. The request would also align the zoning designation with other operations and zoning to the east and south of Old Nations Ford Road as well as East Hebron Street. The staff does recommend approval and we will be happy to answer any questions following Ms. Todd's presentation.

Susanne Todd, 1065 East Morehead Street said I am here on behalf of Vulcan Materials Company, the petitioner. With me also is Denise Hallett, she is Vice President of Community Relations for Vulcan. Vulcan, as you may know, is the nation's largest producer of construction aggregate. As you can see in the middle of this, Vulcan owns 330 acres in this area, and it has been a mining operation since 1969 and Vulcan has been operating it since 1975.

The proposed 15-acres is highlighted in pink at the top of the page, and that represents less than five percent of Vulcan's property in this area. Although this is a conventional rezoning, of course, Council will need to consider all potential uses for I-2 proposed property. For our purposes what Vulcan intends to do with it is, it will be shifting its operations slightly eastward in order to maximize its use of this existing quarry site. As an additional benefit, it will be shifting operations away from neighborhoods across from Nations Ford Road. Again, this will allow Vulcan to fully utilize this site.

The property, assuming it does get rezoned, will need to be incorporated into the State Mining Permit and that will be subject to State Mining regulations. The City of Charlotte does also require a City Zoning Mining Permit which will subject the property to City Zoning Ordinance and Mining regulations as well.

Although not required we had a community meeting and it was very positive. Vulcan continues to be a good neighbor and values its involvement with the community. Just, in summary, we are shifting operations, not extending them and there is no increased density of operations. A small portion of this rezoning is inconsistent, but reasonable and in light of existing uses in the area and then this property will be governed by state and city regulations regarding mining.

Thank you staff for your assistance in this matter, thank you for your attention tonight and Denise and I are available to answer any questions.

Councilmember Eiselt said I had a chance to tour this quarry site I think a year or two ago. It is really fascinating, it was just stunning to me that it was right in the middle of Pineville and Charlotte and I really recommend that anybody who has the opportunity. Vulcan was very welcoming in giving me a tour, so I highly recommend that you do it if you are able to.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2020-118 BY TWG DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.042 ACRES LOCATED OFF DISTRICT DRIVE BETWEEN W. T. HARRIS BOULEVARD AND SHORTHORN STREET IN THE UNIVERSITY CITY NEIGHBORHOOD FROM 0-1(CD) (OFFICE, CONDITIONAL) TO R-12 MF (MULTI-FAMILY RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said just to confirm this is in Council District 4, so this will be in Ms. Johnson's District. I apologize for that oversight. It is just over nine-acres on Harris

Boulevard and Shorthorn Street and District Drive. The existing zoning is O-1 (CD) which is an office, conditional. The proposed zoning is for R-12 MF. The adopted future land use from the Newell Area Plan does recommend office uses for the site. That is likely a holdover from the office zoning that was in place as part of the conditional plan that was approved out here. This is a conventional petition and staff does recommend approval. It is inconsistent with the Newell Area Plan recommendation that was amended by 2005-024 for office uses however, staff feels that multi-family housing is an appropriate transitional use between the single-family neighborhood to the northwest and Harris Boulevard. The request for residential uses in this location is reasonable as the site is proximal to existing neighborhood services and it also can be accessed through adjacent single-family neighborhood pedestrian infrastructure by means of a three-quarter mile walk.

The building community around the neighborhood services and overall objective of the Newell Area Plan. The petition also achieves the plan's land use objective of encouraging a range of housing types and densities that would meet the need of different types of households. So, again the staff does recommend approval. This is a conventional petition and I will be happy to answer any questions following the petitioner's presentation and the presentation by community members.

Travis Vencel, 1301 East Washington Street, Indianapolis, IN said the staff report is a very well-written report. We appreciate working with them over the last few months. TWG is one of the nation's largest affordable housing developers. We develop across the country; however, this is our first project that we are looking at bringing to the Charlotte area and to North Carolina. We develop projects through the Federal Government Section 42 Programs which are nine percent and eight percent deals that vary between 30% and 60% AMI for our residents. We look to take this project after zoning to submit it to the state for approval of a project in January and we will be hearing from the state sometime later in 2021.

I'm happy to answer any questions, but as staff said, this is a conventional rezoning and we will be going through the site plan process as the next steps moving forward with this project.

Joan Roberts, 9131 Aubrac Lane, said I am a resident of the Back-Creek Farms Community off of W. T. Harris Boulevard and Rocky River Road and I'm asking that you do not approve the proposed development R-12 multi-family residential project due to the driving condition and the limited driving spaces. There are approximately 192 homes in our community, which most households have three, four, or more cars. Doing the math, 768 vehicles coming and going daily, just in the Farms, not counting service or delivery vehicles. There is also a new development across W. T. Harris Boulevard adjacent to Central Piedmont College where I understand there will be at least 300 or more residential homes. I understand the City has to grow and expand for incoming residents, but do you have to fill every available lot and cause current residents to suffer the pain of City growth? When is enough, enough? I am asking that you do not approve the rezoning and a lot of

the residents in my community here, because I live right on the corner where they are going to build feel the same way. It is a nightmare almost now just trying to get out of here in the mornings. I appreciate your time, thank you.

In rebuttal, Mr. Vencel said as we go through the planning process and site plan, assuming this zoning moves forward, we will be working with staff to make sure that we limit the congestion and traffic as much as possible. This property is currently zoned for office and the office would most likely have a greater demand of traffic, especially at the peak hours when everyone would be coming or going from their office at least prior to COVID. A multi-family project would spread those daily trips out much more evenly over the entire day, which, therefore, would actually bring down the level of service required as a result of this project. We will be happy to work with staff and work with the neighbors to make sure that we do everything we can to mitigate any congestion that our project might feel that brings to this. We believe this is the appropriate place as staff points out in their report to add diversity of housing types and more housing of multi-types to the area along East W. T. Harris Boulevard in Charlotte.

Councilmember Johnson said I've asked all along since I've been on Council, we know that when we are looking at these zoning transactionally or one by one that they may not generate enough trips to warrant a traffic study. However, with the growth in District 4, accumulative growth does have an effect on the residents. I have spoken to C-DOT and Lakisha Hull who is always amazing, and we've talked about something called a Transportation Technical Memo. Is there anything that we can do for this development or for this developer to take a look at this and how this will impact traffic, especially since there is a pending development? We are hearing from the residents, this is not nimbyism. There is a lack of infrastructure to support all of the growth in the District, so is there anything we can do to access the impact of the growth and traffic in this area?

Robyn Byers, Transportation Program Manager said what we can do after the rezoning, we will look at during permitting and do the trip generation to see if that triggers a TIS (traffic impact study). If there are other concerns, we can look at the tech memo options and talk with the petitioner about it at that time.

Ms. Johnson said the TIS, we know it has to be like 2,500 trips. There is something called the technical memo that you guys described to me that can be requested if it doesn't meet the requirements of a TIS. Is there something we can take a look at for this petition?

Ms. Byers said absolutely we can look at that. What we will do is we will look at concerns in the area and see if it warrants that. At this point, we don't know enough about the site to know the full situation, but we will look into that during permitting.

Ms. Johnson said we can talk offline because I would like to not just look at this particular petition, but I would like to look at the petitions that have been approved or that are pending in the last year. I've asked this before, a comprehensive or a strategic or accumulative view of the growth in the fast-growing area.

Mayor Lyles said I think Ms. Johnson raises a point that she has addressed before, and I think that she has asked about this a couple of times and the question has always been how do we look at zoning? How are we as a Council allowed under state law rules that we have for looking at petitions individually and collectively? When we have that session about protected areas, maybe we should talk a little bit about transportation and the impact of whether we look at it collectively or separately. That might be a good one because it has been raised a couple of times.

Councilmember Watlington said I have a question of the resident. Ms. Roberts, you mentioned that other neighbors feel the same way you do. I'm just curious, are you all organizing a Neighborhood Organization?

Ms. Roberts said I am on the HOA (Home Owner Association), but I'm not speaking for the HOA, I'm speaking for myself as a resident.

Ms. Watlington said what I would like to see if you are able to, is just as the residents over off of Moore's Chapel Road were able to organize and present a collective view community voice, I would love to see more of that going forward. If there is anything that you can do to organize the other members of the community that you believe feel the same way you do, that would be most helpful.

Ms. Roberts said I know a few of the residents did send an e-mail. I think one sent it in today and one sent one I think Friday.

Ms. Watlington said keep those coming please, we want to hear from you. My last question is are you registered by chance?

Ms. Roberts said oh yes, definitely.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2020-119 BY THE MAINTENANCE TEAM, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.78 NORTH OF SHOPTON ROAD, EAST OF STEELE CREEK ROAD, AND WEST OF PINECREST DRIVE FROM R-3 AIR (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO 1-2 (CD) AIR (GENERAL INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning Said this is approximately 9.78 acres on Shopton Road, just east of Steele Creek Road and west of Pinecrest Drive. The existing zoning for this parcel

is R-3 with an Airport Noise Overlay, the proposed zoning is I-2 (CD) also maintaining that Airport Noise Overlay on that should the property be rezoned.

The area plan for this parcel is from the Westside Strategy Plan which recommends office, business park, or industrial uses on this site. The proposal is for a 100,000 square foot building along with any permitted accessory structure that may contain offices, light industrial uses, contractor office, or outdoor storage along with other permitted uses in the I-1 zoning district. The maximum building height is 55-feet. It does prohibit uses of the site which does include things like adult establishments, car washes, banks, EDEE, (eating, drinking, entertainment establishments) retail, and other uses that are listed in the conditional notes.

Do permit phasing of the construction of the principal building to go through multiple phases of development. It does provide a five-foot buffered bike lane, an eight-foot planting strip, and a six-foot sidewalk along Shopton Road. We do have some transportation improvements involved with this petition.

The staff does recommend approval of this petition. There are some technical revisions related to the site and building design that need to be clarified and cleaned up prior to the Zoning Committee and any decision. As mentioned, the petition is consistent with the Westside Strategy Plan from 2000 which recommends office, business park, and industrial uses for the site. We will be happy to take any questions following the presentation by the petitioner.

Kent Main, 5509 Eagle Lake Drive said I am not part of the main team here, I am a resident and a Board Member of the Eagle Lake Community which is directly north of this property and in general we are supportive of what they are proposing based on the limitations they have provided. We have opposed some I-2 heavy industrial uses adjoining us in the past, but we believe what they are proposing is generally a good proposal.

John Carmichael, 101 North Tryon Street said I am here on behalf of The Maintenance Team. With me tonight are David [inaudible] the petitioner, Ed Jarret, and Austin Watts of Kimley Horn and Associates. As Dave said the site contains just under 10-acres on the north side of Shopton Road between Steele Creek Road and Pinecrest Drive. Directly across Shopton Road from the site is the Office and Industrial Warehouse Park which the petitioner is currently a tenant. The petitioner would like to rezone the property and move its operation across the street. The site is currently zoned R-3 and the request is to rezone it to I-2 (CD). The request is consistent with the Westside Strategic Plan as Dave indicated. The maximum 100,000 square foot building would be allowed on the site if this rezoning request is approved. Although the request is for I-2 (CD) the uses would be limited to uses that are allowed in I-2 and in I-1 except for three uses, contractor's offices, the outdoor storage of goods and materials, and except to 25% of the floor area of the building warehousing. What is really driving it is the outside storage because The Maintenance Team is a commercial property maintenance operation and they maintain

the interior and exterior of commercial buildings and when I say exterior that includes landscaping. What they like to do is store trees and shrubs on the site in connection with their maintenance function. That was the main reason for going to the I-2 (CD) and as I said it would be limited to uses in I-2 and I-2 except for the three uses I mentioned.

Access to the site would be from Shopton Road, there would be a left-turn lane into the site. The site would be buffered as Dave indicated and we certainly appreciate the Planning staff's positive recommendation and there is one outstanding issue that we will address this week. We appreciate your consideration and our team is available to answer any questions.

Councilmember Watlington said I have a question for the resident. You mentioned you were here on behalf of Eagle Lake Community; do you have documentation to that effect? I appreciate that you have come, I'm just curious as to if you could send me something to get an understanding of just how many residents feel the way you do. If you like it, I love it. I just want to make sure that we've for a representative sample.

Mr. Main said we have worked at this at our Board Meeting just in the past week or so and the general consensus was that we are supportive of what they are proposing based on what we have seen as far as the limitation on uses that are proposed.

Ms. Watlington said perfect, if you could shoot me that I would be appreciative.

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

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.

Andrea Hankins, ahankins330@gmail.com

Dale and Cynthia Huntley, 9219 Aubrac Lane

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ITEM NO. 32: HEARING ON PETITION NO. 2020-123 BY COLLETT PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.22 ACRES LOCATED ON THE NORTH SIDE OF BUSINESS CENTER DRIVE AND INTERSTATE 85 AND WEST OF LITTLE ROCK ROAD FROM R-3 AIR LLWPA (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA) AND B-2 AIR LLWPA (GENERAL BUSINESS, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA TO I-1 (CD) AIR LLWPA (LIGHT INDUSTRIAL, AIRPORT OVERLAY, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 13.22 acres on Business Center Drive, just off the interchange with South I-85. The zoning in place currently is both R-3 and B-2 with Airport Noise Overlay as well as Lower Lake Wyle Protected Area overlay. The proposed zoning, in this case, is I-1(CD) also with those protective overlays continue to be in place should the rezoning be approved. This is from the Northwest District Plan which is from 1990, it does recommend retail on that portion of the site fronting Business Center Drive, which is the area in red, and then single-family residential at no more than four DUA. On the rear portion of the site, those recommendations reflect the current split zoning at a property which is both B-2 and R-3 respectively.

The proposal under this petition is for up to 175,000 square foot principle building. Prohibition of uses to include things like adult establishments, automobile rental, repair, services and sales, car washes, financial institutions, etc. It does limit the location of outdoor storage areas to parking envelopes and building envelopes which you can see on the site plan. There is a reservation of right-of-way along the site's western edge for a future public street that could potential align there with Calton Lane and Lee Street. It does commit to an eight-foot planting strip and six-foot sidewalk along Business Center Drive and does provide 100-foot Class, A Buffer, to the single-family residences on Calton Lane and then a 75-foot Class A Buffer along with that right-of-way reservation on that western property line and then on the eastern property line next to the existing business zoning is a 37.5 foot to a 56.15-foot buffer that could be reduced depending if there is a berm or fence or other types of screening that could reduce the size from that 56-foot down to 37.5-foot.

The staff does recommend approval of this petition. We do have a resolution of outstanding issues needed related to transportation. There are some technical revisions related to the environment, site, and building design. It is inconsistent with that retail and single-family up to four DUA recommendation found in that Northwest District Plan, however, the site is the frontage of I-85 and Little Rock Road at the entrance of the Charlotte Douglas International Airport where a number of Airport supportive uses such as hotels, as well as park-n-ride lots, are located. The proposed site plan does include a Class A Buffer which is a minimum of 75-feet with a berm to provide transitioning and buffering between the proposed industrial uses and adjacent existing single-family neighborhoods. This site may not be best suited for residential uses within the Airport

Noise Overlay Zoning District and within that area along I-85. So, again the staff does recommend approval and we will be happy to answer any questions following the petitioner's presentation.

John Carmichael, 101 North Tryon Street said I am here on behalf of the petitioner, Collett Properties. With me tonight are Teddy Hold and Michael [inaudible] of Collett. As Dave indicated the site contains just over 13-acres, it is located on the northside of Business Center Drive between Little Rock Road and Moore's Park Drive. Business Center Drive is a frontage road to I-85; I-85 is located just south of the site as you can see in this exhibit. These are aerial photographs of the site. The site has currently zoned a combination of R-3 Airport Overlay, Lower Lake Wylie Watershed Protected Area, and B-2, Airport Overlay, Lower Lake Wylie Watershed Protected Area. The retail is on the front part of the site as you can see. The petitioner is requesting that the site be rezoned from R-3 to I-1(CD) light industrial to accommodate a maximum of 175,000 square foot building that would be devoted to office, warehouse distribution, and other light industrial uses and very limited outside storage.

Collett is a longtime property owner and developed in Charlotte and is named for the quality of its development projects. This would be a Class A Office warehouse distribution building that would be constructed on the site if the rezoning is approved. This is the rezoning plan, access to the site would be from Business Center Drive. The site would be buffered, there would be a 75-foot wide Class A Buffer with a berm along the western edge of the site. Additionally, C-DOT has requested, and the petitioner has agreed to reserve right-of-way along the western side of the site for a future street that could be possibly constructed in the future by others. We have a 100-foot Class A Buffer along this portion of the northern boundary. There is going to be a 75-foot Class A Buffer with a berm along the remaining portion of the northern boundary and then there would be Class B or Class C Buffer here depending on the use of the site. There would be a sidewalk and planting strip installed along the site's frontage on Business Center Drive.

We appreciate the Planning Staff's recommendation of approval and we will address the outstanding site plan issues this week. We really don't think the site is suited for residential uses because of its location with the Airport Noise Overlay District. We think this could be a good transition to these neighborhoods. We are happy to answer any questions. Thank you for your consideration.

Councilmember Watlington said I just wanted to note that we are in close proximity of the rezoning petition that was just approved, and also within close proximity of the other one that was just discussed so to the residents of Westerly Hills, [inaudible] I will say it again, get out while you can, while the property value is still attractive. My question for the staff is in regard to the Corridors of Opportunity, another, we have identified Wilkinson Boulevard and Freedom Drive into one bucket, can you help me understand how this geography is to be interpreted? Is this particular petition sitting inside the Corridors of Opportunities or are we looking at addressing those in two different buckets, in which cases this would not be along the Corridor of Opportunities?

Taiwo Jaiyeoba, Assistant City Manager/Planning Director said I don't believe this is in the current Corridor of Opportunities that we are looking at, but that does not mean it may not be a candidate in the future in terms of how far we go. So, we will take another look at this as we look at Freedom Drive and Wilkinson Boulevard. I think today we looked at Beatties Ford Road and West Boulevard and I believe the next meeting we will be looking at Freedom Drive, Wilkinson Boulevard, Central Avenue, and Albemarle Road. So, this is definitely a conversation that we can have either before then or afterward.

Councilmember Winston said I will echo Ms. Watlington. Are we doing something right because are businesses going to move here with this industrial zoning, but we need a policy that guides our decision-making process around these land-use decisions? I would also like to say if you all don't know, you need to check out McGill's Mexican and American Restaurant that is there. It is one of those culinary kinds of hidden gems that we have here in Charlotte.

Councilmember Johnson said earlier Mr. Winston used the word erosion and how do areas erode from the residential to the industrial area and that feels like what we are doing tonight. My heart breaks for Ms. Watlington because I think this will be the third petition in her area that is going from residential to industrial. We know that we need jobs, we know that we are a growing City, but I would love to sit down and maybe develop some strategic plan to set those policies or perhaps assist residents who are looking to move or something. If we do need to designate an area as a platform for growing industry, then we've got to consider the residents as well. This is something that we have to look at in order to be fair to our residents and the voters.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2020-124 BY MISSION PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY .33 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF DUNLOE STREET AND THE SOUTHWEST SIDE OF SYLVANIA AVENUE, WEST OF TRYON STREET FROM I-2 (GENERAL INDUSTRIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is .33 acres on Dunloe Street and Sylvania Avenue, just off of North Tryon Street. The current zoning is I-2 general industrial, the proposed zoning is UR-2 (CD). The adopted future land use from the North Tryon Area Plan, which was adopted in 2010 called for office, retail, or residential uses for this site, with residential uses having a density of up to 22 DUA. The proposal with this petition is for up to 21 multi-family units in one building. It would have a maximum building height of 45-feet. Access

from both Sylvania Avenue and Dunloe Street. They would be committing to providing walkways from residents to a sidewalk that would be provided. It does provide an eight-foot planting strip and six-foot sidewalk along all building frontages on both Sylvania Avenue and Dunloe Street as well as enhanced architectural features which include preferred building materials and limitations on blank walls expenses and variations in roof form.

The staff does recommend approval of this petition. It is consistent with the North Tryon Area Plan. Future land use designation for residential, but at 63 DUA which is 21 units on that .33 acres it is inconsistent with the area plans recommendation which only recommends up to 22 DUA, however, the petition is proposing just 21 units within one building. The multi-family development does fulfill the area plan recommendation of encouraging a mix of office, retail and residential uses which is a good transition between the neighborhood and commercial and industrial uses on Dunloe Street and North Tryon Street and also commits to a building design that is not monolithic and will include various architectural features to improve the architectural design and the pedestrian experience on that street.

Again, the staff does recommend approval of this petition. It is a conditional petition, but there are no outstanding issues at this time to work through. We will be happy to take any questions, following the presentation by the petitioner.

Collin Brown, 1420 East 7th Street said I am here on behalf of the petitioner. Dave, thanks for the overview. This is a proposal on the south end of Lockwood Community, and you can see that this is currently a vacant site so there is not displacement going on. What Mission Properties is proposing, as Dave mentioned is a 21-unit development. When you see the frames, you will see that this is part of that [inaudible]. While we are before you with a lot of rezonings where we've got a couple of hundred apartment units, or sometimes we are here with townhomes that are in the half-million-dollar price range and so I think Mission has a pretty innovative approach to the site where they found a good infill site in a neighborhood that is, I think looking for new housing types and the 21-unit model that they are proposing fits pretty nicely on the site.

We hosted a neighborhood community meeting which we had a few attendees but did want you to know that I'm following up on some of Ms. Watlington's questions earlier, that meeting really led to us receiving invitations to appear before two other community associations. Mr. Dale Gaston invited us to appear before the North End Community Coalition. That was a well-attended meeting and we shared this with them and then Mr. MacArthur also appeared before the Lockwood Association. I think we have received positive feedback from these groups, I think they are looking or maybe something they would like to see newly developed on the site. Here we have something where no existing housing is being displaced and the development and the way it fits on the street, the size of units, there is adequate parking. I think we are being very positive.

Jason McArthur, 1114 Clement Avenue said we propose a three-story building on the property. We are trying to make it cost-effective as we can without seeking any kind of grant monies or subsidies. We've done a number of these buildings around town, a number in uptown neighborhoods like Wesley Heights, Dilworth, and Plaza/Midwood. This would be another building that we will build, we intend to own it and operate it for the long-term and to be a good neighbor.

Councilmember Winston said again, I feel like a broken record tonight. This is another situation where you have residential and industrial land use swaps. Just this time it is the opposite. We've been talking about how important it is to preserve industrial land uses here in Charlotte and we are losing it, so why would we from a policy-based logical perspective go ahead and make this change? On top of that this part of town, this area, as you see there really isn't much of a buffer. Again, I don't really know a pragmatic way to take an approach to a land-use decision like this other than I personally like this over something else, and I don't think that is necessarily what we were elected to be doing here. I really encourage the staff, for three years now that we have to do something, and I hope me, and my colleagues can find a way to get us a better method of making these very important decisions.

Councilmember Egleston said Mr. Brown, you said you have visuals that are technology issues and you are unable to show us?

Mr. Brown said I'm just not able to advance them on my screen.

Mr. Egleston said staff is not able to do that from their end?

Mr. Brown said I know the staff is trying to, if you would advance two more slides you can see the site plan on an aerial which is helpful. I think this aerial is effective and I hear Mr. Winston who always makes very interesting observations about what we are seeing about this industrial to residential. This is something we really heard from the community where I think the residents of Lockwood are trying hard to keep that community established, keep residents in place, but I do feel like as you can see from this aerial what is down there now, this is certainly something they do not feel was an addition to the area and we know there are heavier uses on Tryon Street. I think they did like the idea of creating some residential to be a little bit of a buffer.

Mr. Winston said just to be clear, I'm not saying whether I like it or not. From a policy standpoint, it doesn't necessarily make sense right now to me.

Mayor Lyles said I know that the staff recommends approval of it, but I'm struggling with the area of North Tryon and carving out. It is not even on the corner, it is across the street and look at what is all around it. We had the same situation over on where east changes to west and we were talking about building next door to industrial and I think someone referenced it today, how do you make the buffer, how do you make it work and it just seems like this is the middle of the block and surrounded by industrial. My biggest fear is

it is a nice building, but then after a couple of months you hear the pollution of noise and industrial uses around you and it is not what you expect sometimes. I'm not quite sure how that goes, maybe I'm just looking at it from the site in the wrong way.

Mr. Brown said this is at the corner of Sylvania and Dunloe.

Councilmember Watlington said my comment is not about this petition, in particular, it is in relation to what Mr. Winston just mentioned. As we talked about having more deeper conversations about our process and our policy as it relates to zoning, what I need is more granularity about when we talk about staff approval, for me, it feels as if the staff approves is a green light to go regardless of what our residents i.e. our bosses would like to have. I understand that obviously staff spends a lot of time with these petitions and looking across the City, that says, however, I would like to exactly who the staff is that is making these decisions because they are clearly very consequential and I think it is important that if we are accountable to our people, we need to know who we need to talk to on the front end to be clear what it is that we would like to be from a policy standpoint. As a follow-up item, and I'm not sure if Marie is there in the room, but what I would like to understand is who is assembled as we are looking at these rezoning petitions because I would like to understand a little bit more about the expectations so that I can anticipate the output fixed.

Mayor Lyles said I think Taiwo wants to respond to that.

Taiwo Jaiyeoba, Assistant City Manager/Planning Director said thank you for the questions that you ask. It is a multi-functional effort. The rezoning process does not hinge on one staff person. Yes, the process goes through Planning but, the fact is that it involves everyone from Planning to housing to Department of Transportation and I have to say in all instances, every rezoning petition is routed to different Departments like CAT (Charlotte Area Transit System), Fire, CMPD (Charlotte Mecklenburg Police Department), Charlotte Mecklenburg Schools so even agencies outside of the City, including counties environmental and land use group as well. So, it is not just one staff person and even within Planning where you have one staff person who does the Zoning Analysis, it still has to go through the Zoning Manager, the Division Manager for that group, and then, of course, I get to see all of these things as Planning Director the Friday before to review all of it. There are instances where we have conflicts with policies and regulations. They usually will elevate that to my attention, and we go with it. You have to understand, and I make this general statement here, that some of what you are dealing with is something we've talked about before. Some of these area plans are old and that is just the fact of the matter and when they were developed, even some of the residents of that community today were not there when those plans were developed shaped. The aspirations and expectations of those who were there at that time were codified in this plan that you are struggling with today. That is the reason why we have a Comprehensive Plan.

I don't want to say that those plans are no longer relevant, but that the times have changed and some of the things that informed those policies and what is allowed and

what is not allowed, it is just no longer the case 20-years later, 30-years later, and is a struggle you are going to have to deal with for the next few months, especially as we will working on the Comprehensive Plan. This is where the old negotiations take place, unfortunately, but it has got to be a negotiation that really makes sense. We are not doing anything to over-ride the community process, but at the end of the day, we still have to stick with policies. Policies are what defend you, we can't go against them. As much as possible where they are inconsistent, we are trying to find a rationale why they may be valued today. Where they are consistent, we try to make consistent cases stronger. So, you are going to deal with this over time, but the fact is I think as we go through the place types mapping in the next year some of these issues will bubble to the surface. That is really where a lot of conversations would need to be had.

You have made a lot of decisions tonight and usually what I do after tonight is, I go back, and I begin to see what is approved, what is consistent, what is inconsistent. It is quite interesting as a pattern that emerges and one of those patterns that emerge is the fact that we are dealing with older documents that no longer apply in the times that we are. We just have to find ways to address them. The regulations are there that are not necessarily the policies, but the regulations that we have today were based on those policies that were also adopted over five, ten years ago. We are not making any drastic departure from some of those things unless where certain trends have shown that there is something emerging in this particular area that is transitioning from residential to industrial and we have to manage that. The fact that you said no to something does not mean you are not going to say yes to it in another month or so. As long as we have some rationale behind it that does not provide [inaudible].

Ms. Watlington said thank you for that. I appreciate the response, but I feel like in your very thoughtful response, there are some contradictory elements. We talk about being hopeful that the Comprehensive Plan addresses our issues. I'm losing confidence every day, given that the plans that we do have here, I know that you have not gone so far as to say they are irrelevant, but I heard Councilmember Driggs say that earlier. It appears that when we've got plans that are older than within a year or two and even in some cases within the last couple of years it appears that it is very easy to justify approving something that is inconsistent. That for me provides little protection at all and it makes it very frustrating to even think that it is worth the effort to put a plan together. Yes, we are certainly going to have areas in the City where the plans are older and those are [inaudible] that I'm concerned about and I approve today does not make me any more confident that a Comprehensive Plan is going to carry any more weight than what I'm seeing today, but I appreciate your insight.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2020-148 BY BOWMAN SUMNER, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.92 ACRES LOCATED ON THE SOUTH SIDE OF EASTFIELD ROAD, NORTH OF INTERSTATE 485, AND WEST OF BROWNE ROAD FROM MX-1 INNOV (MIXED USE, INNOVATIVE) TO MX-2 INNOV (MIXED USE, INNOVATIVE).

Mayor Lyles declared the hearing open.

David Pettine, Planning said our last petition for the evening is just under 22 acres on Eastfield Road, just north of I-485 and west of Brown Road. As mentioned, this petition is MX-1 currently, this may look familiar, this is a recent rezoned piece of property and was actually approved in July 2020 to MX-1. The proposal was for up to 48 townhomes and 38 single-family homes. Also, the goal of this project was to preserve the existing historic homes that were on the property. The reason for this petition this evening from MX-1 to MX-2, going through the process for permitting, once they got that approval back in July, MX-1 has a provision where I believe it is no more than 50% of the project can't be multi-family. That was a miss on our part when we went through the process, counting the different units with single-family and multi-family townhomes didn't catch that potential hang-up when they got into permitting so the only way to change that and to get permitting with the same plan that was approved in July is to amend it to MX-2, which allow the mix of units that they are proposing and it was approved. Essentially there is no change other than what was approved back in July at all other than changing from MX-1 to MX-2. It is mainly a housekeeping thing. If it was an administrative thing, we would have certainly does it that way, but changing the zoning to MX-2 is the only way that we could get through the permitting process as they were proposing. Again, there is no change from what was approved in July, only the change in zoning from that MX-1 to MX-2.

The staff does recommend approval and it is consistent with the Prosperity Hucks Plan for residential up to six DUA. We will be happy to take any questions from the Council.

Mayor Lyles said I don't have anyone signed up to speak on this petition so we will just have questions from the staff.

Councilmember Johnson said just a couple of questions for Dave. What is the petition number from the July petition that has already been approved?

Mr. Pettine said it was 2020-102.

Ms. Johnson said I have a question for Taiwo if I can, not about this zoning. Taiwo, when we are going back to the area plan and we know that you are not able to develop any interim area plan for people to rely on our information, what would you suggest for someone coming in to Charlotte that is buying a home in a particular area? How can they or their realtor plan what the future of their area is? This really brings up for folks that live in District 3 that anticipated residential and now we've approved these three large industrial. How can a person avoid this, what can they rely on until 2040 is developed?

Taiwo Jaiyeoba, Assistant City Manager/Planning Director said I would be careful not to advise their realtor what to do with their business and where people want to live because we definitely don't want to be in the business of doing that.

Mr. Johnson said let me just add a little bit; I sold real estate for a long time so we can only rely on information that is available. I don't mean from a red lining perspective, I mean where is the information or the transparency from the City of what the future of an area is? Can they call Planning or how would advise someone if these area plans are older or they may be obsolete, what can the public rely on from the City?

Mr. Jaiyeoba said all of that information is available on Planning's website. Every single plan that we have had whether they were developed in 2018, like the South End Vision Plan or they were developed in 1993, every single plan is on the Planning Department's website for people to really get that information whether it is the generalized land-use plan, the Centers, Corridors and Wedges Plan, it does give people good information. Then based on that people could call in and ask us questions, as to well this area is old, is this the trend for development. We've actually had people who call us on behalf of their client, and they would say my client wants to live over here, but we see this type of development going on there, what do you anticipate, and we give them to the best of our ability, but they still have to make their decision. We've had people who have actually gone to the website, take a screenshot of certain documents, and e-mail them to us to ask a specific question about what you just said. We, as much as possible, not to drive them in a particular part of the City but we provide the information they ask us.

Mayor Lyles said I see our Attorney getting a little bit aware of this at this point talking about what we can do to rely upon, and I think maybe that would be something first that we should ask the Attorney to give us some information about. I don't know that there is any; I just see Terrie looking like mm, this conversation about what can we create that you can rely upon in a changing environment. Terrie do you want to comment?

Terrie Hagler-Gray, Senior Assistant Attorney said sure I'll just comment that we just have to be careful because all the plans are policy and so they are just guidance and they are really not something that as Taiwo was saying that we would want someone to say they couldn't definitely rely on that will happen because they are subject to change, and they are just policy.

Ms. Johnson said thank you, I don't mean to the point of I guess a detrimental reliance. I just know that in some cities you can look at the development plan and be able to make informed decisions. We know that our policies are outdated, so maybe in that training Mayor, when you are talking to the Councilmembers, the public, and the realtors, we just need to get the information out there that this information is subject to change. We just need more transparency I think for our residents. That is some of the things we heard from the hundreds of folks that we heard from when they bought their homes, they thought it was a residential area based on the plan. I just think it is fair to the residents if we can provide information somehow on what the vision for the City is sooner than later.

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

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Mayor Lyles said Mr. Graham, we didn't get a chance to get your comments when we talked about the Oaklawn Avenue Historic District and I wanted to come back if you wanted to make some comments about that.

Councilmember Graham said I thank you for the opportunity Madam Mayor, and I apologize; my technology had a hiccup during that conversation. I know that rezoning Petition 2020-037 by the City of Charlotte Planning and Design was for the historic designation for Oaklawn Avenue. Today was the hearing and I really applaud the neighborhood leaders. This was certainly an effort from the bottom up in terms of neighborhood leaders taking control of their neighborhood and the history, tradition, and character of it. I look forward to the final vote once it comes back before Council.

Mayor Lyles said I think this is our last meeting in the month of November; just wanted to say to everyone that I hope you have a wonderful Thanksgiving; being very careful about following the social rules for the virus, wearing our masks, washing our hands, making sure that we have social distancing and having a zoom Thanksgiving for extended family and friends. I really appreciate every one of you. It is quite a sacrifice to serve an elected office. Most people just think it is a glorious life that we have, but I want you to know that I recognize how many hours you all spend and what you have to do for these very difficult decisions and when we do it with grace and we do it with wisdom and knowledge, we do the very best we can and I want you to know how much I appreciate that.

Councilmember Mitchell said Mayor, may I make one request, please? Taiwo, can you give us an inventory of our District Plans? There was a whole lot of conversation this evening around District Plans? We did something like this about 10-years ago. Just to see where we are, when they were approved? I think this will help Council particularly, maybe not for December, but definitely, January as we get ready for the Retreat, how to prioritize, where is our growth in our City, and what plans are out there that we need to address. Can you provide an inventory of our District Plans?

Mayor Lyles said that would be great. I think as soon as we can to get some kind of meeting that kind of walks through. People like Mr. Mitchell and I take a lot for granted because we have been around for a long time and we shouldn't do that. I think that is a great suggestion, but I think it is time for us to have an idea around conventional, conditional zoning. All of these classifications, it is so much to run a City this size and we keep saying the policy, but so much of what we do is by law that is already on the books and so we need to make sure that we understand all of that.

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I heard today, I was in a Board Meeting and the new virus by Moderna is supposedly requires only refrigeration like your kitchen refrigerator minus four degrees. I don't know much about that but I was told it was like your refrigerator so we've got some good news coming and I just can imagine waiting much longer for it. I think we all need a break from COVID fatigue.

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ADJOURNMENT

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

The meeting was adjourned at 9:30 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours, 26 Minutes
Minutes Completed: December 21, 2020