

The City Council of the City of Charlotte, North Carolina convened for a Business Meeting on Monday, July 19, 2021 at 4:08 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, Malcolm Graham, Renee Johnson, Matt Newton, Greg Phipps, Victoria Watlington, and Braxton Winston II.

**ABSENT:** Mayor Vi Lyles and Councilmember Dimple Ajmera.

**Mayor Pro Tem Eiselt** said Councilmember Dimple Ajmera had a sweet baby girl who is out on maternity, so she won't be joining us tonight. Congratulations to her and her new baby and their new family.

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**Mayor Pro Tem Eiselt** welcomed everyone to the July 19, 2021 Zoning Meeting and said this meeting is being held as a virtual meeting in accordance with all of the laws that we have to follow, especially around an electronic meeting. The requirements also include notice and access that are being met electronically as well. You can view this on our Government Channel, the City's Facebook Page, or the City's YouTube Page.

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### INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Graham gave the Invocation followed in the Pledge of Allegiance led by Councilmember Newton.

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### ACTION REVIEW

#### ITEM NO. 2: STAYING IN PLACE UPDATE

**Mayor Pro Tem Eiselt** said we have Mr. Marsicano and Mr. Thomas from the Foundation of the Carolinas and the Knight Foundation who have a really exciting announcement that they want to share with us tonight.

**Michael Marsicano, President and CEO of Foundation of the Carolinas** said it is great to see some of you in person. It is so nice to be here, and this is the first time in one year that I've worn a suit so, I'm not sure how I feel about that, but it is great to be here. I want to thank you for taking time from your packed agenda for our brief remarks and a moment of celebration. I am joined by my good friend Charles Thomas of the Knight Foundation and we come with good news. Our good news today, I would say, is rooted in a partnership between the City and the Foundation which has grown in-depth and breadth over the years. With great pride, the Foundation has been privileged to work closely with the City bringing to light several public/private partnerships in economic opportunity, upward mobility, affordable housing construction, housing rental subsidy endowments, the COVID (mild to severe respiratory infection caused by the coronavirus) response fund which literally has saved lives and your faith in us to distribute the Small Business Grants Program during the pandemic which literally saved thousands of businesses.

Now we are before you once again with an update on yet another one of our public/private partnerships between the City and the Foundation namely what we are calling the infusion fund established to rescue, preserve, advance and expand the arts and cultural sector. The City Council challenged the Foundation to raise \$18 million to match a City appropriation of \$18 million over a three-year period. Rising to your challenge with great generosity out local companies, Foundations and philanthropists surpassed that goal and raise \$20 million. While this you already know, it has been announced, yet we have saved the best announcement for you today, namely the largest single gift by any donor entity to the induction arts campaign and not yet in those totals. With his special announcement, I would like to hand over the microphone to my esteemed colleague the Charlotte Program Director of the John S. and James L. Knight Foundation, Mr. Charles Thomas.

**Charles Thomas, Program Director of the Knight Foundation** said thank you Michael, greetings everyone and I bring greetings from our CEO Alberto Ibarguen and the Vice President of Arts for Knight Foundation Victoria Rogers. Knight Foundation believes in the power of the arts to connect us to the place that we live and to each other and arts and culture are at the core of the Charlotte Community. It is an economic driver for the City and brings intrinsic value and vibrancy to our neighborhoods. This is why I am so excited and thrilled to announce Knight's support of the infusion fund with a \$3 million gift. I am very excited; over the past year, every sector has pivoted with the importance of technology growing exponentially in our digital verse word. Arts and arts organizations have leveraged technology in new innovative ways to explore and make art, express culture, and reach audiences. We believe that the continued relevance of artists and arts organizations is crucial to building informed and engaged communities and Knights' investment in the infusion fund will address this by focusing on the integration of technology across Charlotte's Arts Ecco System including institutions, emerging and established organizations and individual artists. The pandemic made clear that technology capacity is critical to the ability to reach audiences. Knights' dollars will help artists and organizations utilize technology effectively and adapt to technological changes in their field and in our world. This grant builds upon previous gifts we have made to Charlotte artists and arts organizations bringing our total investments in the sector to over \$15 million since 2015. The Knight Foundation is honored to contribute to the fund and to support their continued resiliency and ingenuity of the arts and culture sector in Charlotte.

Mr. Marsicano said to that applause I want to add my heartfelt thanks to Charles and the Knight Foundation. We are blessed to be a Knight Foundation City and Knights' generosity has helped our City accomplish many things time and time again, so please tell your colleagues in Miami we are most grateful.

So, are you keeping count? With the generosity of Knight, we not only surpassed the \$18 million at \$20 million, but we have also now surpassed the \$20 million at \$23 million. I think it quite extraordinary that your vision and the Foundation's vision for the generosity of our private sector campaign was exceeded by the vision the private sector had for itself and I want to thank all the private sector donors publicly once again. And we will need every penny to move our cultural sector from survival mode to a place of thriving. It bears reminding us all that our non-profit cultural sector lost around \$50 million in revenue last year due to the pandemic. This is the non-profit sector it really has been crippled. We've seen this before, though not as dire. After the great recession in 2008, it took our local cultural and art institutions around three years to fully recover and the circumstances with the pandemic are far more severe today.

I recognize the City has many competing priorities with the stimulus funds our federal government has sent your way to distribute in our community. Between the City, County, and School Board I understand you have over \$700 million roughly to allocate. As part of the \$18 million that you have already allocated in your arts plan, I understand that \$6 million that is roughly the amount that you are giving from the stimulus funds which is a fraction of the total. If the City would keep the public/private match principle of our recent partnership an additional allocation of \$5 million in stimulus dollars within then match the total private sector dollars of \$23 million. In total then over \$700 million in stimulus dollars would only have \$11 million in total doing the cultural sector a fraction of the total and less than two percent of the total. Now you would expect me to ask that of you, to fully match the private sector. The need in the cultural sector for these additional dollars is undeniable. Charles and I are both grant makers though, so we know firsthand that the needs in our community are many. We do not envy your positions in dividing up the stimulus pie and we trust in your wise decision making. We do, however, ask for your thoughtful consideration of the request.

In closing, I want to thank each and every one of you for your public service, your herculean efforts during the pandemic, and the public/private partnerships we at the Foundation have enjoyed with you. I know not for what cause or in what form our next partnership will take, but this I know, we at the Foundation want to join you again in moving our City forward. Thank you for your time and attention.

Mayor Pro Tem Eiselt said thank you both very much and once again we really appreciate that the private sector has stepped up at this time of disruption and unlike 2008, we said let's use this disruption to make a cultural shift in the way we view and support the arts and what it means to our community from both entertainment and economic development and quality of living standpoint, so thank you very much, appreciate it.

I will turn it over to Mr. Jones to talk about the next two items we have in our Action Review before we have the Public Forum.

**Marcus Jones, City Manager** said tonight we have two presentations that are relatively short that we ran out of time at the last Business Meeting, and I have to forewarn everyone, Rebecca Hefner will be making one of the presentations and I don't know if she has walk-up music tonight or things, but she normally brings the noise we need to get excited about Rebecca being in the house. It is important to talk a bit about Staying in Place, an initiative because as Shawn Heath talks about the next round of stimulus funds being able to appreciate some of the things that are happening in housing and homelessness as well as some of the items that are happening around businesses and arts and culture is important to put tonight in its proper context. With that said, two items, one a very short update with Staying in Place followed by an update from Shawn Heath with the recommendations related to the American Rescue Plan. I will turn it over to Rebecca.

**Rebecca Hefner, Innovation and Technology** said I am excited to be here, although was promised some walk-up music and I'm wondering if Mr. Egleston could have been better prepped for this, now that I've heard him sing. I am here to talk about data and engagement and for those of you who have been around while you know that I started my career with the City in Housing and Neighborhood Services in our Community Engagement Division, so if there is anything I like as much data it would be community engagement. You can see the presentation tonight is about both, so I don't know if you all are ready for it, but we will see how it goes. I have to say that we practiced this ahead of time which means that any technical problems are user errors.

We are going to talk a little bit about the Staying in Place Program and the data and the information that we have and the engagement we have planned to learn more about what our residents need. Over the past several months we have been working collaboratively with internal staff and external stakeholders to create a Displacement Risk Dashboard. This dashboard which we will send out the link to share with everyone and I will show you briefly tonight visualizes three key questions. These are the key questions we get when we start about displacement; who is vulnerable to displacement, where is it happening right now and what are the things that impact displacement risks? So, what do we see will create more risks and what are some things that we can do to mitigate displacement?

We see that the dashboard inputs will evolve as our strategy develops and so when I show you how the dashboard exists today just think about what are the additional things we need? We can add to this. We've created what works really well as a model with our Community Violence Data Dashboard as we have established an inner agency working group around that information. This is one of the most exciting things are what is really the power in these data is not that we have them and that we crunch them in some fancy way to come up with an answer. It is that we pull people together to look at them and talk about them, figure out what they mean, and take action. So, I'm going to show you what it looks like.

So, there are four pages in this dashboard, this is the landing page, and I will click through briefly to show you what it looks like. The information on the page about who is vulnerable to displacement comes from the Equity Growth Framework in the Comprehensive Plan. So, it is really taking the information in the Equity Growth Framework and looking at it from the neighborhood level. So, where are there a lot of residents who have a potential vulnerability to displacement, households in poverty, low education, people of color, older adult residents, and residents who rent their homes? One of these indicators may not indicate vulnerability, but it is taken together where these things are combined that we would expect to see greater vulnerability for an individual household. That doesn't mean

there is necessarily high displacement risks, it just means there is greater vulnerability. So, what we really want to try to answer with this dashboard is where is the displacement risk highest today? We've combined these vulnerability indicators from the Comp Plan with the indicators of neighborhood change, the same ones we use in our housing locational tool. We are trying to use existing data from existing tools so we can pull all of this together. We are looking at where there is greater market activity, where there is potential for those vulnerable residents to be displaced because there are a lot of building permits, a lot of demolitions going on, greater change in home sales prices, and lower median income.

On this map you can see there are some neighborhoods in the darker blue, so I have to do the same thing to see where those darker blue on those maps, but you can click around in here to see for any given area, the indicators here will change, and you can learn a little bit about it down at the bottom.

The last piece of the dashboard is really looking at what impacts displacement. So, this is the part of the dashboard that is the most under construction and it is really looking at what are the things that we do as a City in particular that could potentially create the conditions for displacement. Things like our major transformational mobility network investments or our Corridors of Opportunity. On this map, you can click to view it in full screen and then take a look at what is happening in these neighborhoods by looking at, for example, if you want to see the proposed Silver Line Stations are, this is something that has been of great discussion and then sees where that intersects with the neighborhoods where we see high displacement risks.

There is also a page, and I know some of you are as excited and wanting about data as I am so there is a hold tap with methods and descriptions and definitions, but I can also guarantee you if you have questions there are a whole team of people behind this that love to talk about what we do and how we can put it to work. I would say this internal staff and external stakeholders that put this together, this is one of the largest groups I have ever pulled together and worked with on a dashboard. This was CATS (Charlotte Area Transit System), this was housing, this was Planning, Economic Development, we talked to a team at the Urban Institute and United Way and Knight Foundation, and we are really trying to make this a tool that is not just for us at the City, but for our entire community because we want to be able to take collective action in the same locations to really have an impact.

So, speaking of collective action in the same locations, we have to look at the data, identified a couple of pilot neighborhoods for the Staying in Place initiative. These are Washington Heights, Hidden Valley, and Winterfield. These neighborhoods have a few things in common, they are all adjacent to Corridors of Opportunity, they have older housing stock, they have high market activity and a large number of potentially vulnerable residents, but they also have differing contexts around homeownership, single-family versus apartments, and the average age for example. What we really want to be able to do in a pilot stage is look at how our strategies work in a different context. This is really information that we will be able to share with you as Council and the Great Neighborhoods Committee and the anti-displacement groups that are coming together to say where is what we've tried and here is what we've found across a variety of contexts.

The next step we really see is engagement and, in some way, for us, engagement is additional information gathering that we can bring back to you. We really want to identify households and blocks within those pilot geographies that make the most sense for the programs that we currently have and prioritize our outreach activities there. We have great success with this data-driven engagement approach around aging in place. But what we really want to be able to do is learn about what services and support the household may need and that may not be something that we can provide. But we have thoughts about how we can also offer referrals and leverage technology to be able to get people to the services that they need even if they can't get them from us.

In terms of staying in place pilot on the City side, we really want to identify partnerships and use what we learn to just establish programmatic investments. So, think about this

big bucket of ARPA (American Rescue Plan Act) funds, we want to deploy it in the most effective way to have the greatest impact. Of course, we are thinking about our housing programs, home repair, rehab, down payment assistance, but we've also pulled in a team that includes General Services and Charlotte Water. We know we have pilot opportunities around trees, around replacing water pipes, but there are a lot of things, but homeowners or the people living in these neighborhoods may not even know that they need but are at risk for them for being able to stay where they are if that is what they choose to do.

The last thing and I would be remiss if I didn't say, is we just really just want to use this information and the dashboard to fuel collaboration. So, it is a model we've had success with and so I invited people to let us know what are the things that they would like to see in that web map on that dashboard because we want it to be a tool that is useful to all of you.

Mayor Pro Tem Eiselt said thank you very much, Ms. Hefner, it was really interesting, and I love your enthusiasm around this. There are some of us here who really are on your level with the data wonkiness and there are some of us who are armchair want-a-be's but it does seem like it is a platform that is really readable and usable for those of us maybe who maybe don't have your background. So, that is exciting.

Mr. Jones said great job Rebecca, your streak of getting applause is still intact. I just wanted to echo a couple of things that Rebecca said, one the inter-department collaborations have been extremely important and she has named the departments and even to the aspect, I think one of the things we learned as we were going through this exercise is that there are so many things that are happening simultaneously and the work of the Great Neighborhoods Committee, the work of the Anti-displacement Taskforce which I think is [inaudible] and we wanted to just launch into an initiative and we said let's just slow down for a little bit and let's take our time and effort on just the data collection and community engagement in trying to do, I guess two-fold, explain to people what is available, but also try to understand what is important to a community and that is why we have three different ones in the pilot.

The other thing that I want to mention is that Shawn will come up next and he will talk about ARPA and one of the things I would like to remind Council is that during the Budget Workshop many of you had ideas and suggestions about how we can better utilize our toolbox as well as have new tools in the toolbox. So, the \$7 million that was set aside for housing in the corridors, we are not touching it because we would like to use the data that we gathered to make sure that we are utilizing it in the best way possible. I will also say that from last fiscal year there was about \$2 million left over in that housing bucket that we could add to the \$7 million as well as with the CARES ACT (Coronavirus Aid, Relief, and Economic Security) funds CDBG (Community Development Block Grant) I believe we have \$2 million left there. So, even before we start talking about how to potentially divvy up the first round of the \$71 million of the new ARPA funds we are really in a good place to do something different and special around housing and homelessness. I just wanted to push that out there, that their resources, may not be enough, but what I would consider significant resources to begin to do something special.

Mayor Pro Tem Eiselt said thank you, Mr. Jones, that is great news.

**Councilmember Johnson** said thank you Rebecca for the wonderful presentation and thank you for the City Manager for the attention to these vulnerable areas, this is huge. It is not just about the data; it is about the impact. I personally want to thank you on behalf of Hidden Valley and that whole area, that Corridor of Opportunity. This attention is important. We know with gentrification; neighborhood development and improvement are a great thing as long as the residents that are there can benefit from it. If there are opportunities so that they can stay competitive and are able to improve their houses so when developers knock on their door and say we would like to pay you \$100,000 under market they are not desperate for those funds. So, this allows them to make those improvements at low-interest loans or whatever that will be. Thank you for the attention, thank you for the care that the City is showing to the current residents and the ability to not be displaced when there is so much improvement around them.

**Councilmember Watlington** said first I would just like to say, Rebecca, every time you come you sing my Heart Song. I just want to echo Ms. Johnson's comments. You sure know how to [inaudible] Mr. Jones. I know that we have a lot of tough conversations the first part of this year trying to wrap around some of our previous policy, but I think this is something that we can all get behind and I personally look forward to championing this anti-displacement work. I do have a couple of questions and it is really more along the lines of dashboard understanding so I'm happy to ask them offline, but I just want to make sure that I understood, I saw something in regard to the single-family rental so we have a view of homeownership as a factor to displacement.

Mr. Hefner said we try to take a look at the single-family both rental and homeownership and we don't have an exact indicator for that, but we have a proxy. It is actually a part of the quality-of-life explorer and it is something that we have pulled into this dashboard. So, we are looking at single-family homeownership, single-family rental, and multifamily. One of the things about those geographies that is a little bit different is the mix of all of those housing types within each geography, so it allows us to tailor different strategies depending on the people that are there.

Mr. Watlington said my second question was in regard to the proximity to public investment. I love that that layer is on there so we can see it because we know that public investment often drives private investment. Just so I'm clear, was that an additional data point of over and above the fact that there is anti-displacement or does that somehow feed into the anti-displacement factor. Let me ask it a different way; if a neighborhood was not yet identified at a higher risk but it was borderline would we know or how would we recognize that it is not quite making the tipping point, but this public investment might get it there?

Mr. Hefner said I actually understand exactly what you just said, and it is a great question. I think what it is when there is not a direct feed into the calculation, but what it is we recalculate the neighborhood change for annually so we are trying to get an understanding of when the market activity starts to shift and get an understanding of that early in the process instead of later. You may actually see those geographies changing a little bit on the dashboard as we see the private investment start to ramp up in different areas so we know we are really looking at where that risk is highest now, but then we want to use that web map with the additional layers to say but look, we can see where the transit stations are going to go so, we also know that we need to think about the future in these areas probably based on our historical performance here, look at these areas more than these areas for example. I'm not trying to predict the future; if I could do that I probably wouldn't be standing at this podium, but we will use the best data that we have to inform that conversation.

Ms. Watlington said outstanding! Thank you.

**Councilmember Winston** said thank you Mr. Hefner; this data visual innovation is always an important component in schools for us to use to communicate the work that we are doing in our building in our organization with the folks that it affects. My question and one comment I would have is probably for Mr. Jones and Mr. Fenton and folks on Intergovernmental and Council At-Large. I want us to continue to focus on how we lead and bring solutions to scale so we know there are things that we can do to spend money on both things that we are doing well and new ideas around housing and homelessness and this anti-displacement. But let's also understand things that we do well that need to be expanded. You mentioned a couple of times during your presentation Ms. Hefner about aging in place. I think that is something that we dove into a couple of years ago, but there is still more work that needs to be done, especially on the state level. After the Comprehensive 2040 discussion, I was able to sit down with some folks from REBIC (Real Estate & Building Industry Coalition) as well as some of the other developers that were debating a bunch of issues. One of the things that intersected in all of our spheres was this Aging in Place Program. We know that we need legislation to expand that Aging in Place Program, not just in Charlotte, but all across our region in North Carolina. I hope that is something that this Council and staff will consider in the coming months, and again using that word collaboration, how do we bring together different constituent groups that

might think that they are on the opposite ends of the table but are actually closer together than the headlines might make it seem. So, if we can have broader community collaboration and lobby for the expansion of legislation that improves the ability to expand the Aging in Place Program, I think that is something that our community desires and want to do work on right now. Hopefully, we can get that.

Mr. Jones said thank you Mr. Winston; a part of the collaboration also and I should have said this earlier, exists with this 2025 Homeless and Housing Plan which is being co-chaired by Jean Woods and Cathy Bessant and some of the issues that are coming up are those policy issues or those legislative issues that should be addressed. I will say, and I should have said this earlier, Aging in Place is a part of staying in place. One of the things that we have realized, I think we have made contact with 19,000 people, we set aside \$1.5 million in the first year and only \$30,000 was utilized. So, while we tried, this is something that we have to address as a part of the bigger staying in place also. So, we will not forget the Aging in Place piece.

Mr. Winston said thank you for that and I think that is outstanding. I think that is exactly why some of the demographics that we were able to work with for the Aging in Place Program kept a lot of the demographics that actually needed out of the potential participation in the program. Again, one of the reasons why we need to go to Raleigh, get that type of potential legislation so that we can extend the participation in that program to many more thousands of people that need it, but are prohibited by law from participating.

**Councilmember Bokhari** said I would echo everyone's comments, this is great work. Once again, I think we need to be doing more stuff like this and I think particularly this has the power. It has been hit on and I will just reemphasize, this should be the foundation and platform that we build our entire displacement strategy around and how we analyze it and move forward. We have shown that can visualize the data and make the connections and do this well, now it is about how we go about using it very strategically because of tactically. So, my recommendation to you Mr. Manager would be that we make this and the group that is leading it the core around what we want whether it is the 2025 Homelessness Plan or I think even more relevantly what we just finished with the 2040 Comp Plan in that if we connect this with the data that we have, the private sector data, the new groups that we have on the real estate side, but also the things like out of Wilmington, Cape Fear Collective, Mark Etheridge, the groups that are in town. I've been talking with Pam Wideman about that so, getting the data points added to this, from the statewide perspective, getting a lot of the real estate assumptions baked into the abolishing the single-family zoning and then going also to UNC-Charlotte and perhaps Data Science initiative to get them run scenarios for us so that we can actually go in and see based on these assumptions if this happens in these neighborhoods based on home prices, based on all these other factors we can start to have an actual tool that as we get into the UDO (Unified Development Ordinance) discussions we are not having an anecdotal conversation, we are playing our multiple scenarios in a tool like this that has input from various partners. I think that could save us a lot of time and energy and pain if we are not anecdotally trying to talk about it, but this is the framework by which the economic and physical impact analysis is done.

**Councilmember Phipps** said Ms. Hefner, when you talk about displacement, are we looking at it in terms of both voluntary and involuntary displacement?

Ms. Hefner said you hit on something that is really important there which is not necessarily the distinction between the two, but that displacement itself is very difficult to measure and it involves tracking people as they move, asking them why they moved and all the complex factors that go into an individual's household decision to move, if it is voluntarily leaving or feelings that they are not able to stay. So, we have looked at some high-level indicators that help us define risk and vulnerability. But, in order to understand what works in this space, we need to get better information from people about their experiences and so one of the things we will also do as part of that engagement is for people who are willing to share with us, for them to tell us what they have experienced. Do they want to stay in place and if they want to what are the things that would help them and what are the things that would drive them to have to leave or choose to leave? At this point we are

all wrapped up because we are only talking about risks, but as we dive deeper in and especially to be able to evaluate our strategies and the programs that are put into place, we will have to get better information and start to tease out those differences. That is really an important point, thank you.

Mr. Phipps said another comment I would like to make; it is going to be in the next week or so, there is going to be a forum on the west side along the Beatties Ford Road Corridor, I think it is called rail or ruin and I think you have some community members are concerned that with the introduction of the Streetcar that that would in itself cause or precipitate some displacement. I think even now people are thinking about if there is an effort to amenitized a lot of the neighborhoods could that in of itself precipitate displacement. That is going on in the community as well, so I'll be interested in signing up and seeing what the community says about it, but those are things that are top of mind as we enter into neighborhood improvements.

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### **ITEM NO. 3: AMERICAN RESCUE PLAN ACT UPDATE**

**Marcus Jones, City Manager** said if we can weave one more stitch into what we are trying to accomplish tonight; Shawn is going to give you an update on the American Rescue Plan Act of 2021 so two things as a little bit of a reminder, I promise Shawn, I will not do your presentation. We have two [inaudible] of money, the first batch came mid-May 2021 about \$71 million, and then there will be another \$71 million roughly in mid-May of 2022. We have roughly until December 31, 2024, to spend the money and what we are doing tonight is really based on what we learned with the CARES Funds. This is not a recommendation of how to spend every dollar, it is just trying to figure out three areas which we believe are important to the Council and maybe the most important thing is that periodically staff from the County Manager's Office, my office, and the Superintendent's Office have been talking. So even as Michael Marsicano suggested earlier, potentially even more funds as it relates to arts and culture, we are hoping that these types of conversations are not just limited to the City and its stimulus funds, but how we can work together. We do believe that one of the sweet spots will be housing and homelessness and Shawn, I promise I will stop with that.

**Shawn Heath, Special Assistant to the City Manager** said I have a few slides and as the Manager mentioned very interested in feedback and questions. Just a quick look in the rearview mirror here at our 2020 Federal Stimulus funding which we've discussed before so I won't go into a lot of details here, but you recall under the CARES Act there were a number of branches and shown here in the green bars on this slide is a reference to the CARES Act Coronavirus Relief Fund which was a major funding source for us last year. We also had funding under the Emergency Solutions Grant, Community Development Block Grant, and the Housing Opportunity for Persons with Aids that is represented in the yellow bar there. Finally, in the late calendar year 2020, we received additional funding focused specifically on rental and utility assistance. When you add up all the stimulus funding that the City of Charlotte received last year it was about \$135 million and before I leave this site, I would mention that all of that money has either been disbursed or encumbered as of today with two exceptions. One is in the blue bar on the left, which is the rental and utility assistance, we have about \$10 million remaining there. Keep that number in the back of your mind and we will talk about that a little bit more in a subsequent slide which will be very helpful given that the CDC (Centers for Disease) eviction moratorium will be expiring at the end of this month. Then we have \$2 million in Community Development Block Grant Funding which I believe Manager Jones made reference to here earlier this evening.

Now we are moving into the current state under the American Rescue Plan and this is similar to a slide that I shared with Council a couple of months ago just to provide a big-level perspective, a high-level perspective on the funding coming into the Charlotte Mecklenburg community. Going quickly from left to right, CMS (Charlotte Mecklenburg Schools) is represented here in the red bar, they will receive \$318 million, Mecklenburg County at \$216 million under the Local Fiscal Recovery Fund. All of the green bars on



this slide represent allocations that will be made directly to the City of Charlotte. We will spend our time this evening primarily focused on the light green bar which is the Local Fiscal Recovery Fund which Manager Jones just referenced. It is \$142 million in total, half of which was received in May of 2021 and the other half will be received next year.

Two comments I want to make before we leave this slide; the two bars on the very far right part of the slide, the \$29 million in rental assistance, so that \$29 million will be in addition to the \$10 million that I mentioned on the previous slide that we will have available for members of the community that are struggling with rent and utilities. We will bring an RCA (Request for Council Action) to Council in early August seeking appropriation of that funding continuing to work with DreamKey Partners to get that money in the pipeline for the community. I would say that \$10 million and \$29 million, these numbers are helpful, Mecklenburg will bring its own resources to bear because they are receiving some direct allocations for rental and utility relief. I've had conversations with Pam Wideman and the team today, there are a number of things that we are attempting to do as a community to be very proactive given the expiration of the eviction moratorium at the end of this month. So, in addition to having the additional funding DreamKey Partners is putting additional resources in place to handle the volume of activity that they expect in terms of applications and there have also been some policy choices that were made recently, for example, on a go-forward basis there will be a priority status to any application for an individual who has been served an eviction notice and has an eviction hearing scheduled within 90 days. So, there is a lot of activity in a place that is happening behind the scenes to get ready for the expiration of the moratorium.

Moving into the first installment which we are referring to as ARPA Phase 1 for the Local Fiscal Recovery Fund \$71 million. Back on March 22<sup>nd</sup>, we had a very high-level conversation about the Rescue Plan, one of the guiding principles we shared that evening was that our intent with the first installment of the ARPA funding is to focus primarily on community-facing investments. This very simple pie chart here is intended to reflect a proposal that \$60 million of the \$71 million in the first installment go into community-facing investments. On a percentage basis that would be 85% of this installment. Just for reference purposes with the CARES Act Funding in 2020, we had a 60%, 40% split with 60% going into the community and 40% going into city operations. So, here we are in a position to bump that up primarily because we did a lot of good things and interesting things with our city operations-focused funding under the CARES Act relates to facilities and IT infrastructure, etc.

I've also put up the allowable uses which are probably hard to read from a distance for the American Rescue Plan. No changes there since we spoke on March 22<sup>nd</sup>. The last thing I will mention before we leave this slide because we are about to get into three very specific slides, so this takes the \$60 million and puts it into three proposed investment categories and the subsequent slide is where we will get into specific opportunities underneath each one of those. Just to reinforce the point that the Manager made, with the exception of the \$2 million in arts funding which was really part of the overall arts funding plan that you endorsed as part of your FY2022 budget, with the exception of that one item everything you see tonight I would refer to it as investment opportunities that we have cultivated. We wanted to put something in front of you that is specific enough for you to react to, but it is important for you to know that we haven't signed any contracts, we don't have any kind of commitments in place for any of these other than the arts funding. I don't want the level of detail that you will see on these subsequent slides to suggest that we've done anything other than stage these opportunities.

So, for the three categories with the \$60 million, housing and homelessness at \$20 million, workforce development and employment at \$16 million, and community vitality which is a collection of possible investments at \$24 million. With housing and homelessness support, the presentations that you are hearing tonight goes together quite nicely and I think the sequencing works quite nicely. I am going to start at the bottom here and work my way up. The first \$10 million proposed here relates to the neighborhood stabilization efforts, in particular Staying in Place which you just discussed with Ms. Hefner. Manager Jones, I think I heard some numbers referenced when I was in the room next door, nobody commits numbers to their memory as good as you do. But, I think I did hear you say there

was \$10 million as a carryover from the FY21 budget so I just want to make sure I'm clear in my head, \$2 million carryovers from FY21 plus \$7 million that Council had earmarked for neighborhood stabilization in your FY22 budget so we've got the \$9 million there and the idea here just as a number of Councilmember alluded to recently is, the beauty of the work that Rebecca mentioned is it provides an opportunity to made data-informed strategies and this is an attempt to have data-informed investments that go along with that work. So, taking what was \$9 million adding \$10 million to it hopefully gives all of us an opportunity to really amplify that work and make those pilot programs as meaningful as possible.

Just to give you [inaudible] ARPA does have rules and requirements, what you can do and what you can't do. There is a fair amount of flexibility in terms of how we can use Rescue Plan funding as it relates to things like staying in place. Maybe the obvious example to me would be the efforts around housing rehabilitation, home rehab, home repair. We already have programs in place like that today, things to get homes up to code, it could be a roof repair, plumbing, electrical work, etc., etc. so that would be one example of the sort of thing that we could do with this \$10 million.

Moving up to the top something that was also referenced by the Manager recently, the 2025 Charlotte Mecklenburg Housing and Homelessness Strategy. Of course, that is focused on an intentional effort to evaluate what can be done to address housing and stability and homelessness in this community over the next five years and beyond. Really what this is proposing here is quite simple, it is proposing that we earmark \$10 million to that effort recognizing that there would be a need to get back in front of Council at a future date to talk more specifically about what it could be used for. At this point, the work that is happening underneath that umbrella is maturing work streams or developing preliminary recommendations, but it is too soon, it would be premature for me tonight to suggest to you that we have a firm line of sight into what the menu of funding opportunities will look like. October is the target date for having a strategic plan in place for that effort and our hope and belief is by October we would be in a better position to point to specific items on the menu of options which are most closely aligned with City Council priorities and then that would lend itself to a meaningful conversation on what could be done with this \$10 million. We thought it was far enough along that it would be helpful to put a stake in the ground. You may be where there are literally dozens of leaders from various organizations in both the private sector and non-profit community that are directly involved in this particular effort.

Before primary work streams are focused on strengthening the homeless prevention area, emergency shelters is the second area focus, increasing the stock of affordable housing and then the final area focus is on something that is referred to as cross-sector supports and when you peel back that onion layer cross-sector support is simply an acknowledgment that a number of ancillary things that have a direct impact on housing and homelessness. Everything from transportation to childcare to education, workforce development, substance use, mental health, all of the things of course have a bearing on the size of the challenge that we are faced with in affordable housing and homelessness. So, that one is more of a placeholder that we would come back to Council at the appropriate time for a deeper conversation.

Transitioning to the second category; Workforce Development and Employment, and I would underscore employment and this I believe is very consistent with the conversation that was had in the Workforce and Business Development Committee back in the June timeframe. I think and hope what you will see in these proposed strategies is a real emphasis on economic growth and job creation. If you think about a lot of what we did under the CARES Act as being very focused on relief programs. It made all the sense in the world at the time the economy was closing, now with the American Rescue Plan funding what you will see in these particular opportunities is an emphasis on what can the City do to continue to be a catalyst for growth and job creation, etc. There is some dosage of relief programming in here, but there is a pivot and I just wanted to acknowledge that as we get into some of the details.

Once again starting at the bottom and working our way up, the bottom two bars here each at \$5 million by in large these were programming that Economic Development, Tracy Dodson, and her team developed with CARES Act Funding which through many conversations with her and her team we see great value in standing these programs back up. So, I can just very quickly hit the highlights of some of these for you. Small Business Support, for example, the small business partner support grant program with the CARES Act we supported a dozen organizations in the community. So, the Charlotte Mecklenburg Black Chamber, the Latin American Chamber would be two for example. On one hand, on those, it may sound small but when you look at the reach that those dozen organizations have, they connected with over 10,000 members of the broader small business community. So, our belief is there is an opportunity to consider a program where we are investing again in these small business partners' support players that really live in this eco system on a daily basis.

With the Small Business Innovation Grant Program, you will recall last year early on, Honeywell and Charlotte Center City Partners started an innovation fund. The City of Charlotte got involved in that and we think once again there is a great opportunity here to do meaningful things with the small business sector. Now, with this particular program, it was not a relief program. I would underscore the word innovation, it was really a focus on what are things could be done to help small businesses with their competitiveness, what are some innovative ideas that they have? So, there were required to submit grant applications and it could have been anything from technical assistance to business coaching, development of e-commerce platforms, investments to allow for the safe reopening of a small business, things to enhance the digital consumer experience. It was intentionally intended to be fairly open-ended, but you will recall Economic Development Director Dodson during the CARES Act talked a lot about transitioning from the survive mode to the thrive mode. So, this particular program was very focused on helping small businesses to thrive going forward.

In the Workforce and Jobs Support category with Workforce Partners Support Grant Program, with the CARES Act, there were about two dozen organizations that were supported with that program. These would have been organizations like Goodwill and Road to Hire and the Urban League, so the emphasis was on organizations with proven training and workforce development programs. We did I believe \$3.5 million with that program under the CARES Act and we would not have a program quite that big this time around, but we could see value in that again. That is just intended to give you a little sense for some of what we are thinking about in terms of the CARES Programs that could be resurrected here with some ARPA funding.

Moving out to the Hospitality Sector; the hospitality sector of course tremendously impacted by the pandemic, we see continued opportunities for us to do things in that space. Two things have been contemplated here; one would be some direct support for the Charlotte Regional Visitors Authority in particular the things that they do to bring visitors to the City of Charlotte in hopes that that can really help lift up the broad community here. The second thing would be a possible grant program focused on hotels. With the CARES Act, we put I believe it was about \$6 million into a program for hotels. We ended up supporting about 100 hotels with that program. This wouldn't be that large and it would be more targeted. It would really focus on hotels which really suffered during the pandemic based on the magnitude of their revenue loss would give us a tangible objective way to evaluate the merits of those proposals, so we are kicking that around as an idea.

Finally, at the top is the Strategic Employment Plan, that is of course what you have been referring to more recently as Hire Charlotte and then Corridors Workforce Study, what are specific things that can be done within the corridor focus on jobs and economic mobility. The last Open for Business; would be a continuation of some things that were started under the CARES Act. The openforbusiness.com platform has really become a bit of a hub for the small business community, workforce development, business recruitment, etc.

Finally, in the Community Vitality bucket, there are a number of kinds of independent opportunities starting at the bottom and working our way up, The digital Inclusion here is

contemplated as a \$10 million investment. You will recall with the CARES Act you did roughly \$3 million in support of a range of the digital inclusion type investments and this is obviously proposing a larger play in that area. We've generally thought of the digital inclusion in kind of the three legs of the stool, one would internet access, second device access, and third the digital literacy. In conversations with [inaudible] and Rebecca Hefner, our belief is that the right place for the City of Charlotte to play if we do move down this path would be primarily in the internet access space. It wouldn't necessarily have to be exactly what we did under the CARES Act. If there is one thing I would reinforce, if we do anything in the internet access space, we will have to reevaluate what is the right approach, who is the right vendor, and what are the right types of technology? So, we aren't wedded to any particular approach, vendor, or technology in that area, what we are excited about is the opportunity to enhance internet access in this community. There are roughly 20% of the households in Mecklenburg County lacks broad banding service and without broad band service clearly, that can create a barrier for employment, a barrier for education, a barrier for access to healthcare, etc. We would have to go through a deliberate exercise to evaluate who are the best partners, what are the best technologies in order to achieve that outcome.

Moving up to non-profit support, here we have contemplated two distinct branches, the first one referred to as the competitive grant program would be very similar to what we did under the CARES Act. You may recall under the CARES Act we devoted \$2 million to a competitive grant program with three areas of emphasis in terms of where the investments were made. Equity, Inclusion, and Social Justice was one, Neighborhood Development is two and Environment is three. So, this basically contemplates that we would stand something up probably in that \$2 million range. Once again focused on those three particular categories under the assumption that those three categories are well aligned with Council priorities. What makes it competitive is we would open it up for requests and the requests would be likely graded and the money available so we would have to go through an evaluation process. We leaned on the United Way during the CARES Act and could rely on the third party for that kind of thing this time as well.

The second branch under non-profit support would really be brand new. It is something that just to be transparent I'm very enthusiastic about and hopeful that you would share the enthusiasm. Here would be two distinct opportunities, one would be the United Way stood up for the Unite Charlotte Program a few years ago and I believe many of you are very familiar with Unite Charlotte. Unite Charlotte is of course working with small grassroots non-profits in Charlotte. These are organizations with a mission that is focused on either racial equity or economic mobility. In terms of the grant-making that is done with Unite Charlotte, a preference is provided to organizations that are led by people of color and organizations that have a proven track record of working with marginalized communities. It is both operating grant support and capacity building and we like the fact that those two things go together under the Unite Charlotte model so this basically contemplates an opportunity where the City of Charlotte relies on some of the stimulus funding in order to inject resources into the Unite Charlotte model.

The second piece of that one that would be separate and distinct, but also focus on the small grassroots non-profit sector would be an opportunity that we've been cultivating with both the United Way and UNC-Charlotte and the Urban Institute in particular. This would be a new program referred to as a training academy, these are just ideas and discussions we've had, no commitments have been made, but as I said before, we want it to be tangible enough that you can react to it. The idea here would be to identify a collection, possibly two dozen local small grassroots non-profits that would participate in a multi-month training program focused on capacity building. The capacity building would be very specific, this is going to sound academic, but it would focus on those evaluation processes and performance matrices. The evaluation processes and performance matrix are incredibly helpful and valuable for small grassroots non-profits because one, it provides them with a better indication for whether they are truly pursuing their mission, and two, it provides them all out sequel with an opportunity to knock on the doors of local funders and have more of a data evidenced-based way of telling their story. These small grassroots organizations can often time be very persuasive in terms of their anecdotal stories, but sometimes from a funder perspective, the funders expect more from them.

Do the funders want to know how can I get some comfort that there will truly be a return on investment? We think this type of capacity building can put those small non-profits in a better position to do just that. Once again, it would put only for maybe two dozen local organizations so there are only so many non-profits you could run through this sort of program, but that is the sort of thing we could do with the ARPA funds there.

Moving up the list to Public Safety is a bit of a late addition for us as we've been working on this presentation for a number of weeks. In late June the Treasury Department released some additional FAQs (Frequently Asked Questions) associated with the Rescue Plan and the FAQs were quite helpful because they provided more context around what are some things you can do in the public safety space with Rescue Plan funding and we are not really bringing specific recommendations to you today, but I would highlight there are two things as we are reading through the FAQs that popped into our heads. One is to the extent there are certain crime hot spots in the City of Charlotte that you would like to leverage some Rescue Plan funding for, you could do that. Now, I-85 and Sugar Creek Road I know has come up in conversations, the Rescue Plan would allow you to do a number of things. One is you could increase policing resources in a particular area. Another is you could pursue a Violence Intervention Program. It doesn't necessarily have to look like what is being done on Beatties Ford Road, it would really depend on the nature of the crime and what are the right evidenced-based solutions in a particular geography. The third is you could also assess what are some possible root causes in a micro geography related to either substance use or mental health and you could develop some very specific programming. I just mention those as three generic examples, but the bottom line is if there was something you wanted to do around (a) crime hot spots or multiple crime hot spots there is some flexibility. Then the second thing is the opportunity to focus on domestic violence as an issue in this community and an issue that has only been made worse by the pandemic in ways so there could be an opportunity to provide some programming support for an organization such as the Umbrella Center. I mention those all just as for food for thought. That is not necessarily the only two things that you could do.

Arts and Culture was referenced before. This would be the first \$2 million in what would need to be the three-year strategy that you endorsed under the FY2022 budget. Then finally the YMCA has been a great partner for the City of Charlotte throughout the pandemic. A lot of the programming that they've provided particularly for youth and teens and this contemplates there are some additional programming that could be continued. The \$2 million shown here would really be for a number of things, but the most significant item in the proposal focuses on providing free access to 2,100 teenagers in zip codes of needs. So, there are six specific YMCAs but if we were to fund this opportunity there are six specific YMCAs that we would focus on and I would like to share those. McCrorey, Stratford Richardson, Johnston, Simmons, Keith, and Steele Creek, so over a 10-month period a little over 2,000 teens would have access to all the physical, mental, and social opportunities that the YMCA is really uniquely situated to provide. That is the quick 30,000-foot view of some early thinking and ideas around possible uses for Rescue Plan funding and would be happy to hear any comments and suggestions and feedback.

Mayor Pro Tem Eiselt said thank you, Shawn, for a lot of great information.

Mr. Jones said I just jotted down a few notes and I will just stick with my notes, again, this is just our best thinking at this point in time. As Shawn mentioned earlier nothing is binding, we are not even asking for any recommendations tonight. One thing that we could have done was just thrown it out there and not had the specificity, but I would hope that is what you would like from us, that we would use this cross-collaboration to bring you some level of specificity whether you take these two Committees or have other task force, I don't know what happens after this, but we just wanted to make sure that we gave you this. The other thing that maybe is the elephant in the room is that it is not much on the administrative side for the first allocation. For the second allocation, we may ask more, but right now from the administrative standpoint the budget is balanced, it is structurally balanced, not just this year but next year and the same concept you may look at those three buckets and say well there was less for the workforce and business development, but more for community vitality. Well, with the workforce and business development, for

example, we are having a job study. So, we believe much like what we are doing with the data dashboard with housing or Anti-displacement, let's let the data drive the decision-making. So, again great opportunities going into this next allocation, but this is all we tried to do today is just give you some of our best thinking.

Mayor Pro Tem Eiselt said so what you are saying because at one point some months ago you had indicated that we might have to put a lot of this round of funding after the CARES Act money into our own operations specifically to make up for the hospitality funds to service our debt. But now the world is changing at a fast pace and you are saying that we are better off than you thought we could possibly end up being.

Mr. Jones said yeah, it is kind of interesting, we had this discussion as a team initially I guess April of 2020, we thought we would come out of the hospitality sooner than we did and then you will fast forward a year, I think we then said we think we are coming out of it much later than we had expected so we are in this place of what we try to make sure we can make that debt service payment a year in advance and we can do that. So, it doesn't mean that we won't come back with this next allocation and try to shore up more around tourism, but for right now we feel comfortable that with our best thinking we think getting more resources out into the community are more important right now.

**Councilmember Graham** said great report, certainly a lot to unpack on a wide variety of fronts, certainly on the housing issue. I'm well aware of a number of these initiatives that were outlined tonight. I thought it was a well-prepared report, very comprehensive, and looking forward to the next steps in terms of where some of these initiatives lands flushing out a little bit more and implementing. One of the things obviously is a need to get the money into the hands of the people that need it and the programs that need them relatively soon so I don't want to get caught up in a whole lot of bureaucracy but certainly want to understand the timeline and the means and methods for how we move forward. Lastly, I'm glad Shawn, that you mentioned the aspect relating to public safety, that was my general question whether or not we could use some of these funds in that manner and I hope that we would consider some type of City-sponsored community help center where we could really provide a place where individuals can go on the Corridors of Opportunity to receive help whether it is job placement, partnering with other non-profits to provide wrap-around service, faith communities, etc. so I think there needs to be a check-in point along these corridors as they are changing where people can go for help and so that is a concept I spoke with the Manager about a number of months ago. So, hopefully, Mr. Manager, there is a way for us to have a broader conversation with Councilmembers about it through Committee work as well.

**Councilmember Egleston** said similar to some of Mr. Graham's points I was going to say I hope we don't, and he said it better than I was going to, put too much bureaucracy in being able to deploy these dollars when we've got a good opportunity to do so I don't see the need particularly given the areas we are talking about here. Mr. Graham touched on the community safety, housing, and workforce development stuff, these fit neatly into Committees that already exist on the Council. So, to me adding a new task force or Committees this time around would be redundant, unnecessary, and would slow us down. I do appreciate the specific ideas being put into this presentation instead of just saying here is a lump sum of money we have and what do you all want to do with it. I think a lot of these are great ideas and I would imagine that they will have the support of Council so, my question and the Manager sort of answered it was how we proceed from here and will these just be brought – I guess staff will bring something to the Council and say alright here is what we have flushed out a little bit more, but we think it is ready for action. Would the Council like to take it up as a full body or would the Council like to refer it to Committee for consideration? Will you bring those to us or do we need to proactively say yes, we like this subset of ideas that you've put forward in this presentation and proactively say we want to send it to Committee or do we want to take it up for a vote. Are all of this turn-key or are some of these going to require some more time on your part?

Mr. Jones said I don't think I thought I would ever say this, I'm not sure that it is not a bad idea just to take it to the various Committees. We believe that for the most part, these are building on successes that we've already had so we could with a thumbs up to go pretty

fast. I would think that three options would be much like last time, a task force or the Committees or the Committee as a whole which would be at a Strategy Session, but to answer your question, with a nod we could really go pretty fast.

Mr. Egleston said well I will just voice my vote for one of the two latter options because again, I think trying to create new systems when we've got systems that I think these fit neatly into just add time between now and the money getting to people that need it and the people who can deploy it and make an impact on the community.

**Councilmember Johnson** said I was one of the ones that asks if we could reinstate the task force and kind of discuss it, but I've changed my mind. These are good solutions that I would support just moving forward with a nod also. They are all exciting but having the money to invest in the wrap-around services for the community members is such a need. I support what Councilmember Graham said about the Community Center. I would hope we would collaborate possibly and bring some reentry services into that Community Center. Shawn was on a call with the Officers and University City Partners about the I-85 and Sugar Creek Road area, so these are just great solutions. One of the things that I'm noticing with all of the recovery dollars is there is money from the federal government for women with children, the unemployment, there was a subsidy, but there is a pocket of the population that I feel has fallen through the cracks, and I know it is not necessarily a City responsibility, but we are bearing the brunt. So, I would bet and gather that many of those individuals in Tent City were disabled and maybe hadn't worked and may not be eligible for unemployment so they may not be getting the stimulus dollars. Medi-Cade is expanded in North Carolina, so you've got a group of folks with possible mental illness or substance abuse that are falling through the cracks. I know we are reading a proclamation or resolution for American Disability Act, but people want help, they don't want a proclamation. So, I think that anything we can do to support that population, we know that once the State of Emergency is over, we don't want to see a resurgence of the Tent City so we've got to do something and do something quickly. So, if we are able to have this Community Center where individuals can get counseling or some type of services, maybe benefits assistance to help them apply for Social Security. The Intergovernmental Committee Team talked with our federal delegates so that Social Security applications aren't taking one to five years for approval. There is this population that is really falling through the cracks so anything we can do as a City to support those individuals with those invisible illnesses for me as an advocate for survivors living with brain injuries as well, I'm all for and I support it.

Mr. Jones said thank you, Ms. Johnson, I think what is different this time around is that both the County and the School System have stimulus funds too and what is different this time around we are really working well together and I truly agree with your point. One of the things we are trying to do and the County Manager and I have had those conversations is that there may be spaces that everything doesn't have to be 50/50 split, but if we are collaborating in multiple spaces, we think that is where we will have success. For example, we've heard a presentation from the Umbrella Center, we've heard presentations from the Rescue Mission, if you haven't heard you probably will get that soon and how we can work on some of these bigger projects together I think will give us an outcome that was a little bit better, even though I thought the City did a great job the first go-round. The challenge now is with all of these stimulus dollars, as you said, how can we collaborate and get the best thing?

Ms. Johnson said I think we did an excellent job, and this is an excellent plan. I'm just saying that even when it doesn't fall under our jurisdiction, we bear the brunt. That Tent City, we know what happened and those populations, if you really get to the root cause of what is going on, I will gather in many of those individuals fall into populations that is not getting any assistance right now. And so, the possibility of another Tent City where are they going to go, if there is not affordable housing, if they don't have income, so getting anything to get to the root cause of these issues is important to our City.

**Councilmember Watlington** said just a few follow-up questions, I as well support the idea of whatever we can do that is most efficient I'm supportive of that in terms of Committees that already exist. A question in regard to the federal funds for small non-

profits, how do we ensure that the barrier to entry is realistic? One thing that I know that we've dealt with a number of times, particular with the Safe Charlotte work is that we've got grassroots organizations who maybe don't have the history if you will or don't meet all of the kind of detailed requirements that established organizations have in order to get funding. How are we thinking about that?

Mr. Heath said one of the things we've discussed is in certain instances an organization may be small in grassroots and they don't even have a 501C3 designation. So, if they can align with the physical agent there may be an opportunity for us to still work with them. We haven't fully solved for that I would say we are aware of it and if we do this small grassroots play, we want to do it in a way where we are not boxing out the entire segment of the community.

Ms. Watlington said exactly, and as a follow up to that when it comes to capacity building, not just for non-profits, but also for businesses, I would love to see us really hone in on that piece and get creative whether it is mentor or mentee or kind of apprenticeship program, how do we really help people make that leap from I've got this great idea or I've been working on something on my own to this is how you stand up or scale up an organization. Whatever that looks like I would love us to try to put something together in regard to that. On the business side again, the apprenticeship type programs. If it is possible for us to help people from the workforce development standpoint get their professional licenses for instance so they can go into business in their trade or what have you. I would love to see us consider how we could help folks do that. The next piece is in regard to public safety. I too was very happy to see that there. I think about areas that are hot spots if you will but are not in Corridors of Opportunity like Nations Ford Road and Arrowood. I would love to see us target areas like that. Some of the neighbors have come forward here recently and have been working with the local CMPD (Charlotte Mecklenburg Police Department) Division on how do we prevent or deter loitering outside of businesses? So, I don't know if those things necessarily fall into violent crime until it is a violent crime so I would like us to think about how we help neighborhoods in those kinds of areas whether it is activating that space to deter loitering or what kinds of things we can do there, but definitely want to put that on the radar because it is something that I'm hearing quite a bit from my southwest area neighborhoods.

I also support reentry services. I think that is something Councilmember Johnson has talked about quite a bit and I definitely see the need for it, particularly as it relates to workforce development, so I absolutely support that. Then finally, under tourism I saw some things around CRVA (Charlotte Regional Visitors Association) and what have you. I know one thing as I think about those who may not be impacted or have not yet received any kind of assistance that also falls in this category of homeless and substance abuse and mental ill are our veterans. So, I know that the Veterans Hall of Fame is an organization that is established here in the local area and we've had several conversations with them about what help could potentially look like. If there is a way that we can marry up veteran's services with supporting the Hall of Fame in some way, I would love to see that.

**Councilmember Phipps** said did I understand Mr. Manager or Mr. Heath, these three areas are focused on housing, homelessness, workforce development, and employment in community vitality? Are these three things something that we work collaboratively on with the County and the School Board? Are these mutual objectives here or is each one still more or less might have their own separate silo areas that they want to focus on?

Mr. Jones said I believe the County Manager and her team made a presentation earlier this month and I think they had seven different areas to focus on. I'm not so sure with the School System, I think they have some limitations, but what I will say as I said to Councilmember Johnson, the key is that we are talking and there may be some spaces that typically we don't play in that we will and there may be some spaces that they don't typically play in. Did I get that halfway right?

Mr. Heath said yeah, I think what we are doing is we are each looking at our respective heat maps and we are trying to identify those connection points. So, the digital divide, for



example, would be an area where the County may not call out the digital divide for example as their own vertical tower but a lot of what they are focusing on are access considerations whether it be access to healthcare for example or other things. So, the digital divide to them would be an example of something they would consider underneath that. CMS of course is interested in digital inclusion as well so what we are doing is just trying to identify what is the commonality and once we identify an area of commonality then it is the more difficult conversation which is just to figure out what it is, we could actually do together here in a meaningful way? We are each working our way through the process. The County and CMS did make a report out to their governing boards earlier this month so we are the first one to put specific numbers associated with possible opportunities out there so we can't get ahead of their headlights, but the digital inclusion to me would be an example of something where I'm hopeful there will be an opportunity for us to collaborate, assuming that is where the Board of County Commissioners and CMS School Board ultimately decide they want to go.

**Councilmember Winston** said I'm going to go ahead and disagree with my colleagues a bit. I think it would be very unwise for us to just give a nod for staff to go ahead and divide this money out. Something I've talked to often with Mr. Jones about is the ability and need for us that works within government, but on different levels to check and balance each other and I think that is the way our representative government works really well. In order to do that check and balance that means we all have to do our work and play off part of that. I think we did that fairly well last year when we used the task force model, and we used the task force as well as the Committee structure and I think we should look at that. I will give you a couple of reasons why; let's think about what came out of that. Yes, Council was able to provide very high-quality policy guidance that gave staff the ability to create amazing programs and spend. But when we kind of let go where we weren't able to kind of hold each other accountable to all the questions and concerns some really bad things happened last year. So, let's go from when we were convening with the task force to the appropriations there were a couple of weeks or couple months that staff was doing that work, we were not able to have some of those checks. When it came to appropriate those dollars that Council gave guidance to it was a bit of a mess at the end of last summer around some of our votes and some of those votes were protracted political conversations that weighed out in the public's sphere and I think we need to avoid that again.

There are a couple of other things that have happened since then. We do go through the Safe Charlotte framework where we again used a methodical approach to provide policy guidance over time. You can see how that is factored into some of the ideas that was presented to us. The staff has presented us a whole lot of information that I think once we have to actually move on if we don't have a methodical approach there is going to be a whole lot of questions and a whole lot of concerns and I think we avoid that by doing the work first. Also, again just thinking of the context of the work that does need to be done. When we were getting about \$150 million, but we were getting it right at the beginning of the start of a global pandemic and we didn't know how to deal with that. But another important point is that we had to spend that money in eight months; \$150 million had to be accounted for in eight months. So, we had to do a bit of triaging and we had to do a bit of trying without knowing. We are in the situation where we have the same amount of money from the individual i.e., the City of Charlotte about \$150 million or \$142 million I think it is if I am doing my arithmetic correct, but as Mr. Jones said we don't have to spend that within a year. We actually have until 2024 again, we can be methodical with this and come up with potentially better solutions. Also, to the fact that now the County and CMS is getting that type of money and knowing that again, the kind of condition of the local situation while it is great to hear that Mr. Jones thinks that the County and the Schools and the City are working together, we don't have the most harmonious intergovernmental relations in our County right now. Why not try to take the opportunity to say we tried the task force and Committee approach now, but you know who wasn't there, folks from the County were not there, at least from the elected standpoint. Folks from the School Board weren't there, at least from the elected standpoint. Can we do a better job of leading here over the next three years that we are going to be spending this money by having that horizontally kind of integrated policy-making of a comprehensive nature across local and political bodies? If we can do that, I think that is how we really do

our job from the elected standpoint of checking and balancing on governance in this City and County and it avoids the kind of trap door of individuals elected just trying to get the projects or spend that their particular constituencies feel is most important or will be most impactful in their view to really kind of raise it up to the high-level approach that we are supposed to be working on from a policy-making approach. I hope that we can figure out again a hybrid of the task force committee workflow that we had, and we commit to doing that work over the rest of the term that we have through next spring.

**Councilmember Driggs** said I'm in general agreement with these priorities, I would be interested to know how these particular allocations were arrived at and whether there is any basis other than doodling for \$5 million for this and \$5 million for that. It would be nice to think that we had some basis for deciding where the weights should be. In particular, I'm interested in the hospitality sector support, given the mayhem in that industry do we have a particular reference that says that \$4 million is the right number there? Do we know what the financial impact was on the industry or what their financial condition is now and what the critical needs might be in that sector?

Mr. Jones said I will take a shot at it, Mr. Driggs. I will just go specifically to the question that you asked, the hospitality sector support. So, what we attempted to do is we really started off with \$3 million because I believe that would have been CRVA's budget request as it related to marketing and we actually did not have an allocation for let's say the hotels so, as Shawn mentioned earlier there are a bunch of iterations to this and this is probably one of the few things that has a footnote because we wanted to put a marker out there that it shouldn't just be CRVA but also the hotel support and whether or not that takes away from I guess another bucket, but we realized that it is important enough and that is why we wanted to have that as part of the package.

Mr. Driggs said I appreciate that; I just hope that will engage a little with the hotels and make an informed decision in the end. It is an important industry for us; that is why we have a CRVA and I don't know either what their condition is right now, but we all heard about the 85% impact on their business and given the importance of tourism and hospitality to our economy I think \$1 million is not a very significant number, but let's at least just get some data or engage with them in order to find out much would be needed in order to prevent something undesirable from happening in that sector.

Mr. Jones said we will do that Mr. Driggs. We do have some data in terms of the hotels that have bounced back better than others and so we can make sure that we put that as a part of the next Council packet.

Mr. Driggs said having traveled to New York over the weekend I can tell you that air travel has definitely bounced back. Things were packed in both directions, the Airport looked like one of those pre-war refugee migrations, so things are perking up, but a lot of damage was done over the last year.

Mayor Pro Tem Eiselt said we have a lot of folks in the room who would agree with you about that Airport business.

I just wanted to make a comment so I kind of fall somewhere between what everybody is saying. I absolutely support having this as a framework and it is not set in stone, but something to begin with and talk about. A comment with working with the City and the County, I just want to remind people who were really aware of it, but with the first round of CARES Act, Charlotte is a city with over 500,000 population so we were the only City in the state that got a direct allocation of CARES Act money. The County and CMS did not, the County came later so it wasn't really like it is now where we know what our allocations are and therefore, we can work together. With that I wondered Shawn, as we talk about this disruption to the economy and the workforce, I really noticed that there is a tremendous lack, if you have to get a plumber, if you have to have your car fixed, in the service industry, I feel like, and I keep getting the same answer from older folks who are in this trade industry saying younger people aren't interested, we know there is a hiring problem everywhere, but especially in areas of trade where they can make a lot of money. I hope that there are some conversations in this area with County and with CMS that are

saying let's get young people trained for trade jobs and working with – some of my colleagues were out there, the carpenter school up in North Charlotte that is training. I took a tour there and they are doing a great job of training folks for scaffolding, for roadwork, for bridges, for carpentry work so I hope there is some conversation there or ask you would there be some conversation there available to talk to people about very critical training for the future for apprentices in the trade industry?

Mr. Heath said I totally understand the question and that is the sort of thing that is very much on the table and I can get more contacts from Tracey Dodson that maybe just the sort of thing they have been thinking about in terms of the strategic [inaudible].

Mayor Pro Tem Eiselt said I would love to know that, and I also think it fits into what has been a legacy issue here in our community that we need jobs at all levels of income, not just those great banking and FinTech jobs. We need them at all levels of income, that is what is going to also address our affordable housing crisis.

**Councilmember Bokhari** said good work staff and that is a lot of hard work to get us to this point. I just make the quick comment that last year we had to do what we had to do on a timeline that was very tight and stressful and the word grant popped up in a lot of things in our strategies because that was the best, we could do strategically to come up with a program to get the money into the hands as a short-term survive component. We are in thrive now with this next piece and I know the staff and many have been hard at work since then, still building on these programs, but I think it will be a failure on our part if we simply divvy up money in the form of grants and hand them out again. What our workforce needs, what our small business's needs, what our hospitality sector needs, all those areas are outcomes with that money and how we utilize it. Those outcomes in my opinion are very simple, retooling for the new normal. So, if we are just handing out money for people to keep lights on right now, I think that can be chalked up as a failure. If we are figuring out creative ways to help the hospitality industry retool to prepare for a hybrid environment or workforce or small business set and then we are putting that money behind the outcomes of them being successful and being first to market and things I think that is what we have to do. I just really want us to focus on that because we had to do what we had to do last year, but we now have the time and a better view of what the reality is so I really deeply hope that we focus on the outcomes necessary to ultimately retool our small businesses and our workforce and our hospitality sector.

Mayor Pro Tem Eiselt said that wraps up comments on this topic. Thank you very much, Mr. Heath.

\* \* \* \* \*

## **PUBLIC FORUM**

### **ITEM NO. 4: PUBLIC FORUM**

#### **Protection for Airline Employees**

**Donielle Prophete, 8920 Avebury Drive** said I and the President of CWA Local 3645 here in Charlotte. I represent over 2,000 passenger service agents who work for Piedmont Airlines at the Charlotte Douglas International Airport. I'm here today to express my outrage about a recent workplace assault on one of my members and the inadequate response by all levels of government, especially our local law enforcement to follow the law and seek justice for my members. One June 28, 2021, a passenger named Jason Greenland tried to board a plane in a state of extreme intoxication. CWA agents were fulfilling their duties to secure the aircraft and protect other passengers denied Mr. Greenland access to the flight. He became extremely violent, physically assaulting two of our members and verbally attacking another Piedmont Agent. Video of the assault taken by a member of the public was obtained by the local news and is publicly available. Upon my investigation and viewing the actual Airport video footage that is also available to the Charlotte Mecklenburg Police Department, the assault was obvious. In just two days after

this attack the Mecklenburg County District Attorney declined to prosecute charges filed by law enforcement at the scene, citing there was a backlog of cases due to COVID.

We believe this decision to not prosecute in this case sends a clear message to travelers that there are no consequences for their actions against airline workers in the Charlotte Douglas International Airport despite the fact that verbal and physical assault in a clear violation of both local and federal law. Our CWA member was failed at every step, especially by local law enforcement who failed to pursue assault charges. When we ask why it is because the Officer did not see the attack himself. Too many times the victims of these assaults are left to sort it out creating an extra burden on top of the assault. Now more than ever we must send a clear message to airline employees in Charlotte that we are a priority. This assault is a part of a disturbing uptick in unruly passenger incidents in recent months. Since January 1 of this year, 3,420 incidents involving unruly passengers have been reported to the (FAA) Federal Aviation Administration. We have seen a rise in assaults caused by high traffic volumes, oversold flight delays, and flight cancellations. Other airline practices like understaffing and overworking agents only exacerbate these issues. My agents who have been put on the front line with these issues deserve to know that their safety is a priority. As City Councilmembers these incidents should concern and outrage you as well. The Charlotte Airport is a vital part of our national transportation infrastructure and a key driver of our local economy. We must ensure that it is a safe place to work and that your constituents and neighbors working there can perform their vital duties without fear of violence.

Our locals are very concerned that our members are required to prosecute on their own dime and their time. We are requesting that with every case the Officer has to do their due diligence in their investigation by viewing the Airport video at least and taking statements from all people involved including witnesses in an effort to get the appropriate charges filed.

Mayor Pro Tem Eiselt said thank you very much Ms. Prophete and I do appreciate that all of the Airport employees for what you are going through and this whole industry-changing. It has been chaotic as one who has flown recently has witnessed. That is, it for our Public Forum; I appreciate everybody who came out tonight and expressed your concerns and we do wish you safety while being at the Airport as you do your job.

\* \* \* \* \*

## **AWARDS AND RECOGNITION**

### **ITEM NO. 5: AMERICANS WITH DISABILITIES ACT AWARENESS DAY PROCLAMATION**

Mayor Pro Tem Eiselt read the following proclamation.

**WHEREAS**, on July 26, 1990, President George H.W. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. On July 26, we will celebrate the 31st anniversary of the signing of the ADA; and

**WHEREAS**, the ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life; however, the full promise of the ADA will only be reached if we remain committed to continue our efforts to fully implement the ADA; and

**WHEREAS**, Mecklenburg County and the City of Charlotte celebrate the contributions and achievements of people with disabilities and honor the goals of this landmark legislation; on the anniversary of the Americans with Disabilities Act, Mecklenburg County and the City of Charlotte also celebrate and recognize the progress that has been made by reaffirming the principles of equality and inclusion and recommitting our efforts to reach full ADA compliance; and

**WHEREAS**, we celebrate those positive changes in our community so people with disabilities can be free from negative attitudes and architectural barriers; we honor businesses in our community for complying with the Americans with Disabilities Act by making their establishments accessible and usable to all patrons with disabilities; and

**WHEREAS**, we envision a community in which every resident is accepted for who they are and where all are .. welcomed with respect and given equal opportunities to contribute to the human experience:

**NOW, THEREFORE, WE**, Vi Alexander Lyles, Mayor of Charlotte and George Dunlap, Chair of the Mecklenburg Board of County Commissioners do hereby reaffirm to continue to work toward full ADA compliance hereby proclaim July 26, 2021 as

**"AMERICANS WITH DISABILITIES ACT AWARENESS DAY"**

in Charlotte and Mecklenburg County and encourage all residents of the city and county to recognize that the Americans with Disabilities Act has, and will continue to, improve the quality of life for all people with disabilities in our community.

\* \* \* \* \*

**OLYMPIANS WITH TIES TO CHARLOTTE**

**Councilmember Phipps** said this proclamation was inspired by an article I read in the Charlotte Observer Sports Section Sunday a week ago and it has been amplified since then by various other media outlets.

**WHEREAS**, the Summer Olympics in Tokyo, Japan, will begin on July 23 and continue through August 8 and includes at least 11 competitors who previously or currently reside in the Charlotte metropolitan area: and

**WHEREAS** our city has a rich history of athletic accomplishment and can add to that success with medal-winning performances during these Olympic games; and

**WHEREAS** we celebrate the tenacity and hard work of all Charlotteans who rigorously train and compete to be the best in the world; and

**WHEREAS** the growth of Charlotte makes it a prime location for many world-class athletes to gather and work on their talents in a welcoming and supportive environment; and

**WHEREAS** we wish much success to:

Swimmer Erika Brown, 2016 graduate of Hough High School, Hurdler Anna Cockrell, 2016 graduate of Providence Day High School, Hurdler Gabrielle Cunningham, 2015 graduate of Mallard Creek High School, Triathletes Felix Duchampt and Anabel Knoll, graduates of Queens University, Swimmer Marius Kusch, graduate of Queens University, Whitewater Canoe, and Kayak specialists Evy Leibfarth, Zachary Lokken, and Michale Smolen, who all moved to Charlotte to train at the U.S. National Whitewater Center, Weightlifter Caine Wilkes, Indian Trail resident who trains at the Charlotte Strength Gym, and

Women's Rugby Player Naya Tapper, 2012 graduate of West Mecklenburg High School; and

**NOW, THEREFORE**, I, Vi Alexander Lyles, Mayor of Charlotte, do hereby proclaim July 19, 2021, as an official acknowledgment of

**"2021 OLYMPIANS WITH TIES TO CHARLOTTE"**

in Charlotte and commend its observance to all citizens.

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## BUSINESS

### ITEM NO. 6: HOUSING TRUST FUND SUPPORT REQUEST

**Pam Wideman, Director of Housing and Neighborhood Services** said for the sake of time I will be really brief. I have had the privilege to talk to each of you over the weekend and this is a NOAH (Naturally Occurring Affordable Housing), a naturally occurring affordable housing request. What I would say is the request is a little over a million dollars, it meets your NOAH policy that you passed last year, and I will share a few things about your policy. The complex is more than 15-years old the rents are in the AMI ranges that we strive for, it can be rehabilitated to maintain a good quality of life for at least 20 more years. It is in an area of opportunity with proximity to quality jobs, schools, and transportation, and it is in a neighborhood that is experiencing transformational change. Again, I want to respect your time, I'm happy to answer any questions that you might have about it.

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, to approve a \$1,050,000 Housing Trust Fund allocation to Wendover NOAH, LLC in the partnership with Ascent Housing, LLC for the requisition and rehabilitation of The Pines on Wendover Apartments.

**Councilmember Egleston** said I just want to thank all the people who are doing the work on this development and others to help us with our NOAH strategy. This is in District 1, in a place that has seen and will continue to see public and private investment so I think it is a great location but just in general the work that you guys are doing, Mark Ersk, and everybody that has been involved in this, please keep doing it and please keep bringing it to District 1 because everything in District 1 is increasing in price and the more of these type of opportunities we can find to lock in affordability, particularly near the City, near transit corridors, near job opportunities we need to do it. Thank you.

**Mayor Pro Tem Eiselt** said as an At-Large Representative, I would love to see it anywhere in the City because we need this kind of product and it is very creative and really fits the need for our 30% population.

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

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### ITEM NO. 7: APPOINTMENTS TO THE CHARLOTTE BUSINESS INCLUSION ADVISORY COMMITTEE

**Mayor Pro Tem Eiselt** explained the rules and procedures of the appointment process.

The following nominees were considered for one appointment for a partial term beginning upon appointment and ending February 28, 2022:

- Krista Chachra, nominated by Councilmembers Driggs, Graham, and Phipps.
- Stephanie Moore Hand, nominated by Councilmembers Ajmera, Bokhari, Egleston, and Watlington.
- Victor Perez, nominated by Councilmembers Driggs, Johnson, Newton, and Winston.

Results of the first ballot were recorded as follows:

- Krista Chachra, 2 votes, Councilmembers Ajmera and Graham.
- Stephanie Moore Hand, 4 votes, Councilmember Driggs, Egleston, Eiselt, and Watlington.
- Victor Perez, 4 votes, Councilmembers Johnson, Newton, Phipps, and Winston.

Since no candidate received at least six votes this will be brought back at the next Business Meeting.

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#### **ITEM NO. 8: APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT**

The following nominees were considered for one appointment for a three-year term beginning upon appointment and ending January 31, 2024:

- Roderick Davis, nominated by Councilmembers Ajmera, Bokhari, Graham, and Winston.
- Mary Kelly, nominated by Councilmembers Driggs, Egleston, Johnson, Newton, and Phipps.

Results of the first ballot were recorded as follows:

- Roderick Davis, 3 votes, Councilmembers Ajmera, Graham, and Winston.
- Mary Kelly, 7 votes, Councilmembers Driggs, Egleston, Eiselt, Johnson, Newton, Phipps, and Watlington.

Mary Kelly was appointed.

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### **ZONING**

#### **EXPLANATION OF ZONING MEETING PROCESS**

Mayor Pro Tem Eiselt explained the Zoning Meeting rules and regulations.

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#### **INTRODUCTION OF THE ZONING COMMITTEE**

**Keba Samuel, Chair of the Zoning Committee** introduced the members of the Zoning Committee and said the Zoning Committee will meet on Tuesday, August 3, 2021, at 5:30 p.m. to make recommendations on the petitions heard in the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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#### **DEFERRALS / WITHDRAWALS / NEW PUBLIC HEARING DATE**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer decision on Item No. 9, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC, to September 20, 2021; to defer decision on Item No. 10, Petition No. 2020-038 by Clover Group, Inc. to September 20, 2021; a withdrawal of Item No. 30, Petition No. 2021-051 by Urban Trends Real Estate, Inc.; a withdrawal of Item No. 31, Petition No. 2021-055 by Meritex Investments, LLC; and to defer a hearing on Item No. 32, Petition No. 2021-014 by Whitestone Holdings, Inc. to September 20, 2021.

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### **DECISIONS**

#### **ITEM NO. 11: ORDINANCE NO. 96-Z, PETITION NO. 2020-160 BY ALDERSGATE UNITED METHODIST RETIREMENT COMMUNITY AMENDING THE OFFICIAL**

**ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 70.014 ACRES LOCATED ALONG SHAMROCK DRIVE WITHIN THE GREATER ALDERSGATE RETIREMENT COMMUNITY FROM R-17 MF, INST, INST (CD) (MULTIFAMILY RESIDENTIAL, INSTITUTIONAL, INSTITUTIONAL CONDITIONAL) TO UR-2(CD) AND MUDD (O) (URBAN RESIDENTIAL, CONDITIONAL AND MIXED-USE DEVELOPMENT, OPTIONAL WITH 5-YEAR VESTED RIGHTS).**

The Zoning Committee voted 5-0 (motion by Spencer, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Eastland Area Plan (2003) 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 institutional 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 request for a mixture of residential and non-residential uses in an institutional setting achieves the plan's goal of creating a "balanced mixture of land uses". The site's mixture of uses (including community centers, medical offices, youth centers) would provide a benefit to the surrounding community outside the rezoning boundary. The proposal commits to phased transportation improvements (pedestrian crossings/signals, turn lanes, etc..) to improve transportation safety and accessibility for the site. The request also achieves the plan's goal of "supporting strong neighborhoods" through ongoing investment in area neighborhoods. The added residential density (9.18 dwelling units per acre (DUA)) is balanced by the proposed mixture of on-site neighborhood services such as civic centers, personal service/EDEE/retail uses, and medical offices. The approval of this petition will revise the adopted future land use for Development Area 2 as specified by the Eastland Area Plan from institutional to residential/office/retail for the site and will revise Development Areas 1, 3, and 4 from institutional to residential uses up to 12 DUA.

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 revised two transportation notes, one regarding transportation improvements related to the funding of state project U-5803 while the other revised a conditional note to match the ROW for Shamrock Drive between the site plan and conditional note 5. a.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously not to send this petition back to the Zoning Committee.
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Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-160 by Aldersgate United Methodist Retirement Community and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Eastland Area Plan (2003) with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends institutional 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 request for a mixture of residential and non-residential uses in an institutional setting achieves the plan's goal of creating a "balanced mixture of land uses". The site's mixture of uses (including community centers, medical office, youth centers) would provide a benefit to the surrounding community outside the rezoning boundary. The proposal commits to phased transportation improvements (pedestrian crossings/signals, turn lanes, etc.) to improve transportation safety and accessibility for the site. The request also achieves the plan's goal of "supporting strong neighborhoods" through ongoing investment in area neighborhoods. The added residential density (9.18 dwelling units per acre (DUA)) is balanced by the proposed mixture of on-site neighborhood services such as civic centers, personal service/EDEE/retail uses, and medical offices. The approval of this petition will revise the adopted future land use for Development Area 2 as specified by the Eastland Area Plan from institutional to residential/office/retail for the site, and will revise Development Areas 1, 3 and 4 from institutional to residential uses up to 12 DUA as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 263-264.

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**ITEM NO. 12: ORDINANCE NO. 97-Z, PETITION NO. 2021-004 BY 1511 CENTRAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .905 ACRES LOCATED AT THE NE INTERSECTION OF CENTRAL AVENUE AND PECAN AVENUE IN THE PLAZA-MIDWOOD COMMUNITY FROM B-2 PED (BUSINESS, PEDESTRIAN OVERLAY) TO B-E PED (O) (BUSINESS, PEDESTRIAN OVERLAY, OPTIONAL).**

The Zoning Committee voted 5-0 (motion by Ham, 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 Plaza-Central Pedscape Plan (2003) with respect to proposed land use, based upon the information from the post-hearing staff analysis and the public hearing, and because the petition is consistent with the Plan's recommendation for Multi-Family over 12 dwelling units per acre (DUA)/Office/Retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the request's maximum height request is reasonable considering the site's proximity to single-family homes. The request is contextually appropriate considering the site's location along Plaza Midwood's Central Avenue corridor. The proposal preserves an existing building with frontage along Central Avenue which also maintains the dominant streetscape pattern. The request achieves the Plaza-Central Pedscape Plan's vision through preserving historic retail space and building forms.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to adopt Petition No. 2021-004 by 1511 Central, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Plaza-Central Pedscape Plan (2003) with respect to proposed land use, based upon the information from the final staff analysis and the public hearing, and because the petition is consistent with the Plan's recommendation for Multi-Family over 12 dwelling units per acre (DUA)/Office/Retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the request's maximum height request is reasonable considering the site's proximity to single family homes. The request is contextually appropriate considering the site's location along Plaza Midwood's Central Avenue corridor. The proposal preserves an existing building with frontage along Central Avenue which also maintains the dominant streetscape pattern. The request achieves the Plaza-Central Pedscape Plan's vision through preserving historic retail space and building forms.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 265-266.

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**ITEM NO.13: ORDINANCE NO. 98-Z, PETITION NO. 2021-008 BY THE MORGAN COMPANIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.41 ACRES LOCATED ALONG THE WEST SIDE OF CARMEL COMMONS BOULEVARD SOUTH OF PINEVILLE-MATTHEWS ROAD, AND EAST OF CARMEL ROAD FROM O-1 (OFFICE) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 4-1 (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 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 office use. 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 site is within a designated activity center per the Center, Corridors, Wedges Growth Framework. Activity centers are recommended for walkable, mixed-use development. The introduction of retail use to the office area creates additional mixing of uses in the area and retail use is compatible with office land uses. The proposed site plan proposes a new private drive providing vehicular and pedestrian connectivity through the larger block, between Carmel Road and Carmel Commons Boulevard. Improves the pedestrian experience with the provision of urban open space along a portion of the private drive and the front of the building and reduces surface area parking with the proposed subterranean deck. Provides pedestrian-oriented transportation improvements including push-button pedestrian signals at Pineville-Mathews Road and Carmel Road and improved accessible ramps at Carmel Commons Boulevard at Pineville-Matthews Road. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from Office to Retail for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to approve Petition No. 2021-008 by The Morgan Companies 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 office use. 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 site is within a designated activity center per the Center, Corridors, Wedges Growth Framework. Activity centers are recommended for walkable, mixed use development. The introduction of retail use to the office area creates additional mixing of uses in the area and retail use is compatible with office land uses. The proposed site plan proposes a new private drive providing vehicular and pedestrian connectivity through the larger block, between Carmel Road and Carmel Commons Boulevard. Improves the pedestrian experience with the provision of urban open space along a portion of the private drive and the front of the building and reduces surface area parking with proposed subterranean deck. Provides pedestrian oriented transportation improvements including push button pedestrian signals at Pineville-Mathews Road and Carmel Road and improved accessible ramps at Carmel Commons Boulevard at Pineville-Mathews Road. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from Office to Retail for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 267-268.

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**ITEM NO. 14: ORDINANCE NO. 99-Z, PETITION NO. 2021-021 BY PORTMAN RESIDENTIAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 27.65 ACRES LOCATED ON THE SOUTH SIDE OF STATE STREET, SOUTHWEST OF ROZZELLES FERRY ROAD, AND EAST OF TUCKASEEGEE ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent and inconsistent with the Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because The plan recommends office/retail/residential uses. The plan recommends greenway uses for a portion of the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed added uses are consistent with the adopted recommended land use for the site, as amended by rezoning petition 2016-112. This petition does add a new development area to a portion of the site that was previously recommended for greenway uses. The greenway recommendation will remain on the area being used for the greenway. The increase of 410 residential units (650 units total) is compatible with the surrounding land uses in the area and are within one mile of two CATS Gold Line transit stops, and within 500 feet of a bus stop. The site also sits along with the existing and future extension of the Stewart Creek Greenway being developed by the Mecklenburg County Park and Recreation Department, which provides recreational opportunities for residents. The petitioner has already dedicated and conveyed a portion of the property for the greenway under the previously approved site plan. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from greenway to office/retail/residential use for a portion of the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-021 by Portman Residential and adopt the following Statement of Consistency: This petition is found to be consistent and inconsistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because The plan recommends office/retail/residential uses. The plan recommends greenway uses for a portion of the site. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed added uses are consistent with the adopted recommended land use for the site, as amended by rezoning petition 2016-112. This petition does add new development area to a portion of the site that was previously recommended for greenway uses. The greenway recommendation will remain on the area being used for the greenway. The increase of 410 residential units (650 units total) is compatible with the surrounding land uses in the area and are within one mile of two CATS Gold Line transit stops, and within 500 feet of a bus stop. The site also sits along the existing and future extension of the Stewart Creek Greenway being developed by Mecklenburg County Park and Recreation Department, which provides recreational opportunities for residents. The petitioner has already dedicated and conveyed a portion of the property for the greenway under the previously approved site plan. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from greenway to office/retail/residential use for a portion of the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 269-270.

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**ITEM NO. 15: ORDINANCE NO. 100-Z, PETITION NO. 2021-025 BY NVR, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.05 ACRES LOCATED ALONG THE NORTH AND SOUTH SIDES OF WALLACE LANE, EAST OF EAST INDEPENDENCE EXPRESSWAY FROM UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) AND R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) SPA (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT) AND UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL)**

The Zoning Committee voted 6-0 (motion by Welton, 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 Independence Boulevard Area Plan for the portion of the site on the north side of Wallace Lane and inconsistent with the Plan for the portion of the site on the south side of Wallace Lane, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential up to 17 units per acre for the portion of the site on the north side of Wallace Lane. The plan recommends residential up to 4 units per acre for the portion of the site on the south side of Wallace Lane. 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 previously approved plan allowed 119 units at 12.9 units per acre for the portion on the north side of Wallace Lane. Maintains connectivity through the northern site while preserving sensitive wetlands and stream corridors. The southern portion includes 3 large infill parcels, fronting Wallace Lane not part of the adjacent neighborhoods. Provides landscaped buffers adjacent to neighboring single-family homes for the entirety of the site. Provides architectural design standards and limits building heights to 40 feet for all units. The entire site is in close proximity to Independence Boulevard and the Lynx Silver Line corridor and is approximately 1 mile from the nearest proposed Silver Line station. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan, from residential up to 4 units per acre to residential up to 12 units per acre for the portion of the site on the south side of Wallace Lane.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-025 by NVR, Inc. and adopt the following statement of Consistency: This petition is found to be consistent with the Independence Boulevard Area Plan for the portion of the site on the north side of Wallace Lane and inconsistent with the Plan for the portion of the site on the south side of Wallace Lane, based on the information from the final staff analysis and the public hearing and because the plan recommends residential up to 17 units per acre for the portion of the site on the north side of Wallace Lane. The plan recommends residential up to 4 units per acre for the portion of the site on the south side of Wallace Lane. 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 previously approved plan allowed 119 units at 12.9 units per acre for the portion on the north side of Wallace Lane. Maintains connectivity through northern site while preserving sensitive wetlands and stream corridor. The southern portion includes 3 large infill parcels, fronting Wallace Lane not part of the adjacent neighborhoods. Provides landscaped buffers adjacent to neighboring single family homes for entirety of the site. Provides architectural design standards and limits building heights to 40 feet for all units. The entire site is in close proximity to Independence Boulevard and the Lynx Silver Line corridor and approximately 1 mile from the nearest proposed Silver Line station. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan, from residential up to 4 units per acre to residential up to 12 units per acre for the portion of the site on the south side of Wallace Lane.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 271-272.

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**ITEM NO. 16: ORDINANCE NO. 101-Z, PETITION NO. 2021-027 BY EVERGREEN LIVING AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.97 ACRES BOUND BY THE NORTH SIDE OF I-485, SOUTH SIDE OF MT. HOLLY-HUNTERSVILLE ROAD, AND EAST SIDE OF OAKDALE ROAD FROM R-3 LWPA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-8 MF (CD) LWPA (MULTIFAMILY RESIDENTIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northwest District Plan (1990) recommendation of single-family based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 140 single-family attached dwelling units for a density of 7.38 DUA. While inconsistent with the area plan and with the GDP recommendation of a density between 4-6 DUA, the petition does help to fulfill the area plan's goal of encouraging a wide range of housing opportunities with an emphasis upon quality of development. The parcel to the left of the site has a future land use of Single-Family/Multi-Family up to 8 DUA, meaning that the slightly higher density requested in this petition would not be out of character with the potential density allowed in the adjacent parcel. The petition proposes to incorporate certain architectural and design features for an enhanced pedestrian experience, including minimized garage doors, 6-foot sidewalks and 8-foot planting strips along internal streets, and a 12-foot shared-use path and 8-foot planting strip along the site's frontage on Mt. Holly-Huntersville Road. The petition proposes constructing a public street in the middle of the site with two street stubs on either end, to ensure street connectivity and access between future constructed developments on the site's adjacent parcels. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan (1990), from Single-family Residential <= 4 DUA to Residential <= 8 DUA for the site.

The petition 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. A clarification of the architectural details with regard to garage doors as follows: Garage doors visible from a public or private street will minimize the visual impact by providing one or more of the following: a setback of 12 to 24-inches from the front wall plane; architectural treatments such as translucent windows and projecting elements over the garage door opening; a garage door with windows and light fixtures on either side or above the garage door.

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

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2021-027 by Evergreen Living and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northwest District Plan (1990) recommendation of single family based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 140 single family attached dwelling units for a density of 7.38 DUA. While inconsistent with the area plan and with the GDP recommendation of a density between 4-6 DUA, the petition does help to fulfill the area plan's goal of encouraging a wide range of housing opportunities with an emphasis upon quality of development. The parcel to the left of the site has a future land use of Single-Family/Multi-Family up to 8 DUA, meaning that the slightly higher density requested in this petition would not be out of character with the potential density allowed in the adjacent parcel. The petition proposes to incorporate certain architectural and design features for an enhanced pedestrian experience, including minimized garage doors, 6-foot sidewalks and 8-foot planting strips along internal streets, and a 12-foot shared-use path and 8-foot planting strip along the site's frontage on Mt. Holly-Huntersville Road. The petition proposes constructing a public street in the middle of the site with two street stubs on either end, to ensure street connectivity and access between future constructed developments on the site's adjacent parcels. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan (1990), from Single Family Residential <= 4 DUA to Residential <= 8 DUA for the site as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 273-274.

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**ITEM NO. 17: ORDINANCE NO. 102-Z, PETITION NO. 2021-034 BY JCAN PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .29 ACRES LOCATED AT 2020 PARSON STREET IN THE VILLA HEIGHTS NEIGHBORHOOD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).**

The Zoning Committee voted 6-0 (motion by Spencer, 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 Central District Plan (1993) with respect to proposed land use but consistent with General Development Polices, based on the information from the post-hearing staff analysis and the public hearing, and because the Central District Plan recommends single-family uses up to four DUA for the site. General Development Policies recommends 6-8 DUA based upon meeting locational criteria set forth in the document. 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 while over the Central District Plan's recommended density, the petition meets GDP's locational criteria for consideration of six to eight DUA. The requested density is reasonable as the parcel is near existing neighborhood amenities (less than .3 miles from Cordelia Park and .1 mile from a school). The request aligns with the Central District Plan's policy recommendation of promoting "more urban scale infill development...". The R-8 district's intent is to address "urban single-family living." The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from single-family uses up to four DUA to residential uses up to eight DUA.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-034 by JCAN Properties, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan (1993) with respect to proposed land use but consistent with General Development Polices, based on the information from the final staff analysis and the public hearing, and because the Central District Plan recommends single family uses up to four DUA for the site. General Development Policies recommends 6-8 DUA based upon meeting locational criteria set forth in the document. 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 while over the Central District Plan's recommended density, the petition meets GDP's locational criteria for consideration of six to eight DUA. The requested density is reasonable as the parcel is near existing neighborhood amenities (less than .3 miles from Cordelia Park and .1 mile from a school). The request aligns with the Central District Plan's policy recommendation of promoting "more urban scale infill development...". The R-8 district's intent is to address "urban single family living." The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from single family uses up to four DUA to residential uses up to eight DUA.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 275-276.

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**ITEM NO. 18: ORDINANCE NO. 103-Z, PETITION NO. 2021-035 BY ARGOSY REAL ESTATE PARTNERS IV, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.99 ACRES LOCATED ON THE WEST SIDE OF WESTPARK DRIVE, EAST OF HIGHWAY 77, SOUTH OF TYVOLA ROAD AND WEST OF OLD PINEVILLE ROAD FROM I-1 (LIGHT INDUSTRIAL) AND I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL)**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Tyvola & Archdale Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office, industrial-warehouse-distribution uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petition proposes adapted reuse of the existing hotel structure for multi-family residential use or continued use for a hotel. The residential use supports the surrounding office, industrial and distribution use, and nearby commercial use by providing housing opportunities for potential employees of the businesses. The site is .85 miles from the Tyvola transit station via Griffith Road and Old Pineville Rd. The approval of this petition will revise the adopted future land use as specified by the Tyvola & Archdale Transit Station Area Plan, from office, industrial-warehouse-distribution uses to residential/office/retail use for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2021-036 by Argosy Real Estate Partners IV, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the with the Tyvola & Archdale Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office, industrial-warehouse-distribution uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition proposes adapted reuse of the existing hotel structure for multi-family residential use or continued use for a hotel. The residential use supports the surrounding office, industrial and distribution uses and nearby commercial uses by providing housing opportunities for potential employees of the businesses. The site is .85 mile from the Tyvola transit station via Griffith Road and Old Pineville Rd. The approval of this petition will revise the adopted future land use as specified by the Tyvola & Archdale Transit Station Area Plan, from office, industrial-warehouse-distribution uses to residential/office/retail use for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 277-278.

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**ITEM NO. 19: ORDINANCE NO. 104-Z, PETITION NO. 2021-037 BY PROVIDENCE GROUP CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.76 ACRES LOCATED ALONG THE EAST SIDE OF SOUTH TRYON STREET, NORTH OF REMOUNT ROAD, AND WEST OF SOUTH BOULEVARD FROM TOD-NC (TRANSIT ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT, URBAN CENTER).**

The Zoning Committee voted 6-0 (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 consistent with the New Bern Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends transit-mixed-use for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site is within a ½-mile walk of the proposed Rampart Station. The proposal allows a site that is currently used for auto-repair purposes to be redeveloped with a transit-supportive project. The parcels were rezoned from I-2 to TOD-NC as part of petition 2019-102. The TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The use of conventional TOD-UC zoning applies standards and regulations to create desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD 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. 2021-037 by Providence Group Capital, LLC and adopt the following Statement of Consistency. This petition is found to be consistent with the New Bern Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends transit-mixed use for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is within a ½-mile walk of the proposed Rampart Station. The proposal allows a site that is currently used for auto-repair purposes to be redeveloped with a transit supportive project. The parcels were rezoned from I-2 to TOD-NC as part of petition 2019-102. The TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The use of conventional TOD-UC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD 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 64, at Page(s) 279-280.

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**ITEM NO 20: ORDINANCE NO. 105-Z, PETITION NO. 2021-038 BY WHITE POINT PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2 ACRES LOCATED AT THE SOUTHERN INTERSECTION OF CHARLES AVENUE AND BREVARD STREET FROM TOD-M (CD) (TRANSIT ORIENTED DEVELOPMENT, MIXED, CONDITIONAL) TO TOD-UC (EX) (TRANSIT-ORIENTED DEVELOPMENT, URBAN CENTER, EXCEPTION).**

The Zoning Committee voted 6-0 (motion by Welton, 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 25th Street Station Plan with respect to proposed land use, based on the information from the post-hearing staff analysis and the public hearing, and because the Plan recommends mixed transit-oriented development at 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 request meets the approval standards listed in Section 15.12.4 in the City's TOD Ordinance, including being a "creative approach to the use of land that results in more efficient development than might otherwise be accomplished under the strict application of this ordinance" as well as encouraging "...the redevelopment, restoration, and/or adaptive reuse of existing structures...". The request meets the requirement of the utilization of the EX-district in that the petition provides two required actions – one action from sustainability (commitment to adaptively reuse the building with the need for the EX-provision) and one action from public benefit (commitment to provide enhanced bike parking and seating). TOD-UC is appropriate for this site as it is less than .5 miles from the 25th Street Station.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-038 by White Point Partners, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the 25th Street Station Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends mixed transit-oriented development at 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 request meets the approval standards listed in Section 15.12.4 in the City's TOD Ordinance, including being a "creative approach to the use of land that results in more efficient development than might otherwise be accomplished under the strict application of this ordinance" as well as encouraging "...the redevelopment, restoration, and/or adaptive reuse of existing structures...". The request meets the requirement of utilization of the EX district in that the petition provides two required actions – one action from sustainability (commitment to adaptively reuse the building with the need for the EX provision) and one action from public benefit (commitment to provide enhanced bike parking and seating). TOD-UC is appropriate for this site as it is less than .5 miles from the 25th Street Station.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 281-282.

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**ITEM NO. 21: ORDINANCE NO. 106-Z, PETITION NO. 2021-039 BY CRESCENT COMMUNITIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.5 ACRES LOCATED ALONG THE EAST AND WEST SIDE OF SENATOR ROYALL DRIVE, SOUTH OF WEST MALLARD CREEK CHURCH ROAD, AND WEST OF I-85 FROM RE-1 (RESEARCH) TO RE-3 (O) (RESEARCH OPTIONAL)**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the University Research Park Area Plan (2010) recommendation office/Residential use up to 22+ dwelling units per acre for a portion of the properties, and inconsistent with the area plan's recommendation office for the remainder, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office/residential use up to 22+ dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 350 multi-family dwelling units and 30 single-family attached units for a density of 17.67 DUA, which is consistent with the area plan's recommendation for Residential/Office of up to 22+ dwelling units per acre (DUA) for parcel 04738107. While this petition is inconsistent with the future land use for parcel 04717132, this parcel is adjacent to parcels designated for Office/Residential land use, and the petition's proposal of residential use will not encroach upon existing businesses. The addition of multi-family uses in this area will increase the mix of uses in the University Research Park area. The petition commits to adding a 12-foot multi-use path along the site's frontage along Senator Royall Drive and to adding a network of pedestrian and vehicle connections on all internal streets, increasing the walkability and connectivity in this area. The petition commits to enhanced architectural details such as varied roof lines and complementing wall textures, pedestrian-friendly elements such as decorative pedestrian lighting, pedestrian hybrid beacon crossing across Senator Royall Drive, and public outdoor seating. The approval of this petition will revise the adopted future land use as specified by the University Research Park Area Plan (2010), from Office to residential use up to 22+ dwelling units per acre for parcel 04738107.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-039 by Crescent Communities, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the University Research Park Area Plan (2010) recommendation of Office/Residential use up to 22+ dwelling units per acre for a portion of the properties, and inconsistent with the area plan's recommendation of Office for the remainder, based on the information from the final staff analysis and the public hearing, and because the plan recommends office/residential use up to 22+ dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 350 multi-family dwelling units and 30 single family attached units for a density of 17.67 DUA, which is consistent with the area plan's recommendation for Residential/Office of up to 22+ dwelling units per acre (DUA) for parcel 04738107. While this petition is inconsistent with the future land use for parcel 04717132, this parcel is adjacent to parcels designated for an Office/Residential land use, and the petition's proposal of residential use will not encroach upon existing businesses. The addition of multi-family uses in this area will increase the mix of uses in the University Research Park area. The petition commits to adding a 12-foot multi-use path along the site's frontage along Senator Royall Drive and to adding a network of pedestrian and vehicle connections on all internal streets, increasing the walkability and connectivity in this area. The petition commits to enhanced architectural details such as varied roof lines and complementing wall textures, pedestrian-friendly elements such as decorative pedestrian lighting, pedestrian hybrid beacon crossing across Senator Royall Drive, and public outdoor seating. The approval of this petition will revise the adopted future land use as specified by the University Research Park Area Plan (2010), from Office to residential use up to 22+ dwelling units per acre for parcel 04738107.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 283-284.

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**ITEM NO. 22: ORDINANCE NO. 107-Z, PETITION NO. 2021-040 BY MATTAMY HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 41.50 ACRES LOCATED ALONG THE NORTHERN PORTION OF ROCKY RIVER ROAD BETWEEN JOHN RUSSELL ROAD AND BACK CREEK CHURCH ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Spencer, 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 Rocky River Road Area Plan (2006) with respect to proposed land use but inconsistent with the Plan's recommended density, based on the information from the post-hearing staff analysis and the public hearing, and because the Plan recommends residential uses at or below four DUA. 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 request is consistent with the plan's recommendation of residential land uses at this site. The requested density is only slightly above the recommended density of the site and remains under five DUA (4.81 DUA overall). The proposed project facilitates the Rocky River Road Area Plan's vision as stated that the area should offer a balanced mix of land uses and housing opportunities. Land use goals for this area include encouraging a mixture of housing types and allowing intensification of land uses in areas with complementary land uses and supporting infrastructure. The general land use pattern in the area includes residential developments of complementary density. The approval of this petition will revise the adopted future land use as specified by the Rocky River Road Area Plan from residential uses up to four DUA to residential uses up to five 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 revised the plan to illustrate a proposed stub street to the SE portion of the site as constructed and committed to off-site transportation improvements through the construction of a sidewalk along the southern side of Rocky River Road, west of the project's proposed entrance.

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

Motion was made by Councilmember Johnson, seconded by Councilmember Newton, to approve Petition No. 2021-040 by Mattamy Homes and adopt the following Statement of Consistency: This petition is found to be consistent with the Rocky River Road Area Plan (2006) with respect to proposed land use but inconsistent with the Plan's recommended density, based on the information from the final staff analysis and the public hearing, and because the Plan recommends residential uses at or below four DUA. 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 request is consistent with the plan's recommendation of residential land uses at this site. The requested density is only slightly above the recommended density of the site and remains under five DUA (4.81 DUA overall). The proposed project facilitates the Rocky River Road Area Plan's vision as stated that the area should offer a balanced mix of land uses and housing opportunities. Land use goals for this area include encouraging a mixture of housing types and allowing intensification of land uses in areas with complementary land uses and supporting infrastructure. The general land use pattern in the area includes residential developments of complementary density. The approval of this petition will revise the adopted future land use as specified by the Rocky River Road Area Plan from residential uses up to four DUA to residential uses up to five DUA for the site as modified.

**Councilmember Newton** said I just wanted to quickly thank the petitioner for her willingness to meet with the community on this petition. They made a commitment to an off-site sidewalk extension which would connect this development to Reedy Creek Park. This was the petitioner that came in front of us last month in the Finco area. As we all know that area is in need of infrastructure improvements and that is the commitment that this petitioner has made, and there will also be a net gain of tree canopy on this site as well. I just wanted to thank the petitioner for their willingness to work with the community on that.

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

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 285-286.

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**ITEM NO. 23: ORDINANCE NO. 108-Z, PETITION NO. 2021-041 BY PARESHKUMAR PATEL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.95 ACRES LOCATED ALONG THE WEST SIDE OF RONALD STREET, NORTHEAST OF OLD PLANK ROAD, AND WEST OF OAKDALE ROAD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (MULTIFAMILY RESIDENTIAL).**

The Zoning Committee voted 6-0 (motion by Ham, 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 Northwest District Plan (1990) recommendation of multi-family use except for parcel 03513536 where it recommends single-family residential use, based on the information from the post-hearing staff analysis and the public hearing, and

because the plan recommends multi-family residential uses except parcel 03513536, where it recommends single-family residential use up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the Northwest District Plan (1990) recommends multi-family residential use for all parcels except parcel 03513536, where it recommends single-family residential use up to 4 DUA. While the petition is inconsistent with the future land use recommendation for parcel 03513536, allowing for a higher density would not be out of character for the site, as the parcel is adjacent to parcels with a future land use of Multi-Family. The petition fulfills the district plan's goal to encourage a wide range of housing opportunities. Zoning this site to R-8MF is in keeping with the surrounding area designated for multi-family use. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan (1990), from Single-family Residential up to 4 DUA to Residential up to 8 DUA for parcel 03513536.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-041 by Pareshkumar Patel and adopt the following Statement of Consistency: This petition is found to be consistent with the Northwest District Plan (1990) recommendation of multi-family use except for parcel 03513536 where it recommends single family residential use, based on the information from the final staff analysis and the public hearing, and because the plan recommends multi-family residential uses except parcel 03513536, where it recommends single family residential use up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the Northwest District Plan (1990) recommends multi-family residential use for all parcels except parcel 03513536, where it recommends single family residential use up to 4 DUA. While the petition is inconsistent with the future land use recommendation for parcel 03513536, allowing for a higher density would not be out of character for the site, as the parcel is adjacent to parcels with a future land use of Multi-Family. The petition fulfills the district plan's goal to encourage a wide range of housing opportunities. Zoning this site to R-8MF is in keeping with the surrounding area designated for multi-family use. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan (1990), from Single Family Residential up to 4 DUA to Residential up to 8 DUA for parcel 03513536.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 287-288.

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**ITEM NO. 24: ORDINANCE NO. 109-Z, PETITION NO. 2021-042 BY SIRUS LANE PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.73 ACRES ON THE NORTH SIDE OF SHOPTON ROAD, EAST OF SANDY PORTER ROAD, AND WEST OF PINECREST DRIVE FROM I-1 (CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY) TO I-2 (CD) AIR (GENERAL INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).**

The Zoning Committee voted 5-1 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with Westside Strategic Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends a mixed office, retail, and light industrial 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 I-2 (CD) general industrial zoning for this parcel, while inconsistent with the light industrial recommendation for the site, is compatible with the industrial developments in the area. The conditional use allows for outdoor storage of equipment and material to allow for a manufacturing use which is compatible with the industrial developments in the area. The site is located within the Shopton Road Industrial Activity Center, as per the Centers

Corridors and Wedges Growth Framework. The petition commits to transportation improvements along Shopton Road including a left turn lane into the site, a 5' bicycle lane, 8' planting strip, and 6' sidewalk. The proposed industrial uses will be screened from adjacent residential zoning and use by a minimum 75' buffer with a berm. The approval of this petition will revise the adopted future land use as specified by the Westside Strategic Plan, from office/retail/light industrial to industrial for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, to approve Petition No. 2021-042 by Sirius Lane Partners, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with Westside Strategic Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends a mix of office, retail, and light industrial 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 I-2 (CD) general industrial zoning for this parcel, while inconsistent with the light industrial recommendation for the site, is compatible with the industrial developments in the area. The conditional use allows for outdoor storage of equipment and material to allow for a manufacturing use which is compatible with the industrial developments in the area. The site is located within the Shopton Road Industrial Activity Center, as per the Centers Corridors and Wedges Growth Framework. The petition commits to transportation improvements along Shopton Road including a left turn lane into the site, a 5' bicycle lane, 8' planting strip, and 6' sidewalk. The proposed industrial uses will be screened from adjacent residential zoning and uses by a minimum 75' buffer with a berm. The approval of this petition will revise the adopted future land use as specified by the Westside Strategic Plan, from office/retail/light industrial to industrial for the site.

**Councilmember Watlington** said I wanted to hear a little bit if possible, from Mr. Pettine about the Zoning Committee discussion regarding the prohibited uses. I see here that the staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan. Committee member Spender raised a question about the list of prohibited uses and why automobile repair, car washes, gas stations, and fuel storage tanks were not included. Staff responded that the list of prohibited uses were taken from the recently approved adjacent rezoning. There was an additional Zoning Committee discussion regarding the unlikely suitability of a gas station for this location on Shopton Road roughly a half-mile from the intersection with Steele Creek Road. The staff added that the list of prohibited uses for this rezoning does include automotive service and repair and car washes but that staff would follow up with the petitioner to see if they would be amenable to adding fuel storage tanks to the list of prohibited uses. I just want to know if that conversation happened and what the outcome was.

**David Petting, Planning** said the conversation did happen so everything is prohibited as far as gas stations, service stations for the public. They did respond about the question we posed that they would be willing to not have any kind of tanks on the property and they did respond back to us that they were unable to do that because they do need some level of fuel service for their own fleet vehicles so it wouldn't be, from what I understand, an underground tank, but it would be the kind of tank you see for a landscaping company with equipment that is on-site where they can gas up on the property and then go their respective job sites. They weren't able to commit to anything more than what they've got which prohibits gas stations and things that would be consumer-oriented, but the fuel storage tank wouldn't be something above ground that they would be able to prohibit just because they need that for their operations.

Ms. Watlington said but it wouldn't be below ground.

Mr. Pettine said that is correct.

Mr. Pettine said let me clarify one thing, I didn't answer that incorrectly, so they did say that fuel storage is critical, they do have plans for either above-ground or below-ground tanks. They would not want to exclude it. I misread the sentence in that e-mail.

A substitute motion was made by Councilmember Watlington, seconded by Councilmember Newton, to defer this decision until there is clarification on underground or above ground gasoline storage.

**Mayor Pro Tem Eiselt** said that is pretty substantial.

Mr. Pettine said I guess if we have conversations with them above ground would be a better alternative for their own fuel services for their fleet than the below ground. Would that be a reasonable option?

Mr. Watlington said for me yes.

Mr. Pettine said it would just be the below ground that causes the concern.

**Councilmember Bokhari** said I will defer to the District Rep but I'm just curious as to how it got to a vote right now where this wasn't known that this was potentially going to be an issue and needed to be addressed or deferred.

Mayor Pro Tem Eiselt said it did sound like Ms. Watlington did ask about it but maybe you didn't get the answer.

Ms. Watlington said I didn't see the last line [inaudible].

**Councilmember Driggs** said I have a similar question a deferral could be an economic and significant event and I would like to be a little clearer about how this came about. Was there any lasting exchange where the petitioner failed to meet his intentions about this issue? I just want to be sure that we don't create a hardship for them without the Council understanding why we are doing this. I will support the District Rep, but I don't like to without understanding why all of this is happening.

Mayor Pro Tem Eiselt said I think sometimes things just come up that are material and it was in the notes and it just got overlooked but it is kind of a big issue.

Mr. Petting said I can provide some background; at the Zoning Committee meeting they did vote to move the petition forward, but we did have a Zoning Committee member that voted to not support the petition due to the presence of underground fuel tanks on the site. So, we did reach out to the petitioner to ask if they would be willing to take those off the table and they said they were not able to take the option for above or below ground fuel tanks to service their own fleet. So, they moved it forward with the understanding that that was an item the Zoning Committee raised as a concern, and now that concern is being discussed at the Council decision.

Mr. Driggs said was the petitioner aware that there was a possibility that we would defer it tonight? Is that something they understood when they insisted on the underground tank?

Mr. Pettine said the staff didn't communicate that, we just asked them if they would be willing to and they said they were unable to make that commitment and we moved it forward as it was.

Mr. Driggs said I think it is a question for Ms. Watlington.

Ms. Watlington said no, I haven't had any conversation with this petitioner that I can recall. That is why reading the notes I wanted to follow up on what the outcome was. I wasn't under any impression that there was a big issue from the petitioner's standpoint.

Mr. Driggs said I'm just kind of unhappy with the situation. I want to support the District, but I just don't understand what is going on frankly. Is the petitioner available?

**Denada Jackson, Constituent Services Division Manager** said I'm looking right now.

Mr. Bokhari said while she is looking, I'm just trying to piece together this right now so, it sounds like if I am interpreting this correctly, that the petitioner at some level understood the desire or this was an issue but decided to move forward anyway with the vote knowing that if it failed that land would be locked up for two-years. So, I'm just trying to piece that piece of information together knowing that like, did they want to have a decision made tonight because they could have opted to defer themselves?

Mayor Pro Tem Eiselt said Denada is looking to see if that individual is online. I don't know if we can do this procedurally, but maybe even move to the next decision and give someone a chance to contact the petitioner because to your point we could just take a vote and it might fail and I don't think that is fair to the petitioner and maybe they would be fine with saying give us – I guess it would go to September 20<sup>th</sup>, is that right and also, we would want to know if there is some sort of debt punitive toward them as well if we don't have a decision tonight. Are we able to do that?

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**ITEM NO. 25: ORDINANCE NO. 110-Z, PETITION NO. 2021-043 BY ROBERT ALLEN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.21 ACRES LOCATED ON THE NORTH SIDE OF FAIRVIEW ROAD, EAST OF PARK ROAD, AND WEST OF BARCLAY DOWNS DRIVE FROM UR-C (CD) (URBAN RESIDENTIAL COMMERCIAL, CONDITIONAL) TO R-3 (SINGLE-FAMILY RESIDENTIAL).**

The Zoning Committee voted 5-1 (motion by Welton, 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, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential use up to 22 DUA. 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 rezones the site to R-3 which allows single-family residential up to 3 units per acre. Prior to the 2007 rezoning for UR-C(CD) the parcel was zoned R-3. Zoning to R-3 would allow development compatible with the surrounding development pattern.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, to approve Petition No. 2021-043 by Robert Allen and adopt the following Statement of Consistency: This petition is found to be consistent with the South District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential use up to 22 DUA. 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 rezones the site to R-3 which allows single family residential up to 3 units per acre. Prior to the 2007 rezoning for UR-C(CD) the parcel was zoned R-3. Zoning to R-3 would allow development compatible with the surrounding development pattern.

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

YEAS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 291-292.

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**ITEM NO. 26: ORDINANCE NO. 111-Z, PETITION NO. 2021-045 BY MADISON CAPITAL GROUP, LLC AMENDING THE OFFICIAL ZONING MAY OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATE 19 ACRES**



**LOCATED ON THE EAST SIDE OF MALLARD CREEK ROAD, NORTHEAST OF RIDGE ROAD, WEST OF I-85 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-17 MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Spencer, 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 Northeast Area Plan (2000) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends Single-family/Multifamily/Institutional/Office/Retail up to 12+ dwelling units per acre (DUA). 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 fulfills the area plan's goals of providing a mixture of land uses in this area and of building higher density residential in proximity to bus and other transit lines, as this site is within a 1/3 mile of a University Research Park Route bus stop. The petition proposes to construct a public street cutting through a portion of the site, leaving the opportunity for future road extensions to public roads on either side, increasing connectivity among nearby neighborhoods, and helping fulfill the area plan's goal of an interconnected street network. The petition proposes an amenity area on the site which will include a pool, an open space area, a dog park, and seating areas. The petition commits to building a minimum 8-foot sidewalk and 8-foot planting strip along the public street to be constructed within the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-045 by Madison Capital Group, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast Area Plan (2000) based on the information from the final staff analysis and the public hearing, and because the plan recommends Single family/Multifamily/Institutional/Office/Retail up to 12+ dwelling units per acre (DUA). 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 fulfills the area plan's goals of providing a mixture of land uses in this area and of building higher density residential in proximity to bus and other transit lines, as this site is within a 1/3 mile of a University Research Park Route bus stop. The petition proposes to construct a public street cutting through a portion of the site, leaving the opportunity for future road extensions to public roads on either side, increasing connectivity among nearby neighborhoods and helping fulfil the area plan's goal of an interconnected street network. The petition proposes an amenity area on the site which will include a pool, an open space area, a dog park, and seating areas. The petition commits to building a minimum 8-foot sidewalk and 8-foot planting strip along the public street to be constructed within the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 293-294.

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**ITEM NO. 27: ORDINANCE NO. 112-Z, PETITION NO. 2021-046 BY ALENKY FAMILY FOUNDATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.26 ACRES LOCATED ALONG THE SOUTH SIDE OF RUTGERS AVENUE, WEST OF WEST SUGAR CREEK ROAD, AND NORTH OF NORTH TRYON STREET FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Welton, 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 Central District Plan (1993) land use designation of single-family residential up to 4 dwelling units per acre, but consistent with the General Development Policies, which supports residential density up to 17 dwelling units per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential up to 4 dwelling units

per acre. The General Development Policies recommend a residential density of up to 17 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes to subdivide parcel 08705203 to build a maximum of three single-family dwelling units, for a density of 11.39 DUA. The General Development Policies (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The petition's request for residential up to 12 DUA is less dense than the General Development Policies support of up to 17 dwelling units per acre. This petition helps to fulfill the Central District Plan (1993) goal of increasing the supply of compatible infill housing, especially in vacant and underutilized properties. This petition proposes single-family detached housing, which is appropriate and compatible with the character of the surrounding single-family neighborhood that contains primary detached housing. The approval of this petition will revise the adopted future land use, as specified by the Central District Plan (1993), from Single-family <= 4 DUA to Residential <= 12 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Watlington, and carried unanimously to approve Petition No. 2021-046 by Alenky Family Foundation and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan (1993) land use designation of single family residential up to 4 dwelling units per acre, but consistent with the General Development Policies, which supports residential density up to 17 dwelling units per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential up to 4 dwelling units per acre. The General Development Policies recommend residential density up to 17 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes to subdivide parcel 08705203 to build a maximum of three single family dwelling units, for a density of 11.39 DUA. The General Development Policies (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The petition's request for residential up to 12 DUA is less dense than the General Development Policies support of up to 17 dwelling units per acre. This petition helps to fulfill the Central District Plan (1993) goal of increasing the supply of compatible infill housing, especially in vacant and underutilized properties. This petition proposes single family detached housing, which is appropriate and compatible with the character of the surrounding single-family neighborhood that contains primary detached housing. The approval of this petition will revise the adopted future land use, as specified by the Central District Plan (1993), from Single Family <= 4 DUA to Residential <= 12 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 295-296.

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**ITEM NO. 28: ORDINANCE NO. 113-Z, PETITION NO. 2021-047 BY CAROLYN ASSOCIATES OWNER, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 27.410 ACRES LOCATED OFF CAROLYN LANE AND JOE WHITENER ROAD WITH FRONTAGE AND ACCESS TO UNIVERSITY CITY BOULEVARD FROM UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-2 (CD) SPA (URBAN RESIDENTIAL CONDITIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 6-0 (motion by Spencer, seconded by Welton) to approve this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Newell Small Area Plan (2002) and the University City Area Plan (2015) 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 residential units up to 17 DUA. 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 request compliments the adopted vision for the University City Area Plan in

that it improves accessibility by maximizing the use of existing local street connections to provide a high level of mobility and multi-modal access. The project accomplishes that by committing to continue construction, through a reimbursement agreement with the City, on the Dave McKinney Avenue extension connecting the site and surrounding neighborhood directly to the University City Boulevard Blue Line Station. The proposal achieves the Newell Small Area Plan's land use objective by providing a broad range of housing. The proposed intensity is reasonable considering the site's proximity (over .5 miles but under .7 miles) to the University City Boulevard Blue Line Station. The proposed mixture of residential uses is an appropriate transition between student housing to the west of the site and detached single-family homes to the east.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, to Petition No. 2021-047 by Carolyn Associates, Owner, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Newell Small Area Plan (2002) and the University City Area Plan (2015) with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends residential units up to 17 DUA. 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 request compliments the adopted vision for the University City Area Plan in that it improves accessibility by maximizing the use of existing local street connections to provide a high level of mobility and multi-modal access. The project accomplishes that by committing to continue construction, through a reimbursement agreement with the City, on the Dave McKinney Avenue extension connecting the site and surrounding neighborhood directly to the University City Boulevard Blue Line Station. The proposal achieves the Newell Small Area Plan's land use objective by providing a broad range of housing. The proposed intensity is reasonable considering the site's proximity (over .5 mile but under .7 miles) to the University City Boulevard Blue Line Station. The proposed mixture of residential uses is an appropriate transition between student housing to the west of the site and detached single family homes to the east.

**Councilmember Phipps** said today I tried to get some clarification and staff analysis comments about the status of a reimbursement agreement between the petitioner and the City in terms of the funding for road construction for the Dave McKinney Boulevard and despite the various attempts to gain some clarity on it, I'm still pretty much in limbo here. In an e-mail from the agent for the petitioner, he seems to suggest that the petitioner will in fact be improving the intersection of University City Boulevard and Dave McKinney Boulevard and will also be improving how Carolyn Lane intersects with North Tryon Street and University City Boulevard so I'm trying to figure out if we say in the staff analysis that the reimbursement agreement has not been finalized but yet we have the agent here seems to be making a statement that the petitioner is, in fact, will be doing these improvements. I'm sort of at a loss as to who to believe in this situation so I would like some help if anybody in C-DOT (Charlotte Department of Transportation) would know with any specificity whether or not the staff analysis comments still hold inasmuch as there has not been a reimbursement agreement executed yet and it is still pretty much in limbo whether or not the petitioner will fund the construction of the road or will, in fact, the City will be constructing the Dave McKinney Boulevard Extension. Can anybody comment on that?

**Robyn Byers, Transportation Program Manager** said what we have is that the City and Spectrum are currently working toward a developer reimbursement agreement, so it hasn't been fully executed yet. The City has completed 70% plans and Spectrum is going to take those plans and finalize the design and construct the road once that agreement is executed.

Mr. Phipps, so we've been working on this agreement of how long?

Dr. Byers said I can't answer the exact date of that, but your point is taken.

Mr. Phipps said I'm still confused about it, still in a state of flux so I don't know if I am in a position as this point to support the petition so I will probably be a no vote on this and rely on my colleagues to carry it through if it is so their will.

**Councilmember Johnson** said I was going to ask Dave Pettine if he could elaborate more on this petition. This is a clarification of a zoning petition that has already been approved, so if you could give some background on this Dave, I would appreciate it.

**David Pettine, Planning** said it is really just a plan amendment from a previously approved rezoning back in 2019. The commitments in some of the notes were just further clarified, they were already in permitting and land development and there were some transportation items that needed to be cleaned up from some of the note perspectives. There were some things that were just unclear on some of the road extensions and connections that were being provided to some of the existing infrastructures. Those were updated, all the entitlements stayed the same as far as a number of units. It really was just a cleanup of some of the transportation notes that were in there. As they got into permitting some of the notes in the earlier petition were a little bit open-ended and this kind of closed some of the gaps that we had when they were trying to get permits for construction.

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

YEAS: Councilmember Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Watlington, and Winston.

NAYS: Councilmember Phipps.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 297-298.

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**ITEM NO. 29: ORDINANCE NO. 114-Z, PETITION NO. 2021-088 BY THE CHARLOTTE MECKLENBURG HOSPITAL AUTHORITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.27 ACRES LOCATED ON THE NORTHWEST INTERSECTION OF SOUTH KINGS DRIVE AND MEDICAL CENTER DRIVE, EAST OF BLYTHE BOULEVARD FROM B-1 (NEIGHBORHOOD BUSINESS) TO O-3 (OFFICE).**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent and inconsistent with the Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office, retail, and greenway uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site is adjacent to a number of parcels with existing office uses. On the western boundary of the site is the Little Sugar Creek Greenway. The Central District Plan (1993) recommends Greenway uses in areas within the floodplain of Little Sugar Creek, but at this time there has been no indication that additional land is required for this section of the Greenway adjacent to the subject site. The O-3 zoning district allows for some retail uses in office buildings under prescribed conditions. The proposal allows a site currently used as a surface parking lot to be redeveloped to better complement the adjacent Atrium Health Carolinas Medical Center. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, for the area of the site currently recommended for greenway uses to office use.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-088 by the Charlotte Mecklenburg Hospital Authority and adopt the following Statement of Consistency: This petition is found to be consistent and inconsistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office, retail, and greenway uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is adjacent to a number of parcels with existing office uses. On the western boundary of the site is the Little Sugar Creek Greenway. The Central District Plan (1993) recommends Greenway uses in areas within the floodplain of Little Sugar Creek, but at this time there has been no indication that additional land is required for this section of the Greenway adjacent to the subject site. The O-3 zoning district allows for some retail uses in office buildings under prescribed conditions. The proposal allows a site currently used as a surface parking lot to be redeveloped to better complement the adjacent Atrium Health Carolinas Medical Center. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, for the area of the site currently recommended for greenway uses to office use.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 299-300.

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**CONTINUATION OF ITEM NO. 24: ORDINANCE NO. 109-Z, PETITION NO. 2021-042 BY SIRUS LANE PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.73 ACRES ON THE NORTH SIDE OF SHOPTON ROAD, EAST OF SANDY PORTER ROAD, AND WEST OF PINECREST DRIVE FROM I-1 (CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY) TO I-2 (CD) AIR (GENERAL INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).**

**Terrie Hagler-Gray, Senior Assistant City Attorney** said sure.

Mayor Pro Tem Eiselt said let's hold off on Item 24 for a moment to see if we can reach the petitioner and move on to Item No. 25.

Later in the meeting Council returned to Item No. 24 to finalize their discussions and vote.

Ms. Watlington said upon hearing additional information it sounds like the petitioner has agreed to only store fuel above ground.

Mr. Pettine said that is correct.

Ms. Watlington said that I will withdraw my motion to defer.

Mayor Pro Tem Eiselt said so that will be a note in the plan.

Mr. Pettine said yeah, we did receive an e-mail and was able to reach out to the petitioner team and they send an e-mail saying they commit to any fuel tanks on-site would be above ground. We will have that note to the plan that we stamp for approval, but that would be part of the notes that would get approved with this motion this evening should the rezoning be approved.

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.

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

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

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 289-290.

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## HEARINGS

**ITEM NO. 33: HEARING ON PETITION NO. 2021-052 BY WOODLAWN COMMUNITY FELLOWSHIP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.74 ACRES LOCATED ON THE SOUTH SIDE OF THE INTERSECTION OF SELWYN AVENUE AND EAST WOODLAWN ROAD, EAST OF PARK ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this 1.74 acres on East Woodlawn Road between Selwyn Avenue and Pinehurst Place is currently zoned R-3. The proposed zoning is for UR-2 (CD). The adopted future land use from the South District Plan recommends single-family up to three dwelling units per acre. We will get into GDP (General Development Policy) discussion in just a moment. The proposal itself is for up to 38 single-family attached dwellings, the density comes out at 21.83 units per acre. We do have a building height of 40-feet and we have a building height allowance up to 48-feet by the ordinance with the provisions of some step backs. Vehicular access as shown you can see it goes between Pinehurst Place and Selwyn Avenue which will connect through the site. We do have a minimum of four visitor parking spaces provided. Architectural and design standards have been provided as well along with an eight-foot masonry wall on the southern property line which is the line adjacent to single-family homes. We also have an eight-foot planting strip and sidewalk along the public street frontages. There is also a commitment to use best practices to protect and preserve the existing trees along Selwyn Avenue and Woodlawn Road utilizing bridging sidewalks where necessary.

As mentioned, the staff does not recommend approval of this petition in its current form. We do have several items that still need to be addressed that staff felt were outstanding enough for us to provide that recommendation. Things like providing a minimum 10-foot width landscape buffer along the southern property lines. We would like the limitation on building heights for some of those southernmost units near single-family to be clarified to be just 40-feet which is our standard single-family building height. Also buffer and height plain cross-sections, we would like to see them on the rezoning plan to see how the buildings interact with adjacent land uses. Also at least eight internal visitor parking spaces instead of just the four and then some other items that we've got listed out in the staff analysis that we still would like to see addressed. If those items get addressed staff would reconsider our recommendation. It does meet the standard for General Development policies that would support a density of over 17 units per acre so we are consistent with that, but overall, we still have some design elements staff would like to see addressed. With that, I will turn it over to the petitioner's team as well as the public and we can take any questions following their presentations.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I am here on behalf of the petitioner [inaudible] presentation I will turn it over to Joel Giland, representative of the property owner and petitioner to do a little bit of the introduction and I'll take it.

**Joel Giland, 13816 Professional Court Drive, Huntersville** said a bit of clarification about the petitioner and about the origin of this petition. Woodlawn Community Fellowship is an original merger of Grace United Methodist and Selwyn United Methodist formerly Mouson United Methodist Church. As we have seen more and more of our community-based churches waning in support, more of our churches are combining to combine their assets, combining membership to have greater impact and greater longevity of their ministry. The church has actually invited this team to help with this redevelopment. The church is a partner in this, they are not leaving this development and are committed to

doing an excellent job here, but this is a way for the church to continue to stay in the community and grow it's [inaudible].

Mr. Brown said on the screen, this is a little more in the weed than our typical presentations. You will hear from some speakers from the community and they are very involved and engaged. This has been a very respectful back and forth, knowing there would be a great deal of community involvement. We started very early with the outreach connecting with some residents back in January and so this has involved and so sometimes when these get to the hearing we are talking about the big picture and issues should this happen or should it not. I think will hear from the community and they too said we expect something will be developed here. So, I think we are on the same page with that. We really are trying to negotiate the details. We spent a good amount of time working with both staff and the neighbors.

As Dave mentioned there are a number of items that staff has expressed as concerns and so we continue to work through those as well as feedback from the neighbors. This is where we are since what Dave presented to you was the petition that we presented about five weeks ago. However, in that time we met with the neighbors most recently last Thursday, we have another meeting scheduled in person at the site later this month, so we are working through a number of items to address the concerns. One thing you will hear is the separation between the single-family homes to the south of the site and our site. As Dave mentioned staff was requesting a 10-foot buffer, we have added that. One of the things I would like to point out on this, you can see our townhome units there closest to the site and the single-family homes south of them. But then notice behind the townhomes we've located our tree save area there so that the backyards of these homes don't have any buildings. They don't have any parking; they don't have any dumpsters in that area. We think that our tree saves an area that provides 50 plus feet of separation in that area. We are continuing to refine our plan, obviously, at the hearing tonight we have included a privacy wall. These will be added prior to taking this petition to the Zoning Committee and then what you can see illustrated here, we are continuing to work with the neighbors and staff on how these buildings relate to each other. What you can see on the left-hand side is an existing single-family home. Our development is shown there on the right and so what this shows is the buildings that are fronting on the street there is actually a much greater separation between those homes and the single-family homes. There is a second layer of townhomes behind the site, that is where there is closer proximity, and the single-family homes there are some of the original homes in the neighborhood. If you drive down Selwyn Avenue you will notice, there is a lot of redevelopment underway. Many of the new homes being built now are at the three-story range. We expect that new infill development will continue to look like that.

Dave mentioned visitor parking; the plan that staff most recently reviewed had four additional visitor parking spots. Now, these of course are in addition to the driveways and parking spaces that are dedicated for each unit. The plan has been revised now to include eight visitor parking spaces.

Architectural standards, something we've been talking with the neighbors about. The left-hand of visual here was our prior elevation. This elevation was fronting Pinehurst Place and Selwyn Avenue; the neighbors asked if the design team could break up those buildings, so they looked more like single-family residential homes. The next iteration you see there on the righthand side of the screen is breaking up those buildings; instead of six units two sets of three units. So, all of these are being incorporated in our rezoning plan that we will submit following this hearing.

We continue talking about this density as we talk about in most of these cases. This is an ideal site for townhomes, and I'll show you in a moment some visuals that as we talk about the 2040 Plan, we talk about accommodating growth, this is the perfect site when we talk about 10-minute neighborhoods. We are walking distance to Park Road Shopping Center, walking distance to the Cross Charlotte Trail, and walking distance to the Myers Park Campuses which have a Middle School, High School, and Elementary School so it is just a fantastic location. From my perspective, I don't think we have enough density

here. This is a great location for it; there is about a six-lane thoroughfare in front of the site, so this certainly makes sense or some density.

As Dave mentioned staff is supportive of the density we are proposing. This is where we started for 56 units. We have since taken that down; the next iteration of the plan reduces the unit counts down from 56 units to 42 units and then currently there was a 40-unit plan that was reviewed by Planning earlier this spring and now we have reduced the unit count again, so currently down at 38 units. This is what staff has reviewed, the neighbors have reviewed, and we continue to have those conversations about density.

The existing street trees was something that the neighbors mentioned as a priority in the area and are there some beautiful oaks on the site. Basically, there are very few trees on the site now other than street trees and so the yellow dots show every existing tree that will be preserved. There is only one significant tree on the site, the red dot there that will be removed and that has already been reviewed by an Arborists and indicated that that tree was in jeopardy. So, really striving to maintain and with the new tree save area the rear of the site adjacent to the single-family lots we might even see more canopy on the site than exist today.

As with every rezoning petition we talk about traffic, we talk about increased traffic on local streets. Fortunately, this site fronts three streets so you've got Woodlawn Road there on the site, Pinehurst Place, and Selwyn Avenue on each side. Of course, if I lived next to this site, I don't want any more cars on my street either. Pinehurst Place is a fairly narrow street. The community has asked if we could eliminate that access point on Pinehurst Place and instead have a new access point on Woodlawn Road. Frankly, we don't think that is a safe approach, so we are proposing driveway access on both sides which I think suits the City's connectivity policy. What we've done, as you can see on this plan, we've made that a more-securest route and included a traffic cushion and calming device. Additionally, because we acknowledge there will be some impacts on Pinehurst Place, we are working with C-DOT and the community to put some traffic calming devices on Pinehurst Place. C-DOT has worked with us on some new cross-sections and locating where this could happen.

Next up the corner tree safe areas, these are prominent highly visible corners and the community has asked us if we can make those publicly accessible and so the development team is willing to do that. You can see those there on each corner which will be a nice amenity to the neighborhood.

The next item is rooftop terraces which everyone likes and there is some open space. We have changed our plans to orient them away from the external streets. Folks on Selwyn Avenue and Pinehurst Place across the street said we don't want balconies and things, so we have made that change. That kind of brings us back to where we are so we continue to work on those. Everything that I've shown you tonight, staff has not reviewed because our plan that was in five weeks ago did not have all these changes so there will be another evolution. We are continuing as I mentioned, to work with the neighbors. We will meet with them on site I believe on the 27<sup>th</sup>, I expect some more tweaks will happen, and then we will bring another revised plan to the Zoning Committee. Happy to take questions after comments from the neighbors.

**Anderson Pearson, 3025 Selwyn Avenue** said I am one of the close nit group of 20 or so neighbors surrounding this rezoning that have been in communication with the petitioner. While we welcome and even encourage multifamily for this location, we oppose the petitioner's current site plan strategy. For most of us, density is not the issue, we agree this is a great spot for it. The layout is the issue. Our three main concerns are as shown on this first slide here, we request a reasonable 20-foot Class C buffer at the single-family property lines to benefit both parties. This slide compares a recent similar rezoning buffer at single-family homes to the petitioner's request of 10-foot rear yards and 48-foot-tall units. This slide compares the petitioner's request to the neighborhood's request of a 20-foot Class C buffer. Number two, we request eliminating or limiting access to Pinehurst Place to benefit neighbors and this development. This slide shows an alternate site plan provided by neighbors showing gated vehicular access to limit cut-



through traffic from Woodlawn Road. Number three, we request a realistic number of off-street visitor parking spaces to benefit the development as well as those living on Selwyn Avenue and Pinehurst Place. This slide shows an alternate site plan provided by neighbors showing no access to Pinehurst Place and 20 off-street visitor spaces. The staff has asked for eight, the petitioner has shown six, and then an additional two that are on street.

In short, we need staff and Council's help. Please support our efforts to the petitioner and request that they work with our neighborhood group in earnest. We realize these concept plans are schematic and need refinement to meet other various requirements, but we implore the petitioner to work with us and its neighbors to create a responsible development that respects and integrates into the fabric of this community.

**Adam Tan, 3119 Pinehurst Place** said I am the adjacent property owner, Sam Scott who is the other adjacent property owner, I have spoken with him on the phone today, but unfortunately, he was unable to join this call but we discussed my talking points and concerns and we are aligned here. I would like to start off by acknowledging and thanking Collin Brown, Brittany Lins, developer Roy Goode and Thomas Goode with [inaudible] properties for opening these lines of communication and we have been talking to them a lot during this process. As an adjacent property owner, our major concern really is that buffering. The buffering, the adequate parking, and the solving for traffic and safety based on as Mr. Anderson put the design disagreement not so much the density. If you are able to review the plans submitted by the petitioner those two units that sit right on the property line, are sitting 10-feet from the property line where this building is going to start. That side of my house is 28-feet tall and these buildings have the potential of being up to 48-feet tall. So, with 10-feet of buffer, there is a masonry wall that is proposed to be built 2.5 feet within the line. There is a two-foot footer for the wall and the wall's [inaudible] is another foot so we are talking about a five-foot or so strip of dirt where the petitioner intends to put some evergreens. I don't think a five-foot strip of dirt is enough to buffer a development that is dense from the residential community that quite frankly is already surrounded by tons of density in the rezoning and multifamily homes.

The parking is an issue so by increasing the buffer we think that actually will take care of most of the concern. Increased buffer as you see what is on the screen would give the ability to increase more guest parking against that masonry wall which would be amenable to both Mr. Scott, Laura Scott, and myself as adjacent property owners. The reason that this is so important to have all this guest parking is that these units, while there are two car garage residents if you look at them, this isn't their plan, but a lot of these units have tandem parking garages, so realistically you are playing a game of shuffle the car to get out if you live there. So that means probably one car would be used in these garages, they don't have driveways long enough to park in at five feet so you are talking for every tandem garage there is going to be one that has to end up somewhere. But somewhere is likely going to be Pinehurst Place considering you can't park on Woodlawn Road and Selwyn Avenue is already pretty packed as a double-lane road. Pinehurst Place has a problem already with parking considering the majority of the original homes there don't have garages and they have single-bay driveways, so they already use the street parking. We already park on both sides sometimes utility trucks and buses aren't able to get through and we have pictures of that. We have issues of speeding because of the Selwyn Village Condos at the end of Pinehurst Place and so we just really want to be mindful of potentially creating a community that can really absorb the increased traffic and cars that are going to be the result by putting that many units on this small of a plot of land. It is 1.7 acres, 38 units their comparative property across the street I think has about double the size of land with less units. So, I don't remember the exact number, someone can probably tell you, but I want to give some time to my fellow neighbors.

**Karen Calder, 3118 Pinehurst Place** said I just wanted to follow up, I'm definitely in support of everything that both Adam Anderson have said. I will say that in regard to the 20-foot buffer that we are requesting, there are no multifamily developments in the general vicinity that have less than an 18-foot buffer so that would be really important to us to be in keeping with our neighborhood. As well, we have nearly 400 individuals that

have signed and changed that work petition that was proposed less than a week ago that support our request and we ask for the Council's advocacy in support of our efforts and are requesting that the petitioner submit a final plan design that addresses these concerns and respects and integrates it into its surroundings. We certainly know that the petitioner's engagement on this site is anticipated to be two years that the neighbors will have to live with this rezoning for many years to come. So, thank you for your respectful and thoughtful decision on this request.

In rebuttal, Mr. Brown said I appreciate responses from the neighbors. That has been, like I said, a very respectful conversation going forward. We understand the points that they have made, we are doing our best to balance the site responsibly. I don't think anyone is arguing this is an excellent location for this type of housing and as you all know we are trying to balance if we take out units that raise the price of housing. The site across the street that were mentioned, those townhomes are almost to the million-dollar range. Our goal was not to be at that price point; however, we will continue conversations with these neighbors. This will not be back to Council for a decision until September and our team will continue to dialogue with neighbors and bring you a plan that we hope you can support.

**Councilmember Watlington** said I just have a couple and some of them are influx I know and as I'm flipping through, I see that quite a few of these things are somewhere in here so forgive me if I'm asking questions that haven't been flushed out yet or if they are baked into the details. Maybe this is a question for staff; in regard to the tree save piece do we yet understand how this compares to what we anticipate our future targets to be for the site?

**David Pettine, Planning** said I don't think we've done any comparison to current versus potential future tree save requirements or efforts, but I do know that they've gone a little bit beyond what the typical requirements and commitments would be to maintain a lot of those existing streetscapes along Selwyn Avenue and Woodlawn Road, but how it compares to what is currently being worked on, I would not know. We could try to make some comparison in the follow-up but I'm a little bit hesitant to do that because we don't know if that is going to be the final approved set of guidelines that we would have under a new potential new tree ordinance.

Ms. Watlington said my next question is in regard to the multiuse path; I'm just thinking about how this tie into the idea of a multimodal task? I see the sidewalk and I see the bike piece, at least on Woodlawn Road. I'm curious as to bus stops, how does bus transit and larger transit connect here outside of the greenways?

Comments were inaudible.

Ms. Watlington said the last question I have is if you haven't already hit the affordability targets, is it all market rates or is there a mix?

Mr. Brown said it is all market rates.

Mr. Watlington said okay that is the only other thing that jumps out at me particularly in this area. I think this will be a fantastic opportunity to recognize the factors that go into development, but as I'm looking through the ten goals of our Comp Plan that is the one that jumps out that would seem to be the perfect opportunity here to enable this the end equity, so I would love to see a little bit of focus there.

**Councilmember Driggs** said I have to admit I had a little difficulty following Collin what the plan was and what it is now. It sounded like we have made a lot of changes so don't worry about that because that is not what it is anymore. It is a little hard to reach a conclusion about it and I wonder Mr. Pettine, based on the changes that Mr. Brown talked about, do you see the staff arriving at a better outcome?

Mr. Pettine said that sounds like they are heading in a positive direction in terms of addressing our comments, but until we see a revised plan that has things in more detail

for us to review, I don't know if I would be able to comment on it. But I'm encouraged by what was conveyed during the conversation.

Mr. Brown said I will say, Mr. Driggs, the staff analysis was based on our plan five weeks ago. The comments that you heard from the neighbors were on the freshest version of the plan, so everything heard from the neighbors were comments on our current plan that we will still need to address or resolve.

Mr. Driggs said I understand, it just feels to me like maybe we should have worked on this a little more before having the hearing frankly, but I will try to catch up with what it really is. What would be the impact of being more responsive to the buffer requests in terms of the number of units you could put in that location?

Mr. Brown said I think probably the neighbors as I was kind of listening to them, it would be eliminating these two units. I don't know the economics of that; I know that taking out five percent of the units will affect the overall price points if that were to be done.

Mr. Driggs said I will keep an eye on this. My only comment is it looks to me like we are trying to fix it on the fly at this point instead of having reached a more settled situation before the hearing. You will be going to the Zoning Committee with the latest version, right?

Mr. Brown said that is correct, and this is just an anomaly where there is not a hearing next month, but we have two months now before.

Mr. Driggs said okay, I'll wait for the outcome of what you are doing.

**Councilmember Bokhari** said I agree, I was in the community meeting a week or so ago, and like Collin and the neighbors said there are some different viewpoints, but it has been a very productive dialogue of people trying to work together to find a solution so for that I'm very appreciative. I think we've got work to do, luckily as Collin said we've got two months, not our normal one. I would have also like to see it have been a little further along at least with staff at this point, but things are what they are so we will first look for Mr. Pettine, you, and your teams once you get the information, your kind of updated view. Obviously, the Zoning Committee and then I think we will continue and I'll be more engaged in the community to petitioner dialogue as we have two months to figure it out. I think the crux of our issue is going to be on one side of the coin I very much believe this and I believe you are going to have a majority of a Council right here who is going to mimic what everyone has said which is the desire for density. This is market rate and we can't think about costs and price points in our decision, but I don't disagree that affordability is something that sure would have been great and perhaps that is the tradeoff with the reduction in units based on the concessions that we've given the neighbors so far on the petitioner's side. So, that is something that is important to me and I know it is important to this Council as is the density and this location is good. On the other side of that coin, I live very close to here and I understand the issues of traffic and what is going. I just look forward to being engaged in this with you all for the next two months and I know that we will find some outcomes that maximize all those elements that we want and hopefully addresses a lot of the things we've heard from the community today. So, thanks for everyone showing up.

Mayor Pro Tem Eiselt said I do have a question for staff on this one. I'm concerned about the buffer because of stormwater and I worry about this, we all support the density, this is a great location for density, it is close to amenities and schools, but you saw the storms in Germany and you see the flooding that is happening in our City and it worries me. I've got in District 1 a situation because of a commercial space that was built the rain is flooding into the yards of residents. They sent me a video today where the water was over their ankles and they are trying to get some help on this. One way to start is that we are really conscious of what the impact is on stormwater, so buffers are not just for privacy, that is important, but it is also important for stormwaters and having that runoff effect on the existing mature residential neighborhood.

When I looked at the comments in here Stormwater Services, both Land Development Engineering and Stormwater Services said see advisory comments. I didn't look that up I'll admit, so I wondered if Dave you any comments have as to what that meant. It didn't say any outstanding issues, it just said see advisory comments. Is that something you can say offhand or you could get that?

Mr. Pettine said I'm trying to pull that up now. I anticipated those questions and I'm trying to pull those up now as we work through it.

Mr. Brown said this would result in a reduction of impervious areas on the site by at least 6,000 square feet. Right now, it is basically building and all asphalt.

Mayor Pro Tem Eiselt said well that is good.

Mr. Brown said this plan would reduce that and add more tree canopies.

Mayor Pro Tem Eiselt said will there be any stormwater built into it because it is still just a change in development pattern. We've seen this, I had it to the house that I was in for 18-years and this development down the street made the water patterns change and started flooding our basement. So, in those buffer zones what is the accommodation for stormwater?

Mr. Brown said it is not detention because this will be a reduction in imperviousness. Instead of essentially taking this from a sheet of asphalt you can see there we've concentrated the tree save area nearest to that single-family that is going to calm and slowdown that water from the site. Paul Pennell is on if you have more engineering questions.

Mayor Pro Tem Eiselt said Dave you don't have to pull it up right now, but that is a question I will have and the buffer I think is an important point as well for privacy.

Motion was made by Councilmember Bokhari, seconded by Councilmember Phipps, 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.

**Alex Wilson, [alexwilson2844@gmail.com](mailto:alexwilson2844@gmail.com)**

**Ginger Salmon, 3200 Pinehurst Place,**

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**ITEM NO. 34: HEARING ON PETITION NO. 2021-022 BY OMS DILWORT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.14 ACRES LOCATED IN THE WESTERN QUADRANT OF THE INTERSECTION OF CLEVELAND AVENUE AND WORTHINGTON AVENUE, EAST OF SOUTH BOULEVARD FROM TOD-M (O) (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL) TO TOD-NC (CD) (TRANSIT ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER, CONDITIONAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said as mentioned this is located on Cleveland Avenue and East Worthington Avenue currently zoned TOD-M (O), they are proposing TOD-NC(CD) with some conditions regarding parking. The adopted future land use from the Transit Area Plan for South End in 2005 recommended retail; that was amended from its original transit-supportive for transit mixed that was originally in the plan through rezoning Petition 2014-002. This proposal actually came to us as a hearing back in June we had some parking concerns raised by the community. The edge of the Historic District for Dilworth

is just adjacent or within very close proximity to this site. Some of those parking concerns had been raised during the public hearing and so as a result we have a conditional district being proposed as part of this TOD-NC, but really the conditions are only site conditions, there is no site plan, there is no design or development standards. All of those would be governed by the TOD ordinance for the NC District itself but the conditions that are being proposed are really again just pertain to parking and they are proposing a parking minimum for either commercial uses, residential uses, or the originally entitled hotel use. As you know TOD doesn't have a minimum parking requirement, we do have a maximum parking requirement, but the project itself could have resulted in less parking spaces that would be able to accommodate a project which led to spill over parking concerns into the Historic District Area of Dilworth, so this is in response to that. From what I understand those conversations with the community have been successful with this outcome of some parking minimum. The maximums would still be what we have in TOD so no change to those, so we are not going to over park the site outside of what TOD would cap. There are parking requirements, but these would be just minimum to kind of guarantee a baseline level of parking for these potential uses on this site.

Staff does recommend approval, we have a few items just quickly to clean up, nothing of real significance that would change the ratios of parking being provided. It is just some general cleanup of some notes and some other commitments about maintaining on-street parking. But the overall staff does recommend approval. We've got some folks with the petitioner team signed up to speak so we will be happy to take any questions following their presentation.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said on behalf of the petitioner I will speak quickly because I think someone else has signed up. Mayor Pro Tem, at the public hearing there were no speakers, but you articulated some community concerns about what if there were no parking here. After further conversations with folks in the neighborhood, there were some challenges presented by the Historic District in Dilworth that was special emphasis on the need and parking concerns so as Dave mentioned we have converted this to a conditional rezoning to have a floor threshold so it is a guarantee that there would be some parking provided on-site without we don't think disturbing the spirit of the TOD. I will pause here because I think Franklin is on from the DCA (Dilworth Community Association).

**Franklin Keathley, 523 East Kingston Avenue** said I am President of the Dilworth Community Association. Regarding this petition, the Dilworth Community Association would like to thank the petitioner for working with the neighborhood. Specifically, we would like to acknowledge our appreciation for their sensitivity in addressing the strain and the lack of a minimum parking requirement that would place us on the edge of our neighborhood. The only option for most residents to park is on the street.

Mayor Pro Tem Eiselt said I just want to say that I appreciate the petitioner listening to the concern of the neighbors and my concern as well. The overarching concern I had is that after having passed TOD once we see what actually happens in the neighborhood that we can go back and tweak it and we can show that we are nimble and that we will be doing that with the Comprehensive Vision Plan as well when we see what actually gets built versus what is aspirational. I really appreciate you all going back to doing that and I appreciate the staff's work on that as well.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2021-036 BY OPTIMISTIC VENTURE GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.30 ACRES LOCATED ON THE SOUTH SIDE OF HOSKINS ROAD AND WEST SIDE OF GOSSETT AVENUE FROM R-6 MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is on South Hoskins Road and Gossett Avenue, currently zoned R-6 multifamily, the proposed zoning is UR-2 conditional. The adopted future land use is from the Thomasboro/Hoskins Small Area Plan that was adopted in 2002. It does recommend multifamily up to 12 dwelling units per acre. GDP (General Development Policy) also provides some policy guidance in this instance and the petition does not meet the GDP for over 17 dwelling units per acre as they are proposing. We will get into some of the benefits of the project and why the staff is supportive on these few slides.

The proposal itself is to preserve the existing building that is on the site on the corner and accommodate and renovate that for up to six multifamily dwelling units within it. The building height would essentially be capped at 40-feet but should remain essentially as-is. They do commit to screening mechanical equipment and utilities for the renovation from public streets, also does propose a new driveway and parking lot with six spaces which would be accessed from Gossett Avenue. We also have commitments for an eight-foot planting strip and six-foot sidewalk along South Hoskins Road and then maintain the existing sidewalk along Gossett Avenue. Also, there is a commitment to install accessible curb ramps at the intersection of Hoskins Road and Gossett Avenue and require that any lighting would be fully shielded and downwardly directed. Those would also be capped at 21-feet in height.

The staff does recommend approval of this petition we do have some technical revisions that we would need to be addressed on the next site plan for the Zoning Committee. While it is consistent with the multifamily land use recommendation it is inconsistent with the density recommendations both within the plan and with the GDP. Staff did feel that the proposal to reuse the historic building that was built in 1905 provide six dwelling units within it with the Hoskins Mill Property, which also was previously repurposed for residential uses would be a good kind of rounding out of that project, a good project to get some adaptive reuse and maintain that historic structure at the same time. While it is inconsistent with those density recommendations staff does feel that it is a quality project that gets us a positive outcome for the community. With that, I will turn it over to the project team and will take any questions following their presentation.

**Councilmember Egleston** said they are not here to hear the praise, but just want to offer it anyway. A thoughtful new use for a really cool old building that is part of a larger historic preservation project. So, kudos for the good work on it.

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

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

**Scott D. Mulheron and Ellen F. Mulheron 3313 Riverwood Road, Mooresville, NC**

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**ITEM NO. 36: HEARING ON PETITION NO. 2021-044 BY TRIBEK PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.07 ACRES BOUND BY THE EAST SIDE OF SOUTH KINGS DRIVE, NORTH SIDE OF EAST 3<sup>RD</sup> STREET, AND SOUTH OF 3<sup>RD</sup> – 4<sup>TH</sup> CONNECTOR STREET FROM B-2 (GENERAL BUSINESS) MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is just over 2 acres on North Kings Drive between 3<sup>rd</sup> and 4<sup>th</sup> Street as well as the 3<sup>rd</sup> and 4<sup>th</sup> connector street. The current zoning is B-2

(general business) there is also some MUDD conditional zoning that is listed on the site as well. The proposed zoning is to go to a MUDD (O) with 5-year vested rights. The Midtown/Morehead/Cherry Area Plan does recommend mixed-use development for residential, office, and retail for this site. The proposal itself is for a principal building up to 300-feet in height. It would allow all uses in the MUDD zoning district except for things like adult establishments, automotive service stations, car washes, certain EDEE (eating, drinking, entertainment establishment) uses.

They actually have two development options for this site that are being proposed; one would be to limit the building to a maximum of 340,000 square feet of non-residential uses with a maximum of 8,000 of those square feet devoted to retail sales, personal service, EDEE type one or two. Also, there is a conversation rate that would allow some residential uses to be incorporated into that project essential at 1,000 square feet per dwelling unit. That would count towards that 340,000 square foot cap. The other alternative would be to develop the site with a maximum of 350 multifamily dwelling units and still propose the maximum of 8,000 square of those retail sales, personal services use, EDEE type one and two that are also captured in development option one.

Essentially, we have a building that would be 300-feet tall, could be used for up to 340,000 square feet of non-residential with some potential residential mixed in with that or for a 350 multifamily dwelling unit project. Both would have 8,000 square feet maximums for retail, personal services, etc.

We do have transportation improvements that would be provided through the project, things like pedestrian improvements for various intersections, additional lanes for ingress and egress to the site, a pedestrian hybrid beacon on East 3<sup>rd</sup> Street between Charlottetowne Avenue and South Kings Drive. Also, I believe there is a multiuse 16-foot-wide pedestrian project that would be an amenity zone along South Kings Drive so that would enhance the pedestrian experience. Also, there is a public open space being proposed at the back corner of the site along 3<sup>rd</sup> Street between the 3<sup>rd</sup> and 4<sup>th</sup> Street Connector and again we would have just one principal building located on the site.

Staff does recommend approval of the petition, we do have some outstanding issues related to transportation, environment, and some technical revisions related to the site and building design, environment and land use to be worked through. It is consistent with the Midtown/Morehead/Cherry Area Plan for those recommended uses for residential, office, and retail. We will be happy to take any questions following the presentation by the project team as well as a member of the community that is signed up to speak in opposition.

**John Carmichael, 101 North Tryon Street** said I represent the petitioner, Tribek Properties. With me tonight are Scott Bortz of the petitioner, Sean Paone with Cole Jenest & Stone, Phil Oliver of [inaudible] Associates, and Randy Goddard of Design Resource Group. As Dave said the site is just a hair over two acres and it is located on the east side of South Kings Drive between East 3<sup>rd</sup> Street and East 4<sup>th</sup> Street. The site is across South Kings Drive from Thompson Park and an office building that is currently located on the site. CPCC (Central Piedmont Community College) is the north and east of the site, Thompson Park, the greenway, and I-277 which are west of the site. Multifamily development is located immediately to the south of the site and the State Employee Credit Union is southwest of the site.

This is a zoomed-in aerial of the site and you can see the existing surface parking and the existing office building. This slide depicts the location and route of the LYNX Gold Line located to the east of the site. The site is pointed out by that arrow in green. The LYNX Gold Line's closest stop is approximately 996 feet from the site, once again located to the east of the site.

The site is currently zoned B-2 and MUDD (CD), the parcels to the north primarily CPCC are zoned MUDD-O, parcels to the east are zoned MUDD (CD), parcels to the south are zoned MUCC-O and B-2, and parcels to the west are zoned B-2. As Dave indicated the request is to rezone the site to MUDD-O to allow a maximum 300-foot-tall building on the

site. It could be devoted to a maximum of 340,000 square feet of non-allowed residential uses in which a maximum of 8,000 square feet could be devoted to retail, personal service, and restaurant use or up to 350 multifamily dwelling units and up to 8,000 square feet of retail, personal services and restaurant uses.

Under option one which was the non-residential option to allow a greater mix of uses, you could have some multifamily in that structure as well and there would be a conversion right as Dave mentioned. I want to point out that the parking structure is not included in the 340,000 square feet. There would be structure parking under the building.

The applicable land use plan is the Midtown/Morehead/Cherry Area Plan. You see at the top right-hand side basically, the site is located in the Midtown section of the land use plan and highlighted in yellow on the left you can see that the recommended future land use is a residential, office, and retail. This is the pedestrian zone in the Midtown/Morehead/Cherry Area Plan, the shaded areas are the pedestrian zone and the site is located just outside of the pedestrian zone and the land use plan provides the building height exceeding the PED limit of 100 feet may be appropriate outside of the pedestrian zone, subject to site-specific rezoning applications. This request would be consistent with the land use recommendations of that area plan.

This is just another page from the land-use site and once again it is a residential, office, and retail. I'm going to ask Sean Paone to go over briefly the site plan and then the street cross-section.

**Sean Paone, 200 South Tryon Street Suite 1900** said I am with Cole Jenest & Stone, I'm going to go through the rezoning site plan as well as some street cross-sections. The SK, etc. h plan that we were showing associated with the building envelope and proposed open space. These next images were represented in the latest community meeting, the yellow building is the proposed outline of the building whether or not it is residential or commercial. This was to indicate the two different options for public spaces related to the southern southeastern portion of the site, this being more commercial in nature with more hardscape associated with pedestrian seating, hardscape pedestrian scale lighting, those types of elements associated with the commercial use.

Just kind of going through the site plan because we did kind of switch this orientation, Kings Drive is on the western side of the site plan here. We are proposing a right in, right out access point at that location similar to the one that is currently existing and in addition to the median within Kings Drive. On the south portion of the site plan as shown would be East 3<sup>rd</sup> Street where we do have left in/left out which is the first connection just to the right of Kings Drive and 3<sup>rd</sup> Street intersection, and then a left-out condition as you get further away from that intersection. Moving down 3<sup>rd</sup> Street you can see that crossing, that is the proposed pedestrian crossing that aligns with Cherry Street and then moving on the east side of the plan, north on this site plan is the 3<sup>rd</sup> -4<sup>th</sup> Street Collector and we are showing a left turn lane off of the travel lanes that access the site through left in/left out condition.

This iteration again is a similar site plan except for the open space changes to more of a multipurpose functional space associated with a mix of uses primarily residential. These are the street section improvements associated with the Midtown/Morehead and Cherry Small Area Plan. This is the Kings Drive cross-section and you see a little better in this section on the east side or the right side of the plan for this street cross-section would be the proposed building. You can see the two-foot concrete median being proposed in the center of Kings Drive along with a decel turn lane that would access that right in/right out condition along with a 24-foot setback as measured from the proposed back of curb associated again with the way the street cross-section is identified in the Midtown/Morehead/Cherry Small Area Plan.

This is the cross-section proposed for East 3<sup>rd</sup> Street. Again, you can see the proposed building on the right side of the cross-section with a 22-foot setback as measured from the back of the curb along with a travel lane accessing that left in/left out condition. This is the 3<sup>rd</sup> and 4<sup>th</sup> Street Collector cross-section. Now the proposed building is shown on



the left side of the section. You do have the two travel lanes here and then there is kind of a combination planting strip and turn lane, basically where it says an eight-foot planting strip and a 10-foot turn lane that would be the left in/left out condition as the access to the parking structure. There is a 26-foot setback associated with this as the setback actually falls within the proposed right-of-way condition so the right-of-way would then become the setback. This last iteration is basically showing the street section where the open space is included so you can see again the west side of this cross-section would be where the proposed site is. In this iteration, we are showing the open space, the 22-foot setback in this location which is an eight-foot planting strip and eight-foot sidewalk, and then the open space again with that decel turn lane that accesses our site being shown there as an 11-foot turn lane.

Mr. Carmichael said we have conceptual images of a potential building. They are not on the rezoning plan, but governing architectural standards are in the form of notes that are included on the rezoning plan and we worked with the Planning staff on those notes and certainly, the architectural standards are not an outstanding issue. The conceptual elevations were shared at our last community meeting and the purpose of those was to provide a sense of massing building placement and a potential design. This is just at street level, that is 3<sup>rd</sup> Street where the blue vehicle is, and you can see the turning lane where the blue vehicle is turning into the building. This is just the sense of the massing and the building placement. The street to the left is Kings Drive, the street to the right is 3<sup>rd</sup> Street and then 4<sup>th</sup> Street is at the top of that building.

As Dave mentioned and Sean there are pedestrian improvements and access improvements to accommodate the building. We appreciate the planning staff's recommendation of approval. We will address the outstanding issues this week. We appreciate your consideration and we are happy to take questions.

**Sylvia Bittle-Patton, 1623 Luther Street** said I am here on behalf of the Cherry Community Organization. I am in opposition to the rezoning petition in its current form. I want to start by acknowledging and thanking the petitioner for offering several opportunities for community input however, there were some concerns expressed by community participants about the virtual [inaudible] format that limited the abilities of participants to see comments that were entered into Chat interact with other participants or access the names of all attendees for future dialogue about the proposed project. That being said, there are concerns related directly to the proposed project including height and size. Think about the current site, it is the former Sun Trust Bank, less than eight stories compared to what could be built by right under the existing zoning ordinance. That and site in terms of right outside the PED in comparison to what is being proposed under the current request, a significant difference. This site is right outside of PED Overlay for MMC (Midtown/Morehead/Cherry) Area Plan. PED for 100 feet, but this is 300-feet, three times the allowable height of PED and we are just simply asking is here no possible compromise on the height or is this a case of, if we ask for it, they are going to approve it, just give us a number, any number. So, we got from 100-feet for PED, right inside of PED or outside of PED to 300-feet.

The second issue is traffic, additional traffic on 3<sup>rd</sup> and 4<sup>th</sup> Streets depending on the land use, if they are going to do retail, if they are going to do residential this would result in an additional 1,500 to almost 3,000 new trips per day just for this site alone. Now adding traffic for the other projects that have already been approved or are pending along 3<sup>rd</sup> Street and some other streets.

The third is affordable housing opportunities; this will be yet another missed opportunity if this is used for residential and there are no allowances for affordable housing units. We are asking the question when will this scenario change? Now we understand that this developer may not be in the business of building affordable housing but as a City that has played a significant role in the removing and erasing of affordable housing and affordable housing communities within the wedge, we are asking you to be more intentional about these opportunities to replace what has been lost, righting the wrong as discussed recently in the adopted 2040 Comp Plan. We are asking you to consider that when opportunities present themselves for you to possibly partner with the County purchase

parcels in the area and build affordable housing in the wedge. Please give it some consideration.

The next one is that of pedestrian safety. There will be more pedestrians, there will be more vehicles regardless of the determined usage. In addition, we are requesting that C-DOT (Charlotte Department of Transportation) take a look at the intersection of Kings Drive and 3<sup>rd</sup> Street, particularly at the proposed site. There is a blind spot there as vehicles are approaching the site and others are turning from South Kings Drive onto 3<sup>rd</sup> Street, that is high intense crime site in terms of high crash incidents, so we are asking you to really have C-DOT take a look at that. More vehicles will result in more accidents. If this is environmental, typical environmental effective skyscrapers, and think about this threefold or even fourfold in conjunction with the other pending or approved projects that will be surrounding Cherry and other neighborhoods. Those can be found in the pre-hearing staff analysis. Also, that of precedent, if you take a look at the pre-hearing staff analysis on page 2 of 9, the second bullet reads as follows: The Midtown area is shifting towards developing new buildings with greater height through other recently approved rezonings in the area. So, it reads like it is just happenstance, but this didn't just happen. It is shifting because you are allowing it to do that. You are approving the rezoning request regardless of the request of height and we are asking you to be more mindful about managing the growth and the development of this area in particular. Our neighborhoods are depending on you.

The seventh is height and size, we started with height, we are ending with height because we want you to be aware of what you are doing when you are approving these types of proposals without much regard for the long-term and short-term effects that it will have on the surrounding neighborhoods.

It seems as if the City of Charlotte and the Planning Department have decided to simply seed 3<sup>rd</sup> Street, Kings Drive, Charlottetowne Avenue, 4<sup>th</sup> Street, Kenilworth Avenue, etc. to developers and their skyscrapers, and we are asking you not to do that. All close in established and historic neighborhoods within the wedge including Cherry and Grier Heights need your help. We trust that you will give our concerns thoughtful consideration, we ask for your support in opposing this petition in its current form. This is yet another pivotal decision that will certainly affect the residential character of our neighborhoods in the future, the integrity of the MMC Area Plan, and that of the 2040 Comp Plan and pending place types. Thank you so much for your time and consideration.

In rebuttal, Mr. Carmichael said thank you Sylvia and we appreciate the participation in the neighbors in our meetings. I do understand that there was frustration with virtual meetings that was mentioned by someone at the first meeting. I will say that I did e-mail everyone after that meeting that attended the meeting, not that cures anything, but just to be complete in terms of what happened. After the virtual meeting, I did e-mail everyone who attended the community meeting the presentation and the list of individuals what didn't attend that meeting, and their e-mail addresses. It was on an XL spreadsheet, but we did want to make sure that people knew who was there and that they had the opportunity to do so if it was their desire, they could reach out to each other.

In terms of the height, I've got on here these are two taller buildings that were approved; one is at the Metropolitan which I believe is 285-feet and it is 330 multifamily units. The one to the right of the site is the one on Baldwin Avenue, it has a maximum height of 299-feet. It allows the 512,500 square feet office, 16,800 square feet of retail, and 240 hotel rooms. That building is far denser than what is being proposed here. The Metropolitan site is 330 multifamily dwelling units so in terms of a residential building the building proposed here is about 20 units more dense. But we would say, and reasonable minds can certainly disagree that we feel like this site from a land-use perspective is appropriate for the height and density that is being requested, particularly in terms of a contextual standpoint. It is close to I-277, it is about 171 feet from the travel lanes, it is even closer to the ramp.

**Councilmember Egleston** said Mr. Carmichael, given the concerns around the shortcomings of the virtual meeting, and I appreciate you offered a couple of opportunities

is there an opportunity for you to reach out to Ms. Biddle-Patton? We don't have a rezoning meeting next month so the earliest possible decision date for this would not be until September, so is there an opportunity for you to connect with the CCO and offer an in-person option for those who might prefer that to the virtual that has been offered?

Mr. Carmichael said certainly, I'd be happy to do it.

Mr. Egleston said I greatly appreciate that.

**Councilmember Winston** said I definitely hear the neighbor's concerns about pedestrian safety in this area and about the context of the history of development as well. I think the safety issues are independent in some ways of this particular project, but I would ask particularly around that 3<sup>rd</sup> and 4<sup>th</sup> Connector Street where it comes into 4<sup>th</sup> Street and as that traffic does come into uptown and tries to split off to get to I-277 and Independence Boulevard I think a poorly designed road so I would like to ask staff is there any existing plans to make improvements to the conditions, the roads, the crosswalks and intersections in this area all right now?

**Robyn Byers, Transportation Program Manager** said this petition had a full TIS and that includes quite a bit of pedestrian infrastructure in the area. Specifically, for 4<sup>th</sup> Street and such I will have to check with a couple of other departments to see if there is anything else planned and get back to you.

Mr. Winston said thank you, currently, as it exists status quo it is a poorly designed piece of road that is a terrible bottleneck. I would imagine anything that is developed here, whether it be during the construction phases and the impact of development here would severely impact the effect of the current bottleneck. I would ask the petitioner, have they considered that bottlenecking that occurs there, have they considered anything to mitigate that? What are their thoughts there about what occurs there with the current conditioning and the potential for what the future condition looks like?

Mr. Carmichael said Randy Goddard, the Traffic Engineer is on the line. Randy, can you respond to some of the questions, concerns, and comments that have been expressed with respect to the connector?

**Randy Goddard, 2459 Wilkinson Boulevard** said I am with Design Resource Group and we studied that intersection and that is actually not one that we've listed for pedestrian improvements. There are a total of four other locations that we've called out for better improvements that both Charlotte's DOT and NC-DOT have agreed to and think are the best locations for improvements. We've also called out a hybrid beacon between 3<sup>rd</sup> Street and Cherry and Charlottetowne Avenue as another improvement. We are also making the turn lane improvements at all the access locations and also limiting our driveway on Kings Drive to right in/right out with a median. So, we are trying to help with issues out there. That specific location did not come out as actually one of the worse intersections out there so, it didn't come out as being improvements that are needed at that location compared to some of the other ones.

Mr. Winston said I don't think you need a study I just think you need to drive there.

Mr. Goddard said I've driven it before, so I understand what you are saying.

Mr. Winston said developments like this again, to neighbor's point, this is where you either get to or you pass over addressing issues like that. It doesn't sound like we have anybody with good answers for that right now, but I would love to talk to somebody moving forward over the next two months. Really at 4<sup>th</sup> Street and Kings Drive as well as 3<sup>rd</sup> Street and Kings Drive, those to me are the most dangerous places that exist already in developing there. It would seem from a common-sense point of view to exacerbate those issues.

Mr. Goddard said I will add that 3<sup>rd</sup> Street and Kings Drive is an intersection that is noted to be improved with pedestrian enhancements to make it safer at that location.

Mr. Winston said but particularly at 4<sup>th</sup> Street and Kings Drive. We can talk about it offline, but I don't see how anything could be done without improvements there with the current situation.

Mr. Carmichael said Randy, the relocation of that driveway to the east, would that help at all from the existing driveway?

Mr. Goddard said yeah, the 3<sup>rd</sup>/4<sup>th</sup> Connector driveway is being relocated further down so it is not in the same location that is creating a problem now. We met with Charlotte DOT and C-DOT multiple times to work on this site plan before we even started the rezoning or the traffic study to make sure we worked out the access locations to the best locations possible and again, they are limited to left in/left out and then the right in/right out on Kings Drive so we have looked at this area significantly and we actually studied 10 intersections around there as part of the traffic study for this project.

Mr. Winston said I guess like I said some of it is independent of this particular project. What I'm talking about is we have the 3<sup>rd</sup> and 4<sup>th</sup> Connector Street comes together with East 4<sup>th</sup> Street and as they get through the light trying to crisscross and the danger that creates especially with pedestrians walking to school right there, there is CPCC right there and the Gold Line as pointed out, we want that to be a more pedestrian centric place. I'm just thinking of even the effects on that bottleneck how much more dangerous that potentially gets even during construction phases as traffic is going to be even more messed up and that bottleneck becomes more dangerous and more pronounced. I think that is something we have to consider as we move forward with any kind of development on this site, and this is highlighting that. So, this is not a bad thing of a potentially good thing to look at and that is why I said I look forward to talking about it over the next couple of months.

**Councilmember Phipps** said Mr. Carmichael, I was just curious if there was any consideration given to a housing product mix other than just exclusively market rate?

Mr. Carmichael said we lately have talked about that possibility but as I sit here today, I can just tell you that I can have a conversation with Mr. Phipps with the petitioner. The good thing is we certainly have time to do that.

Mr. Phipps said I would appreciate it and it would be good to know that some consideration was given or consideration just explored, but to the extent, you are willing to bring it up I'm hopeful there will be some movement in that direction.

Mayor Pro Tem Eiselt said Mr. Carmichael, I too share concerns with what Mr. Phipps has said and Mr. Winston has said and what Mr. Bittle-Patten has concerns about. Overall, there are two more big developments coming in that area. Right now, those intersections are dangerous when you come up Kings Drive towards Target, that is a blind spot on that road. People go fast and I know that spot is going to densify, but my concerns are it is going to get built, those other buildings are going to get built, and then the City is going to have to pay for a heck of a lot of infrastructures in there. If that is the case, I would like to see some community benefit to that first i.e., having some affordable housing or having some things that we need in our community as opposed to just a market-rate building that is putting a heck of a lot of pressure on our already burdened infrastructure in that bottleneck. It is really not a realistic walk to the Gold Line although I think I remember the Metropolitan project was going to have a cut through, a pedestrian pathway that was going to be built, you've still got to get across 3<sup>rd</sup> Street so it is not like you really have any access to anything coming that is pedestrian-friendly. You know in Charlotte when nobody holds anybody accountable for speeding and running through red lights, a pedestrian beacon doesn't give me a whole lot of comfort, to be frank. That green space there, let's not even bother to call it an open green space. It is not much space it can't really be a pocket park. It worries me, the traffic on both sides of that so, I'm kind of struggling with this one, to be honest given all the density in that area, and I don't see the improvements to blend it more with the area with regards to students on one side and neighbors on the other side and then a heck of a lot of traffic cramming through those two

streets. I'm not sure how to resolve that, but I would like to see something in there for the community that compensates to what we know we are going to have to fix down the road.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2021-048 BY THE DRAKEFORD COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.65 ACES LOCATED ON BEATTIES FORD ROAD BETWEEN FRENCH STREET AND BROOKSHIRE FREEWAY FROM B-1 PED (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY) TO NS PED (NEIGHBORHOOD SERVICES, PEDESTRIAN OVERLAY)**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is 0.65 acres on Beatties Ford Road, it is currently a zoned B-1 PED overlay, the proposed zoning is NS with the same PED overlay that would be maintained. The adopted future land use from the West End Land Use and Pedscape Plan from 2005 does recommend multi-family, office, and retail land use for the site. The proposal itself for the project is to develop up to 15 single-family attached dwelling units at a density of 22 DUA. We do have some proposals for an alternate commercial use at the discretion of the petitioner, I will get into that in just a moment. It does limit the building height to 50-feet, commits to implementing an eight-foot planting strip and eight-foot sidewalk along Beatties Ford Road as well as the dedication of 16-feet of right-of-way from the back of the curb. Architectural standards have been committed for the buildings as well as a commitment for free-standing lighting fixtures to be capped at 21-feet in height and be directed downward and fully shielded. Also, there would be a proposed CATS waiting for pad along Beatties Ford Road where there is a bus stop within very close proximity just in front of the site.

As mentioned, the staff does not recommend approval of this petition in its current form. No real concerns about the project itself and the townhomes that are being proposed. Our biggest concern is with a note regarding that commercial land use. We have spoken with the petitioner and have an understanding of how to resolve that. I feel confident that that would be resolved prior to Zoning Committee. I'll let the petition discuss that during their presentation, but once that item would be removed or addressed on the plans about that commercial at the discretion of the petitioner, we would be comfortable overall with the project. As mentioned, it is consistent with the West End Land Use and Pedscape Plan so with that I will turn it over to the petitioner and members of the community. I will be happy to take any questions following their presentation.

**Robert Drakeford, 1914 Brunswick Avenue suit 1A** said I would like to talk to you a little bit about our proposed project on Beatties Ford Road which we are calling the West End Station. I really want to apologize to staff for not addressing all these concerns prior. We certainly have an understanding that there was a reason why we were not able to address all matters in advance, we will talk about that. I think this will also respond to the community concerns that led to the party signed up to speak against. With me, this evening is Matt Langston with Land Works and we will present our concept.

We are on Beatties Ford Road, the block beyond Johnson C. Smith University, right before the Brookshire Bridge and we are about 200-feet from the last Gold Line stop and we are proud to be part of an investment that the Streetcar is attracting to our community. Just briefly, this is what we initially presented which shows a lot of very narrow lines which represent a steep topography, and here is the dotted line which dissects the site which represents the storm drainage easement. It has been a pretty protracted discussion with some of the City departments to try to address some of these issues which really [inaudible] our design primarily at a perpendicular orientation certainly is possible to make a building that does not face the street inviting, but it is certainly challenging. We spent a

pretty significant amount of time trying to address that issue and we've got a pretty good solution. This slide shows where we are currently and the rezoning, you will note really quickly that we don't have the parking pads in front of Building D, but the original plan is somewhat representative of this.

The seventh slide represents the outcome of the discussions we've had with a couple of City departments that have been very instrumental to helping make this project more palatable to the community. Primarily we have been able to reorient the buildings to face the street and that has happened because we've been working with Charlotte Water that owns the surrounding property to gain some easements and acquire some land so the site could be much friendlier to our residents and also present the kind of streetscape that we want along Beatties Ford Road. We started talking to Charlotte Water about a year ago and if you go to the next slide, I can show you what some of the delays were. You can see here we had a building that was pretty close to the road if they use the access their storage could sort of be down the road. They have about two acres of pipe and plumbing that heavy trucks traveled on and our initial proposal to Charlotte Water would have placed a building pretty close to that driveway. We really were not communicating directly and didn't understand what their concerns were and we met and the Director of Charlotte Water, Angela Lee [inaudible] hosted three meetings with the senior staff to talk about how we could reach a solution that would really protect everyone's interest.

We've been able to revise our project based on the easement that we were able to acquire from Charlotte Water both for construction as well as for a slither of land that will allow this site to be level instead of having the steep topography that was shown in that other slide. We've had retaining walls as high as 15-feet, an open drainage area, and lots of constraints that would not have been an ideal living environment. So, with the assistance of David [inaudible] over on Angela's Team, we have been able to reach an agreement that will make this a much better project again for our residents as well as the streetscape for Beatties Ford Road and also Charlotte Stormwater has worked with us to allow us to reroute the storm drainage passage. You can see on here in front of the building in the back, there is a gray line that kind of circles around it and that represents how we want to reroute the storm drainage path. So, overall, we've been able to add a few guest parking spaces, have a level site which will be a much better environment for us. If you go down to the next slide you will see kind of a hand? of our building elevation or black and white rather. The next slide shows the ends of those buildings and that would have been what would have been facing Beatties Ford Road. So, because of Charlotte Water, if you go back to the prior slide, we will now have this and will have eight of these units oriented towards the street. Our site plan which is the ninth slide we show you how we have sidewalks out of these units so it will create a much friendlier streetscape and I think the market will respond more positively to it.

This is proposed as a market-rate townhome product. I heard the discussion on the prior plan about affordable and we do not have affordable here. That is mainly a cost consideration and also actually West Charlotte has a tremendous amount of affordable housing. This is a green field so there is no displacement here and we think the orientation to the Stre, etc. are really will create a lot of interest in this product. This is the current streetscape, and this is the entrance into the Charlotte Water facility that abuts us. The next slide will show some proposed fencing improvements that we have pledged to make. This is also the sidewalk along the street and of course, we will have an eight-foot planting strip to match the one in the lower picture as well as the eight-foot sidewalk. The next slide I think will show the proposed fence improvements that we will make to the Charlotte Water Property and this is their best plan on the other side of the bridge so we intend to incorporate the same type of fencing which will be a much nicer streetscape as well as landscaping. We are having some discussions with [inaudible] with the Matching Grants Program to see if some of the improvements on Charlotte Water Property can be enhanced to this level with perhaps some matching funding or other grants.

The next slide will show the proposed surrounding fence where we will add a privacy fence to ensure that there is separation from our property and the Charlotte Water property as well as add some landscaping which is another concern that Charlotte Water had. Just through the process of meeting with them three times we have come to an

agreement and understanding as to how these projects can coexist. They were concerned about noise and how the quality of the resident's experience would be impacted by our prior plan and they were completely correct, we just didn't consider that, but we think right now we've got a proposal that the community will find palatable. It is a good solution for Charlotte Water and again we apologize for not having all of this time for staff to consider, but the year we spent trying to figure this out I think makes for a much better project. Unfortunately, we are way behind schedule here so we would like to see if we can figure out something there. I feel that at this moment we have responded to the concerns that staff has and with respect to the commercial use what we will do is have a live-work unit component in our restricted covenants along with some language about the requirements for the maintenance of the fence and the privacy fence that will address the staff concerns there and again, some sound issues that Charlotte Water had about how they might impact our resident's quality of life.

That is really our project and I don't know if there are any questions. This is a picture of a very like project, the same building we talked about with you as constructed. Ours has a little more of an urban flair that has a handful of kind of farmhouse elements. This is really more arts and crafts, but it does represent the quality of construction that will be built, and our project will be built by the builder that has constructed this project out in Huntersville. That is the end of our presentation. Matt, did you want to add anything?

**Matt Langston, 1230 West Morehead Street suit 304** said I think Bobby, you covered it very well. I think it is terrific that Charlotte Water has been as accommodating as they have to meet with us and help us come up with clearly what is a better plan than what we would be doing without this flexibility they have helped us with.

Mr. Drakeford said yeah, Charlotte Water, Tony Korolos with Charlotte Real Estate, and the Stormwater folks all just worked together to make this the kind of project we want to see on Beatties Ford Road. We could have done it as currently proposed I think given the market the product would be consumed, but the impact on the community just is not what we want to deliver. We were aware of that before we had a community meeting and that was the only concern, the orientation and why it was that way, and that why we initiated more conversation with Charlotte Water.

**Clarissa Finley, 7641 Altacrest Place** said actually the Drakeford Company just covered all my concerns and my concern was actually the orientation to the street and the Drakeford Company just addressed that which was not addressed at the first meeting. I thank them for changing the orientation to the street.

**Councilmember Phipps** said I was just curious as to asking the petitioner how close is your site to the Historic Excelsior Club?

Mr. Drakeford said it is cattycorner on the other side of the bridge so probably about 500 or 600 feet. Whenever that opens our residents will have easy access to that and a lot of the other important projects that are happening in this area. We are really excited about it. I live fairly close to here and I'm excited about it and we have another project further up Beatties Ford Road by the way that will have an affordable component, but we will deliver 33 single-family homes and most of these will be priced in the House Charlotte range and our homeownership opportunities by the way.

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to close the public hearing.
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**ITEM NO. 38: HEARING ON PETITION NO. 2021-049 BY TE WASH HOLDINGS, LLC AND ROC WASH HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.25 ACRES LOCATED AT THE NW INTERSECTION OF ALBEMARLE ROAD AND BEAVER FARMS ROAD IN EASH CHARLOTTE FROM B-**

**1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is currently zoned B-1 (CD) and the proposed zoning is to go to B-2 (CD). This is on Albemarle Road and the corner of Beaver Farms Road and Woodland Beaver Road. The adopted future land use does come from the Albemarle Road I-485 Interchange Study from 2003. It does recommend multifamily and retail for the site. The proposal specifically for this project is for an automated car wash with the potential for some other uses which would include up to 6,000 square feet of possible personal service uses, general medical offices, financial institutions, and other EDEE types 1 and 2 as well as other uses in B-2 so long as they are also permitted in the B-1 district. Access would be provided through an internal street network with Beaver Farm Road and Woodlawn Beaver Road. The petitioner is committed to providing a 12-multiuse path and eight-foot planning strip along Albemarle Road, also would have accessible curb ramps and planting strips with ADA (Americans With Disabilities Act) accessible ramps along the private streets. Architectural design standards for the building facades and elevations as well as minimum heights. Also drive-thru window placement restrictions. It does carry over a 30-foot setback on Albemarle Road that was approved overall for the previous petition for this larger overall development. Also, there would be a double row of evergreen shrubs along Albemarle Road to help screen from that proposed circulation drive for the carwash itself, and then detached lighting would be full cutoff and no greater than 30-feet in height.

The staff does recommend approval of this petition. We do have a few outstanding issues and technical revisions to work through, but overall, the petition is consistent with the Albemarle Road I-485 Interchange Study. We will be happy to take any questions following the project team's presentation.

**Keith MacVean, 100 North Tryon Street** said I am with Moore & Van Allen assisting TE Wash Holdings, the petitioner on this rezoning request. With me, tonight representing the petitioner is Paul Seven with TE Wash is online and available to answer any questions, as would Kelsey Westwood and Chase Fuquay. As Dave mentioned the rezoning is from B-1 (CD) to B-2 (CD) to allow a drive-through car wash as a principal use. Tommy's is the name of the car wash; it is a family-owned business established in 1969. They designed their own equipment; it is a membership-based service. They are an environmentally friendly company and environmentally designed. They employ advanced water reformation equipment and systems as well as advanced lighting control systems. The design of the building as you can see here uses an acrylic roof to minimize the need for indoor lights in the car wash, they can take advantage of the daylight hours. A typical car wash like this uses 28 gallons per wash versus 100 gallons of water if you trying to wash your car at home. There are high-efficiency designs and site layouts to keep the customer happy as there are no long lines. The designs are high standards and they are maintained at a high standard. At Tommy's, there is distinctive auditing and training of the folks that run these facilities by the home company, and they are professionally run. They can be a very good asset and a community partner. They do look for ways to partner with the community to help support other uses and businesses in the community.

Dave covered the location north of Albemarle Road, just east of Rocky River Road, just over an acre. Again, zoned B-1 to B-2 zoning to allow a drive-through car wash. Currently zoned for a number of other uses including a restaurant with a drive-thru window and other commercial uses. Also, would allow residential uses on the site even though most of the uses on the surrounding parcels are commercial uses. This is the proposed site again, car wash oriented toward Albemarle Road with a double lane of circulation. We are maintaining the larger setbacks that were part of the previous petition. There will be screening, and tree saves areas along Albemarle Road.

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



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**ITEM NO. 39: HEARING ON PETITION NO. 2021-053 BY CATALYST CAPITAL PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.06 ACRES LOCATED ON THE EAST SIDE OF UNIVERSITY EXECUTIVE PARK DRIVE, SOUTH OF W. T. HARRIS BOULEVARD, AND EAST OF NORTH TRYON STREET FROM MUDD-0 (MIXED-USE DEVELOPMENT, OPTIONAL) AND O-2 (CD) (OFFICE CONDITIONAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is just over 7 acres off of University Executive Park Drive. The current zoning is MUDD-O and O-2 (CD). The proposed zoning for this petition is TOD-NC conventional. The future land use from the University City Area Plan does call for residential, office, retail for this site. Under the land use recommendations of those mix of uses, TOD would be consistent with that plan recommendation from University City. Again, this is a conventional petition, with no site plan or conditions for considerations so staff does recommend approval and will be happy to take any questions following the presentation by Mr. Brown.

**Collin Brown, 1420 East Seventh Street** said I am here on behalf of the petitioner. A good overview by Dave, this is a conventional request so we don't have a site plan to review, therefore in the interest of time, I will defer unless you all have any questions.

**Councilmember Phipps** said I was just trying to get an idea of exactly where this is.

Mr. Brown said I'm happy to give a presentation, we have the slides here. Here is Tryon Street, University Park, McCullough Drive, and so this is a little bit of a doughnut hole Mr. Phipps. This site could kind of connect this up and this is showing you the station location to show you the proximity.

Mr. Phipps said is this directly across from the new Police Precinct?

**Councilmember Egleston** said it is in that general vicinity.

Mr. Brown said if you see the star, so this is not fronting on Tryon Street. I think that [inaudible] there is the Police Station, so this is not fronting on Tryon Street, but the very back of it.

Mr. Egleston said it is multiple maps that are back there.

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

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**ITEM NO. 40: HEARING ON PETITION NO. 2021-054 BY SPACE CRAFT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY .75 ACRES LOCATED NEAR THE SW TERMINUS OF NORTH BREVARD STREET AT PARKWOOD AVENUE WITH FRONTAGE ALONG BLUE LINE FROM TOD-M (O) (TRANSIT-ORIENTED DEVELOPMENT MIXED, OPTIONAL) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT, URBAN CENTER).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this three-quarter of an acre on Brevard Street currently zoned TOD-O proposed for TOD-UC. It is a conventional zoning district as well. Parkwood Transit Station Plan for 2013 recommends TOD uses for this site so we are consistent.

The staff does recommend approval. There are no outstanding issues or anything as it is a conventional petition. We will be happy to take any questions you may have for staff.

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

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**ITEM NO. 41: HEARING ON PETITION NO. 2021-057 BY PROVIDENCE GROUP CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.13 ACRES LOCATED AT THE SOUTHERN INTERSECTION OF SOUTH TRYON STREET, RAMPART STREET, AND DUNAVANT STREET, WEST OF SOUTH BOULEVARD FROM TOD-NC (TRANSIT ORIENTED DEVELOPMENT NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT, URBAN CENTER).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Petting, Planning** said this is just over an acre on South Tryon Street and Rampart Street requesting TOD-UC to rezone from the current zoning of TOD-NC. The land-use area plan from the Newbern Station Area Plan from 2008 does recommend TOD uses. The site is within a half-mile walk of the proposed Rampart Station so UC can be applied within that distance from the proposed station. The staff does recommend approval. Once again it is conventional, with no site plan to consider so if there are any questions for staff, I will be happy to take those following any presentation that may be by the petitioner team.

**Keith MacVean, 100 North Tryon Street** said I am with Moore and Van Allen assisting Providence Capital Group with this request. I think Dave has covered all the issues; it is a conventional request supported by the Newbern Station Area Plan. It is within a half-mile of the recently added Rampart Station. We will be glad to answer any questions.

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

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**ITEM NO. 42: HEARING ON PETITION NO. 2021-058 BY 501 BRIAR CREEK, LLC FOR A CHANGE IN ZONING FOR APPROXIMATE 0.26 ACRE LOCATED ON THE WEST SIDE OF BRIAR CREEK ROAD, NORTHEAST OF MONROE ROAD, AND WEST OF INDEPENDENCE BOULEVARD FROM O-2 (OFFICE) TO B-2 (GENERAL BUSINESS).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is just a quarter of an acre on Briar Creek Road just off of Monroe Road. The current zoning is O-2 conventional office. The proposed zoning is a B-2 convention which would be just for general business. The Area Plan from Independence Boulevard from 2011 does recommend office and retail uses for the site so this petition would be consistent with that request and that recommendation. Staff does recommend approval and again this is conventional with no conditions or site plans to consider. We will be happy to take any questions you may have for staff following Mr. Carmichael's presentation.

**John Carmichael, 101 North Tryon Street** said I am representing the petitioner, 501 Briar Creek LLC. As Dave said this is about a quarter of an acre site on the west side of Briar Creek Road, just north of the intersection of Monroe Road and Briar Creek Road. Bojangles is to the west of the site, Smokey Joe's is across Briar Creek Road from the site. The site is currently zone O-2, the request is to rezone it to B-2. The petitioner actually owns the parcel immediately to the south of the site that is located in the business district and so the purpose of this is to just make the whole site have a consistent zoning

district. It is consistent with the land use plan it would be consistent with the zoning of adjacent and nearby parcels of land. We will be happy to answer your questions as best we can. We thank you for your consideration and we appreciate the Planning staff's favorable recommendation.

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

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**ITEM NO. 43: HEARING ON PETITION NO. 2021-062 BY CHILDRES KLEIN PROPERTIES AND DOMINION REALTY PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 24.4 ACRES LOCATED SOUTHEAST OF WEST TYVOLA ROAD AND NORTHEAST OF BILLY GRAHAM PARKWAY, WEST OF I-77 FROM I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is 24.4 acres at the end of Cascade Pointe Boulevard in the area of Billy Graham Parkway and Tyvola Road. The current zoning is I-1 (CD), the proposed zoning is for UR-2 (CD). The adopted future land use from the Central District Plan does call for employment and light industrial for this site, that was from 1993. The GDP (General Development Policies) would come into play on this petition given the date of the Central District Plan. This petition would not meet the criteria for the GDP consideration for up to 17 dwelling units per acre. The proposal itself as shown on the screen here is for up to 80 single-family attached dwelling units on the triangle portion of the site. That would be Development Area and then up to 310 multifamily dwelling units within Development Area B. The overall project density would be about 16 dwelling units per acre. The building height would be capped at 48-feet for 16 buildings in Development Area and then 62-feet in height on 11 buildings throughout Development Area B.

It does commit to transportation improvements such as a new public street extended from Cascade Pointe Boulevard through the site. Also, extent Perimeter Point Parkway and create access from Cascade Pointe Boulevard and Perimeter Point Parkway and require a minimum six-foot sidewalk on all public or private streets. There would be some coordination with Mecklenburg County Parks and Rec for a connection from Development Area B to Irwin Creek Greenway. Also provide architectural standards for building facades, pedestrian connections, and a number of units per building as well as garage setbacks. It does allow on-street parking in locations generally shown throughout the rezoning plan. It also provides a minimum of 3,000 square feet of open space in the Development Area, 6,000 square feet of open space in Development Area B, and also limits detached site lighting to 25-feet in height that would be decorative, capped, and downwardly directed.

As mentioned, staff does not recommend approval of this petition; it is both inconsistent with the adopted Central District Plan as well as inconsistent with General Development Policies. The adopted plan calls for employment and light industrial on this area and the proposed rezoning would be inconsistent with that recommendation and the overall general context of those uses in the site area. The existing surrounding land uses including the Wastewater Treatment Facility as well as the close proximity of some units to the railroad right-of-way would not be compatible for the proposal. We would also be reducing available land for industrial development which would be important for job creation within the region. It does not meet the proposed locational criteria for the GDP as mentioned, also is not located near any significant retail services which would be contrary to the overall 10-minute neighborhood goal and does not provide adequate separation and screening for the more intense surrounding uses such as the VA Hospital and nearby hotels. That is the staff's position and recommendation and I'll be happy to take any questions following the presentation by the petitioner's team.

**Keith MacVean, 101 North Tryon Street** said I am with Moore and Van Allen assisting Childress Klein Properties and Dominion Realty Partners with this rezoning petition. As you mentioned with me tonight is Tom Coyle with Childress Klein Properties as well as Michael Campbell and Chris Carlino with Dominion Realty Partners, Allison Merriman with Land Design, and Dan Joy with Rule Joy Trammell and Rubio the Architects for the site. Just a little bit of history, everyone is probably familiar with Childress Klein Properties, one of the largest full-service real estate companies in the southeast based here in Charlotte has developed more than 50 million square feet of commercial and real estate in multiple verticals and value over \$2 million. Dominion Realty Partners is an award-winning development acquisition and Property Management Company specializing in Class A urban and suburban offices. They are currently developing a mixed-use building at the intersection of Graham Street and Second Street here in Charlotte as well as other residential developments in White Hall. They have offices here, in Raleigh, and Richmond and have developed throughout North Carolina and South Carolina, and Virginia since 2005.

As Dave mentioned it is a 24-acre site located next to the VA Hospital just north of Billy Graham Parkway, the Billy Graham Museum is not far away. Lake Point Office Park across West Tyvola Road from the site, City Park is just a little bit further to the south. The Farmer's Market, Renaissance Park. As Dave mentioned we are adjacent to the Irwin Creek Greenway, a greenway that County Parks is hoping to have funding for in fiscal 24/28 in their Fiscal 24/28 Plan. That greenway when connected will actually provide this site access under Billy Graham Parkway to Yorkmont and to City Park that we felt services are there. That is one of the issues that staff has mentioned with this site not having access, that is going to happen as part of that but also that is part of bringing more residential. As Dave mentioned this is a residential rezoning here to allow a combination of townhomes and multifamily that will encourage more retail and personal services due to developing the site. As you can see from this aerial photograph there is a large concentration of employment uses here, the VA Hospital, there is a large amount of offices across the way, there is also a large amount office in proximity on the other side of Billy Graham Parkway. A lot of those properties are zoned I-1 and this property and were zoned that way in the late '90s and early 2000, not for industrial development, but for employment uses and that is what you see there today employment uses and we are trying to add residential uses to help aid and support that employment use and also bring more retail services.

This is a little more detail on the land use here and why we feel this is a good site for additional residential. It is interesting to note that prior to the rezoning in the late '90s and early 2000 a lot of these parcels were actually zoned R-22 MF. The Central District Plan called for employment uses here and I think that goal has been met with the amount of employment you see in this area with both the Lake Point Business Park, the VA Hospital and the other office uses on the south side of Billy Graham Parkway. It is also interesting to note that Laure Street is also developing a residential community just north of the VA Hospital using the existing R-22 MF zoning. Again, we feel the Central District Plan goal has been met. We feel adding more residential here is really consistent with the 2040 Plan that you are trying to encourage new housing opportunities near existing single-use or commercial employment areas which is what is here now. Again, adding the residential uses will also support employment and [inaudible] by providing a place to live for folks that work in the adjacent VA Hospital or some of the adjacent office buildings that are next to the site.

The staff has also mentioned some concerns about the Irwin Water Treatment Plant that is adjacent to the site across the railroad tracks from the site. It has been there for a long time and we don't see that as an issue, and we don't see the railroad track as a negative impact on the residential development. There are many sites throughout Charlotte that have those adjacent land uses or near a wastewater treatment plan or adjacent to a railroad track and do quite well as sites for residential uses. I would note that wastewater treatment plants are a use allowed in all zoning districts including single-family zoning districts and you will find those kinds of facilities in single-family zoning areas with single-family uses. In fact, as you look at this map just to the north of the treatment plant there is existing residential there and it is adjacent to what Laurel Street is proposing. If the

petitioner thought that was an issue, they wouldn't have chosen this site. They don't think that is an issue.

Just a little bit more on the site, it is currently vacant, zoned I-1. Again, that I-1 zoning was done not for industrial uses, but really for office and employment uses. This multifamily proposal would add residential uses to help support the employment uses and also help bring more retail uses to this area. We are extending Cascade Boulevard through the site and circling back around the VA Hospital to connect the perimeter as a public and a private street. This is the proposed site plan; we are reducing the number of attached homes from 80 to 70. The multifamily at this point is still at 310. The reduction in the single-family attached is a result of site constraints. We are working to address the staff comments and provide some separation and buffer in terms of vegetative buffers between the VA Hospital and the residential units as well as between the residential units and the existing railroad right-of-way. Again, as I mentioned Cascade Boulevard will be brought through as a public street and private street, and then the residential uses strengthen the mix of uses in the area and then brings housing choices to the area. One of the things that is new to the petition, but not in the petition we submitted five weeks ago is a commitment to workforce housing and townhome units that will be part of the House Charlotte Program.

We've been working with the West Boulevard Coalition and Councilmember Watlington, they mentioned affordability, something that is important to the petitioner as well so they are as noted here making a commitment to provide six percent of the rental units at 80% or less of AMI (area median income) for a minimum of 15-years and they are also committing to set aside six-percent of the townhome units so that they can participate in the House Charlotte Program.

This is an image as you drive into the site from Cascade Boulevard, looking at the proposed multifamily units. Just quickly some benefits of the rezoning strengthen the mix of uses, adds residential uses in the area that will support the ground retail services that are starting. You see a City Park, hopefully, some of those retail services will also be on West Boulevard as the residential market continues to grow here. It will have access to Irwin Creek Greenway and via that, there are access to other recreational amenities like Renaissance Park. There is a CATS bus service to the site, Route 60 that actually stops on Cascade Boulevard to provide service to the VA Hospital. The residents of this community will also be able to take advantage of that Route and as I said we are setting aside six percent of the rental units at 80% or less of AMI for 15-years and six percent of the townhomes will participate in the House Charlotte Program.

I will be glad to answer any of your questions and as I mentioned Tom Coyle and Chris and Michael are available to respond to any of your questions as well.

**Councilmember Watlington** said I like this one, I really do. I certainly have spent a little bit of time with the petitioner and with staff trying to understand both positions. Can you go back to the benefit slide that Keith had up; in regard to these benefits this is exactly what I see when I look at it. I think about rezoning Petition 2017-038 where it talks about doing retail and office and eating, drinking, and entertainment establishments right here not far from the site. It would seem to be that this would be an addition to that area and would help foster this, so I definitely see the idea of strengthening the mix of uses in the area. I used to work over there in Lake Point and it absolutely seems to be a place where somebody could reasonably want to live nearby and just be able to walk to work. As far as the train, I live in a neighborhood right now where I can see the train in the wintertime, so I don't know that that is necessarily unusual. I'm very very pleased that the petitioners were able to add an affordability component. I know that is supported by the West Boulevard Neighborhood Coalition. I can appreciate the concern that we would lose an opportunity for some industries, but I would also offer that if we are able to get a mixed product housing that will enable affordability, particularly for homeownership in this area that can also drive up the household income that can help alleviate some of the issues that we have with having a food desert and a healthcare desert then I think it is a good thing.

I did have a question in regard to the Wastewater Treatment proximity and I'm not sure where or if Ms. Charles is still here, but I was curious as to if we have an idea what the proximity to Wastewater Treatment centers were for residential in other areas. If not, we can ask that question offline, but I said all of that to say that I really like this one and I don't necessarily understand the staff's position on this one but am certainly willing to continue the conversation.

Mayor Pro Tem Eiselt said I guess I have to go out and look at it. I know where it is, but I would like to hear more, and we can talk offline about your support because to me it feels like there is not much there. Then you are going to get into the situation or residents saying we don't have grocery stores; we don't have amenities right there for residents. The FEMA (Federal Emergency Management Agency) Flood Plan surrounds two sides of it which concerns me and our neighbors going to complain about being so close to the Airport and being in the flight pattern like Berewick was when it was built. I don't know if that is the flight pattern but that could change. I guess I'm a little bit confused as to why this whole thing would be converted to a residential area and if there is more infrastructure or amenities that supports residential out there, I guess I just need to go out and drive it and look at it. That would be my comment, but it doesn't feel like it is a good fit right there.

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

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**ITEM NO. 44: HEARING ON PETITION NO. 2021-063 BY PROLOGIS, L.P. FOR A CHANGE IN ZONING FOR APPROXIMATELY 105 ACRES LOCATED BETWEEN SHOPTON ROAD AND BEAM ROAD FROM B-D (CD) AIR (DISTRIBUTE BUSINESS CONDITIONAL, AIRPORT NOISE OVERLAY) TO I-1 (CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is just over 100 acres on Shopton Road and Beam Road currently zoned B-D (CD) with an airport noise overlay. The proposed zoning is I-1 (CD) with the same airport noise overlay being held intact. The Southwest District Plan calls for office and industrial land uses for the site and surrounding area. This is in the Shopton Road Industrial Activity Center per the Centers, Corridors, and Wedges Growth Framework. The proposal is for 1.25 million square feet of gross floor area for warehousing and warehousing distribution, manufacturing, office, and other industrial uses. We do have use prohibitions that are a part of the proposal, things like carwashes, junkyards, petroleum storage facilities, landfills, etc. some of those more intensive obnoxious type uses you would find in the heavy industrial district have been written out. Also, there is transportation improvements associated with the project; an eight-foot planting strip, a six-foot sidewalk along Beam Road and Shopton Road as well as an eight-foot bike lane along Beam Road and Shopton Road as well. Left-turn and right-turn lanes at the site entrances on both of those frontages as well as the widening of Beam Road to 38-feet along the site's frontage and dedication of some right-of-way along the northern boundary. Also, there is a construction of Shopton Road Extension from Beam Road to the site's western access point. That would be further constructed out as sites in the area continue to develop. We do have a Class A buffer being provided at 100-feet it could be reduced with a berm. Also, there is coordination that is being committed with Mecklenburg County to dedicated or provide an easement for the Coffee Creek Greenway which would extend through the site in the floodplain area.

Staff does recommend approval of this petition we do have some outstanding issues and technical revisions related to transportation and site and building design to work through. As mentioned, it is consistent with the office and industrial land use recommendation per the Southwest District Plan, and we will be happy to take any questions following the presentation by the petitioner's team.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I'm here on behalf of Prologis, the petitioner. I will be speaking for our team in the interest of time and the hour. I will move very quickly, great overview by Dave. Prologis is one of the leading logistics and distribution firms in the world. The site that we are talking about as Dave mentioned, is already zoned B-D, business distributive. It is a very old site plan from 1989 so really bringing this up to the current code. Land use calls for industrial uses. Dave has done a good review of the site plan; 105-acre site. The issues we've been working through with the community really a little bigger picture. As Ms. Watlington knows we talk a lot about traffic in her area. The development team has committed to building out an extension of the future Shopton Road Extension and hopefully, we will continue working with C-DOT and others at the City to see if we can build out a new connection to take some pressure on the existing Shopton Road and really help to move some of this industrial and distribution traffic that we are seeing so much of demands in close proximity to the Airport.

The other entity we've been working a lot with, the Steele Creek Prep School is on the corner down here. They have built a school in an industrial area that are a concern so we've had multiple meetings with them showing a visual here showing the extent of the buffering that we are providing and continue to work with that group as we move forward. Again, in the interest of time and the hour, I will pause there and take any questions you may have.

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

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

**Trang Crenshaw, [trangmphan1@gmail.com](mailto:trangmphan1@gmail.com)**

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**ITEM NO. 45: HEARING ON PETITION NO. 2021-065 BY ANTHONY DEROSA FOR A CHANGE IN ZONING FOR APPROXIMATELY 13 ACRES LOCATED WEST OF QUAY ROAD, EAST OF MALLARD CREEK ROAD, AND NORTH OF RIDGE ROAD FROM CC (COMMERCIAL CENTER) AND R-3 (SINGLE-FAMILY RESIDENTIAL TO R-22 MF (MULTI-FAMILY RESIDENTIAL)).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is 13 acres off Carolina Lilly Lane at the end of Kings Grant Drive in the area of Mallard Creek and Concord Mills. The current zoning is CC which is the commercial center, there is also a small portion in yellow there that is zoned R-3. The proposed zoning is for R-22 MF; this is a conventional petition so no associated site plan. The Northeast Area Plan adopted in 2000 calls for single-family, multifamily, institutional, office, and retail use up to 12 dwelling units per acre.

The staff does recommend approval of this petition. As mentioned, it is conventional, it is consistent with the recommendation for single-family/multifamily, it is inconsistent with that 12 plus DUA recommendation. While it is inconsistent with that the 22 DUA actually is consistent with most of the CC zoning that is out there so staff doesn't have any real concern about this going to an R-22 Conventional as it kind of mirrors the density allowed under the current CC except for that back portion of R-3. Overall, not really issues from staff. We do recommend approval and will be happy to take any questions following Ms. Poull's presentation.

**Ashley Poull, 7809 North Water Street, Milwaukee, WI** said I am with Fiduciary Real Estate Development and I would like to thank the staff for all their work on this. Fiduciary Real Estate Development, Inc. is also known as FRED is an experienced developer and investor in commercial real estate focusing on mixed-use and luxury market-rate multifamily. We were founded in 1984; FRED's proven track record successful

management record has grown the business into one of Wisconsin's largest real estate companies. The FRED Real Estate Portfolio is conservatively valued at over \$1.5 billion. Since 2010 FRED has raised over \$400 million in private equity and put in place over \$1 billion in financing on its projects.

This site is located in both Cabarrus and Mecklenburg Counties and is a total of 20.5 acres. We are currently working with both municipalities to create a [inaudible] site plan that supports the goals of both municipalities. This is just an aerial of the overall site and this is the area in Mecklenburg County to be rezoned. We respectfully request your support and if you have any questions, I will be happy to answer.

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

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**ITEM NO. 46: HEARING ON PETITION NO. 2021-066 BY TE WASH HOLDINGS, LLC AND ROC WASH HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.74 ACRES LOCATED ON THE WEST SIDE OF W. T. HARRIS BOULEVARD, SOUTH OF MOUNT HOLLY-HUNTERSVILLE ROAD, AND WEST OF I-77 FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO B-2 (CD) SPA (GENERAL BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Petting, Planning** said this is 1.74 acres on Harris Boulevard, currently zoned B-2 (CD). This is a Site Plan Amendment to that original B-2 (CD) Plan that was approved. The adopted future land use does call for office, retail for the site it is from the North Lake Area Plan. The proposal itself is for the relocation within the original site plan that was approved to develop this portion of the property with a carwash that was currently on the other corner or the overall project, so this has been shifted down to this parcel. The maximum height would be 32-feet, we would have 6,000 square feet of gross floor area including the carwash. There would be a three-foot-tall masonry screening wall on the site's frontage as well as an undisturbed 56-foot Class B buffer with an eight-foot-tall masonry wall along the northern boundary of the site. It also maintains a minimum 20-foot landscape building and parking setback and a 14-foot multiuse path along W. T. Harris Boulevard.

Staff does recommend approval of this petition upon resolution of outstanding issues and technical revisions related to transportation. We believe the petitioner has already been working with staff to alleviate those outstanding issues. The petition is consistent with the North Lake Area Plan and will be happy to take questions following the presentation by the petitioner team.

**Keith MacVean, 100 North Tryon Street** said I am with Moore and Van Allen, our firm is assisting TE Wash Holdings with this rezoning petition. As you mentioned Mr. Sevene, Ms. Westwood and Mr. Fuquay are available to answer questions if there be any. This is very similar to the petition just a few minutes ago located on Albemarle Road, Tommy's Carwash. As I mentioned, family-owned, a membership-baked service. Environmentally friendly design both in terms of energy and water and using the acrylic roof for lighting, professionally run high standards. Audits of the operation to make sure the standards are maintained and professionally run.

Dave mentioned this site is zoned B-2 (CD), there is a Quick Trip next door that was part of that rezoning. There was a carwash approved for the site, it was on the south side of the QT and next to I-485 that is now being developed with another retail use. This site was originally zoned for EDEE with a drive-thru window [inaudible] Tommy's Carwash. This is an aerial of the previous rezoning; this rezoning focuses on just that area that you see in the corner. The site as you can see has been under construction, the blocker and the wall next to the adjacent residential was actually in place and is being maintained as



are the other infrastructure improvements in terms of access, multiuse path. We are committing to do a four-foot wall and increase the height of the wall to four feet along W. T. Harris Boulevard to make sure the circulation area is screened from W. T. Harris Boulevard. This is the proposed site plan, again buffers landscaped treatment access. We are working with C-DOT to address the driveway configuration. We will be glad to answer any questions.

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

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**ITEM NO. 47: HEARING ON PETITION NO. 2021-067 BY TERWILLIGER PAPPAS FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.45 ACRES LOCATED ON THE EAST SIDE OF SOUTH TRYON STREET AND THE NORTHWEST OF YANCEY ROAD, WEST OF OLD PINEVILLE ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is 3.45 acres as mention by Yancey Road and frontage on South Tryon Street as well. It is currently zoned I-2 conventional industrial and the proposed rezoning is for TOD-NC which would be a conventional TOD district. The adopted future land use from Scaleybark Transit Station Area Plan 2008 does recommend the office, industrial warehouse, and distribution use for the site. This is a conventional petition, while it is inconsistent with that recommendation staff does recommend approval of the site. It is within a half-mile walk of the Scaleybark Station so the NC District can be applied in this instance. That can be applied within a one-mile walking distance of an existing station. So, again TOD-NC would be applicable, and staff does recommend approval and we will take any questions that you may have following any comments by the petitioner team.

**Bridget Grant, 100 North Tryon Street** said Dave did a great job, I'm with Moore and Van Allen and I'm pleased to be here tonight representing Tom Barker and Jeff Smith with Terwilliger Pappas. They are a well-known developer of quality multifamily residential communities. This is conventional zoning, so we don't have a site plan and presentation. We are happy to answer any questions.

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

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**ITEM NO. 48: HEARING ON PETITION NO. 2021-068 BY DREAMKEY PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.24 ACRES LOCATED ON THE NORTHWEST INTERSECTION OF MALLARD CREEK ROAD AND HUBBARD ROAD, SOUTH OF WEST W. T. HARRIS BOULEVARD, AND EAST OF WEST SUGAR CREEK ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO INST(CD) (INSTITUTIONAL, CONDITIONAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is 5.24 acres on Mallard Creek Road and Hubbard Road. The property is currently zoned R-3, the requested zoning is institutional conditional. The adopted future land use from the Northeast District Plan does call for single-family up to four DUA (dwelling units per acre). The GDP in this instance does not support up to 17 dwelling units per acre, but we will get into staff's rationale here shortly after this next slide. The project itself allows for 107 age-restricted units in one building. It does limit the building height to 60-feet and provides ADA compliant bus pad on Mallard

Creek Road. It does commit to an eight-foot planting strip and a 12-foot multiuse path along Mallard Creek Road and an eight-foot sidewalk and eight-foot planting strip along Hubbard Road. The access is off of Hubbard Road and Mallard Creek Road, it would be a right in/right out. It does provide a minimum of 3,500 square feet of improved open space with walking paths, landscaping, and seating area. Also, a Class C buffer of 32-feet along the property boundaries to single-family zoning or single-family uses, and then enhance our architectural details for the building itself.

Staff does recommend approval of this petition we do have some outstanding issues related to transportation to work through. As mentioned, it is consistent with residential use recommendations, but inconsistent with both the plan's recommendation of four DUA and the GDP's recommendation for over 17 DUA, however, the GDP's allow us to look at additional criteria when we factor in the scoring for increased density and the project that is providing senior housing. Age-restricted housing does get weighted into that rational so even though it doesn't meet the general points, I think we were short one point, that additional factor of having age-restricted housing for the project as an outcome allows us to kind of consider something that may not meet the generic formula for GDP, but this gives us a little bit more of a basis to be supportive and that proposed density is 20.4 DUA. Staff feels that is appropriate given the outcome again of those 107 age-restricted dwelling units. We will be happy to take any questions following Mr. MacVean and the team's presentation.

**Keith MacVean, 100 North Tryon Street** said I am with Moore and Van Allen assisting DreamKey Partners with this zoning petition. Fred Dobson and Tammie Jackson with DreamKey as well as Thomas Haapapuro with Design Resource Group are available to answer questions. I'm sure you are familiar with DreamKey Partners, formerly known as Charlotte Mecklenburg Housing Partnership, over 30-years of impact in the community in developing residential communities and providing services to affordable residential communities and providing services to the residents of those communities.

This is just over five acres at the intersection of Hubbard Road and Mallard Creek Road zoned R-3. We are proposing institutional allow an age-restricted independent living facility on the property up to 107 units. This is the proposed site plan the building will be front on Mallard Creel Road and on Hubbard Road with access from both of those roads. They will be limited to right in/right out. As Dave mentioned there will be some pedestrian improvements with a multiuse path along Mallard Creek Road. A CATS bus stop and then additional sidewalk improvements along Hubbard Road as well as Bisaner Street will be improved. A portion of Bisaner along the site's frontage will be improved. There is currently no access to Bisaner Street, but one of the comments that C-DOT has asked us to consider is allowing future access to Bisaner Street should Bisaner Street be extended to Hubbard Road. Bisaner Street comes in from the street on the left-hand side of the slide but does not connect to Hubbard Street. We are considering that as a possibility, so that may be a change you see when this comes back to you in September for approval.

This is an image of the residential building as you would see from Mallard Creek Road, a combination of hardy plank and masonry materials. We will work with Dave and his team as well as C-DOT to address the remaining outstanding issues. Happy to answer any questions.

Mayor Pro Tem Eiselt said I have a question. Do you ever think about mixing up the design a little bit? It looks the same every time.

Mr. MacVean said I know Fred is listening and I don't think the rendering is doing the building any justice. We got this today and I will work on that, I understand what you are saying, and I think is missing a little and we will work on that.

Mayor Pro Tem Eiselt said just add a little character, especially when it – just because it is affordable housing doesn't mean it doesn't have to have character and be different than every other institutional block of housing. This is why we end at 10:00, it tends to get a little edgy, but let's be honest. Our goal is not to identify buildings as affordable housing, but to make them blend in with market-rate building products, and to do that having some

buildings that have a little bit of character, interesting looking would just help. That is my only comment.

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

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**ITEM NO. 49: HEARING ON PETITION NO. 2021-069 BY SELWYN PROPERTY GROUP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.19 ACRES LOCATED ON THE WESTERN CORNER OF MORRIS FIELD DRIVE AND JASON AVENUE FROM 1-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO I-2 (GENERAL INDUSTRIAL).**

**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said this is a very straightforward I-2 conditional to I-2 conventional. The District Plan from 1993 does recommend industrial land uses for the site and office and industrial so the petition is consistent. Again, it is just a conventional I-2 conditional back to just a general I-2 for more flexibility on the site. Staff recommends approval and I will be happy to take any questions following Mr. Carmichael's presentation.

**John Carmichael, 101 North Tryon Street** said Pat Pierce from Selwyn Property Group is here with me. Dave did an excellent of going through the background of the rezoning request and we will be happy to answer any questions that you may have.

**Councilmember Watlington** said I know it is conventional so obviously, there is not a whole lot of detail to be provided but given that it is across the street from this residential, do we have any information about what this is to be?

Mr. Carmichael said you and I met with Pat Pierce on this, there is one note on the conditional rezoning plan that says you can't have any pesticides and so there is a landscaping tenant that wants to safely store pesticides in connection with the services it provides and would like to be able to do some compliances on rules and regulations. Do you remember our conversation, I e-mailed you today about their safety procedures?

Ms. Watlington said yes, I do remember, it is in my in-box so I will take a look at that.

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

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**Mayor Pro Tem Eiselt** said before we adjourn, I just want to make a comment about our Public Forum, the Manager did respond that the Chief of Police will work with and thank you Ms. Watlington you worked with; we had a lot of folks that came down for the Public Forum with concerns about the Airport workers and I don't think they understood that we don't respond to a Public Forum. It wasn't to be insensitive, but Ms. Watlington did speak with them and the Chief of Police is going to get back to those concerned individuals about actions at the Airport. It is on all of our minds that our Airport workers are safe. We know that "flying the friendly skies" hasn't been so friendly since the pandemic so we are concerned about their safety.

**David Pettine, Planning** said just one quick update as we wrap up; we will be coming back to you with a brief overview in August at one of your meetings. We are going to talk with the Zoning Committee at our next meeting on August 3<sup>rd</sup> about how the staff analysis will start to incorporate some of the policies that we just adopted under the Comprehensive Plan back in June. We should have some information on some updates

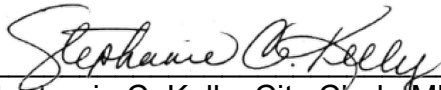
you will likely be seeing in staff reports as early as September. I just want to go over that with you in August, maybe at the meeting on the 23<sup>rd</sup>. I think we have meetings on the 9<sup>th</sup> and the 23<sup>rd</sup>, but it will likely be the one on the 23<sup>rd</sup>. We will talk to the Zoning Committee on August 3<sup>rd</sup> at their meeting, get their input and then come back to you with kind of what the planned approach is and get your feedback before we start doing that.

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### ADJOURNMENT

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

The meeting was adjourned at 9:53 p.m.

  
Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 44 Minutes  
Minutes Completed: September 17, 2021