

**ZONING BRIEFING**

The City Council of the City of Charlotte, North Carolina convened for a Zoning Briefing on Monday, November 19, 2018 at 12:05 p.m. on 8th Floor, Innovation Station of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were, Larken Egleston, Matt Newton, and Braxton Winston II.

**ABSENT:** Mayor Vi Lyles and Councilmembers Ed Driggs, Justin Harlow, James Mitchell, and Greg Phipps

**ABSENT UNTIL NOTED:** Councilmembers Dimple Ajmera, Tariq Bokhari, and LaWana Mayfield

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**Mayor Pro Tem Eiselt** called the meeting to order and said Mayor Lyles was out of town for the holidays.

**Tammie Keplinger, Planning** reviewed the agenda with Councilmembers and responded to questions.

**Councilmembers Ajmera and Mayfield arrived at 12:07 p.m.**

Councilmembers asked questions and made comments about the decisions and the hearings that were on the Zoning Meeting Agenda.

**Councilmember Bokhari arrived at 12:24 p.m.**

The meeting was recessed at 12:50 p.m.

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**DINNER BRIEFING**

The City Council of the City of Charlotte, North Carolina reconvened for a Dinner Briefing on Monday, November 19, 2018 at 5:06 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Tariq Bokhari, Ed Driggs, Larken Egleston, LaWana Mayfield, Matt Newton, Greg Phipps, and Braxton Winston, II.

**ABSENT:** Mayor Vi Lyles and Councilmember James Mitchell

**ABSENT UNTIL NOTED:** Councilmember Dimple Ajmera

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**Tammy Keplinger** said for those that were not at the lunch meeting we sent out Friday and left some information on your desk to help you complete your notebook. We have a replacement for Tab one then the first sheet for Tab 35 and the first sheet for Tab 38 and then the Staff Analysis, and I will give you information for Tab 43.

**Councilmember Winston** said are all these updated in our iLegislate?

Ms. Keplinger said oh yes, they were updated Friday morning. Since lunch time we haven't had any changes so I will briefly hit the highlights and tell you what the books looks like.

Your first item is Item No. 4 which is public hearing for the Reginald Armistice Hawkins House which is a Historic Landmark. They are asking for a deferral to February 2019. The decision deferrals at Item No. 5, Petition No. 2017-195 to December 17th; Item No. 6, Petition No. 2018-011 to December 17th; Item No. 7, Petition No. 2018-049, this one is a deferral to December 17th, but staff is asking the Council to send this one back to the Zoning Committee because there have been significant issues, and the petitioner and staff wants the Zoning Committee to look at this case again and make a recommendation which would be forwarded back to Council

on December 17th. Item No. 12, Petition 2018-012 is a deferral to December 17th; Item No. 15, Petition No. 2018-078. This is another one we are asking the Council for a deferral to December 17th but we are also asking you to send it back to the Zoning Committee, because there have been significant changes and we would like for the Zoning Committee to review it again. That is all the deferrals on the decision side.

With regards to Public Hearing deferrals is Item No. 4, which we mentioned first. Item No. 25, Petition No. 2015-027, yes, it is a 2015 case; it is protested, and that is one of the reasons that we been carrying it to maintain that protest. They are asking for a deferral to May 20, 2019. Item No. 26, Petition No. 2017-186 by Drakeford Company deferral to December 17th; Item No. 27, Petition No. 2017-206 deferral to December 17th; Item No. 28, Petition No. 2018-058 by White Oak Management, Inc. deferral to December 17th; Item No. 38, Petition No. 2018-095 deferral to December 17th. This is one of your replacement items that we have. We had two, Item No. 35 and 38 the Council person was incorrectly listed. We apologize for that. Item No. 39, Petition No. 2018-102 deferred to January 22, 2019; Item No. 41, Petition No. 2018-083 by Click-fil-A deferred to December 17th.

One of the things we talked about at lunch is we have been looking at our Consistency Statement and we have added a new statement to some of the information that the Zoning Committee provided. Basically, when a rezoning changes the land use, we have a new statement at the bottom of the Consistency Statement that is included in their vote. In reviewing that this afternoon I noticed that there are two that we needed that statement and they are not in here. When we get to those two items I will let you know, and I will read that statement for you to include in the motion.

**Councilmember Ajmera arrived at 5:12 p.m.**

**Mayor Pro Tem Eiselt** said so, they are the only ones that are going to have a different statement.

Ms. Keplinger said that is what you read for the motion; but in two cases we need to add that statement that we talked about at lunch time that says the statement will change the land use if it is approved.

Mayor Pro Tem Eiselt said it is going to be on the screen, but I'm not reading it.

Ms. Keplinger said you don't have to read it. Item No 14 and Item No. 17 are the two that I need to make that statement.

Mayor Pro Tem Eiselt said just so I'm clear, those are the only two decisions that will have different Consistency Statements.

Ms. Keplinger said all the Consistency Statements put in your notebook are complete with the exception of these two. I just need to read a statement so the Council can consider in the motion and that statement says that rezoning this property will change the land use on the future land use map.

**Councilmember Phipps** said do we have any procedures in place for protracted petitions? Item No. 25, Petition No. 2015-027; is there anything in that four-year time has there been any triggering of events that would warrant any new review of this petition?

Ms. Keplinger said you are talking about the 2015 petition?

Mr. Phipps said right.

Ms. Keplinger this case is one in Cherry that is a protested petition, and you did away with protested petitions. The petitioner is continuing to work on their plans for this area. I think they have been working with the neighborhood, and they felt like they are going to have something for us sometime around May. Most of the time we would encourage them to withdraw the petition, but in this case if they withdraw this petition, the protest petition will go away and the people that protested it will not have an opportunity to protest in that formal fashion because

the protest petition has been eliminated by state law. So, as long as that petition stays active the vote will be based on the three-quarter majority.

Mr. Phipps said so, we don't have anything in our procedures, because you just said that you would have recommended by now that it be withdrawn or refiled or something, so we have nothing to prevent this protracted duration of even going to a hearing on a petition.

Ms. Keplinger said that is a really good question, and we do not. We have some petitions that go back to 2003 that have been indefinitely deferred for long periods of time. What happened over those periods of time is the agent is gone, the property has been sold; we can't find the petitioner. We've done a lot of research on those cases to see what our status is, and we continue to work on those in our spare time to see what we can eliminate and which ones we need to have some type of action taken on especially when a property has changed hands, that is an easy request, because we can eliminate the petition, but we do have a list that we are working on.

Mr. Phipps said can we get that list at some point?

Ms. Keplinger said I will be glad to provide it for you.

**Councilmember Mayfield** said for Item No. 17, Petition No. 2018-081 in the Steele Creek area, you note that staff believes the changes are minor [inaudible], so we don't need to go back. Is there now specific language outside of the motion not to go back to the Zoning Committee?

Ms. Keplinger said no ma'am.

**Councilmember Winston** said you all are more aware I'm all about protest, but has anybody checked to see if these protestors are still around?

Ms. Keplinger said that is part of our research. Each one of these is very time consuming and we have such limited time to work on them. We got as far as making our list and going through some of them. I think there is only one other case that has a sufficient protest petition on it other than this one in Cherry. That is just part of our backlog that we continually work on but that is one thing that we do check.

Mr. Winston said those that were actively part of the protested rezoning are still around and are still keeping to their protest.

Ms. Keplinger said for the Cherry Neighborhood I believe most of them are; I haven't checked that one specifically.

The meeting was recessed at 5:18 p.m. to move to the Meeting Chamber for the regularly scheduled Zoning Meeting.

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## ZONING MEETING

The City Council of the City of Charlotte, North Carolina reconvened for a Zoning Meeting on Monday, November 19, 2018 at 5:36 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Justin Harlow, LaWana Mayfield, Matt Newton, Greg Phipps, and Braxton Winston, II.

**Absent:** Mayor Vi Lyles and Councilmember James Mitchell

**Absent Until Noted:** Councilmember Justin Harlow

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## INVOCATION AND PLEDGE

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

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## EXPLANATION OF THE ZONING MEETING PROCESS

**Mayor Pro Tem Eiselt** explained the Zoning Meeting rules and procedures.

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## INTRODUCTION OF THE ZONING COMMITTEE

**John Fryday, Chair of Zoning Committee** introduced the members of the Zoning Committee. They will meet Tuesday, December 4, 2018 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 hearings. For questions or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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## HISTORIC LANDMARKS

### ITEM NO. 4: REGINALD ARMISTICE HAWKINS HOUSE

Public hearing on the question of adoption of an ordinance for the property known as the "Reginald Armistice Hawkins House" (listed under Tax Parcel Number 07839808 including the interior and the exterior of the house, and the land and all landscape features associated with tax parcel) as a Historic Landmark.

Motion was made by Councilmember Egleston, seconded by Councilmember Mayfield, and carried unanimously to defer the public hearing for this Historic Landmark designation until February 18, 2019.

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## DEFERRALS

Motion was made by Councilmember Egleston, seconded by Councilmember Mayfield, and carried unanimously to defer decisions for Item No. 7: Petition No. 2018-049 by Revolve Residential and Item No. 15: Petition No. 2018-078 by Monte Ritchey/Conformity Corp. to December 17, 2018 and refer both petitions back to the Zoning Committee for review.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer decisions on Item No. 5: Petition No. 2017-195 by Boulevard Real Estate Advisors, LLC; Item No. 6: Petition No. 2018-011 by Harrison Tucker & John Perovich; and, Item No. 12, Petition No. 2018-012 by Harrison Tucker & John Perovich to December 17, 2018.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to defer hearings for Item No. 25: Petition No. 2015-027 by Charlotte Housing Authority to May 20, 2019; Item No. 26: Petition No. 2017-186 by Drakeford Co. to December 17, 2018; Item No. 27: Petition No. 2017-206 by BWN Investments, LLC to December 17, 2018; Item No. 28: Petition No. 2018-058 by White Oak Management, Inc. to December 17, 2018; Item No. 38: Petition No. 2018-095 by WeWork Companies to December 17, 2018; Item No. 39: Petition No. 2018-102 by Audies Moore to January 22, 2019 and Item No. 41: Petition No. 2018-083 by Chick-fil-A to December 17, 2018.

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## DECISIONS

**ITEM NO. 8: ORDINANCE NO. 9445-Z, PETITION NO. 2017-023 BY MADISON CAPITAL GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 16.23 ACRES LOCATED ON THE EAST SIDE OF STEELE CREEK ROAD AND SOUTH OF RIGSBY ROAD, ACROSS FROM SHOPTON ROAD WEST AND DIXIE RIVER ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) AND NS (NEIGHBORHOOD SERVICES), WITH FIVE-YEAR VESTED RIGHTS.**

The Zoning Committee voted 7-0 (motion by McClung, 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 Steele Creek Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the Steele Creek Area Plan (2012) recommends residential uses up to six 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 while the petition is inconsistent with the adopted plan recommendation, the plan also states that a development with a mix of uses, with no more than 70,000 square feet would be considered for this site. The proposed development includes multi-family, office and retail, with the retail limited to 45,000 square feet and in addition, the site is in an area that has experienced tremendous development pressures following the opening of the Charlotte Premium Outlet Mall just north and west of this site. Because of this the Planning Department initiated a Development Response process in March 2017 to update development considerations for the area near the mall and the proposed development is generally consistent with the guidelines of the Steele Creek Development Response, which called for higher intense development in this area, with a mix of uses, in a pedestrian friendly setting and buildings up to eight stories and the proposed site plan includes the street network recommended by the Steele Creek Development Response, and lays the framework for future connections as development occurs. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential at up to six dwelling units per acre to residential, office, and retail uses for the site.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2017-023.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to adopt the following Statement of Consistency: This petition is found to be inconsistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because the Steele Creek Area Plan (2012) recommends residential uses up to six 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 while the petition is inconsistent with the adopted plan recommendation, the plan also states that a development with a mix of uses, with no more than 70,000 square feet would be considered for this site. The proposed development includes multi-family, office and retail, with the retail limited to 45,000 square feet and in addition, the site is in an area that has experienced tremendous development pressures following the opening of the Charlotte Premium Outlet Mall just north and west of this site. Because of this the Planning Department initiated a Development Response process in March 2017 to update development considerations for the area near the mall and the proposed development is generally consistent with the guidelines of the Steele Creek Development Response, which called for higher intense development in this area, with a mix of uses, in a pedestrian friendly setting and buildings up to eight stories and the proposed site plan includes the street network recommended by the Steele Creek Development Response, and lays the framework for future connections as development occurs. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential at up to six dwelling units per acre to residential, office, and retail uses for the site.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 672-673.

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**ITEM NO. 9: ORDINANCE NO. 9446-Z, PETITION NO. 2017-137 BY NORTHLAKE REAL ESTATES INVESTORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.44 ACRES LOCATED ON THE WEST SIDE OF REAMES ROAD, SOUTH OF WEST W. T. HARRIS BOULEVARD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Ham, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends mixed use residential office, and/or retail, for most of the site and the plan recommends park/open space for the remaining 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 proposal is consistent with the character of recently built commercial development in the area, including the property directly to the east of the proposal and while the proposed five-story hotel is not recommended by the plan, it is located to the rear of the property abutting the Long Creek greenway corridor and will complement the future greenway by including an adjacent amenity area and the proposed site plan will provide interconnected buildings with pedestrian connections that support walkability and the petition also includes an internal street, parallel to W. T. Harris Boulevard, which will connect to an adjacent retail development and enhance area connectivity.

The following changes were made after the Zoning Committee's recommendation; 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 modified Greenway Dedication Note 9.a. to read as follows:

- The petitioner will dedicate and convey to County Parks and Recreation the portion of the 100-foot SWIM buffer located on the site as generally depicted on the rezoning plan. This area will be dedicated and conveyed to County Parks and Recreation prior to the issuance of the first certificate of occupancy for the first building constructed on the site. Storm water detention and water quality treatment areas may not be located within the area to be dedicated to Mecklenburg County Parks and Recreation. In addition, the petitioner shall provide 400' X 100' permanent 20-foot access, maintenance, construction and potential greenway connection easement along Reames from the site's internal private street to the proposed greenway dedication area as generally depicted on the zoning plan. The petitioner will also explore with County Park and Recreation the possibility of allowing County Park and Recreation to use the required storm water detention access and maintenance easement, for the proposed BMP located adjacent to Long Creek, as an easement that can be utilized by County Park and Recreation to access, construct, and maintain the proposed greenway. The petitioner will construct a 12-foot gravel access road within the easement. The easement and gravel road may be used to access and maintain the site's stormwater/water quality facilities.

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

Motion was made by Councilmember Winston, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2017-137 by Northlake Real Estate Investors, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends mixed use residential office, and/or retail, for most of the site and the plan recommends park/open space for the remaining 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 proposal is

consistent with the character of recently built commercial development in the area, including the property directly to the east of the proposal and while the proposed five-story hotel is not recommended by the plan, it is located to the rear of the property abutting the Long Creek greenway corridor and will complement the future greenway by including an adjacent amenity area and the proposed site plan will provide interconnected buildings with pedestrian connections that support walkability and the petition also includes an internal street, parallel to W. T. Harris Boulevard, which will connect to an adjacent retail development and enhance area connectivity.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 674-675.

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**ITEM NO. 10: ORDINANCE NO. 9447-Z, PETITION No. 2017-168 BY J. S. & SON'S CONSTRUCTION COMPANY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.70 ACRES LOCATED ON THE SOUTH SIDE OF WEST BOULEVARD, EAST OF WILMORE DRIVE FROM R-5 HD-O (SINGLE FAMILY RESIDENTIAL, HISTORIC DISTRICT OVERLAY) AND R-22MF HD-O (MULTIFAMILY RESIDENTIAL, HISTORIC DISTRICT OVERLAY) TO UR-2(CD) HD-O (URBAN RESIDENTIAL, CONDITIONAL, HISTORIC DISTRICT OVERLAY).**

The Zoning Committee voted 6-0 (motion by Gussman seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan and the General Development Policies (GDP) for increased density plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential land uses for the subject site. The GDP score is for densities up to twelve units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the majority of the site is vacant and surrounded by single family homes. The existing multi-family structure was constructed in 1951 and the proposed six-foot fence and 25-foot landscaped buffer will screen the development from the existing single-family homes and the proposed residential density of 10.8 dwelling units per acre provides a transition from the nonresidential uses and larger residential buildings along West Boulevard to surrounding single family neighborhood and the proposed setback along West Boulevard matches the setback of the existing multi-family building to provide a similar street edge along West Boulevard and the proposed development improves the site with an eight-foot planting strip and six-foot sidewalk which will improve both safety and the pedestrian experience. The approval of this petition will revise the adopted future land use for a portion of the property as specified by the Central District Plan, from single family residential at up to five dwelling units per acre to residential at less than or equal to twelve units per acre.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2017-168 by J. S. & Son's Construction Company, LLC. and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan and the General Development Policies (GDP) for increased density plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential land uses for the subject site. The GDP score is for densities up to twelve units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the majority of the site is vacant and surrounded by single family homes. The existing multi-family structure was constructed in 1951 and the proposed six-foot fence and 25-foot landscaped buffer will screen the development from the existing single-family homes and the proposed residential density of 10.8 dwelling units per acre provides a transition from the nonresidential uses and larger residential buildings along West Boulevard to surrounding single family neighborhood and the proposed setback along West Boulevard matches the setback of the existing multi-family building to provide a similar street edge along West Boulevard and the proposed development improves the

site with an eight-foot planting strip and six-foot sidewalk which will improve both safety and the pedestrian experience. The approval of this petition will revise the adopted future land use for a portion of the property as specified by the Central District Plan, from single family residential at up to five dwelling units per acre to residential at less than or equal to twelve units per acre.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 676-677.

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**ITEM NO. 11: ORDINANCE NO. 9448-Z, PETITION NO. 2018-003 BY BOULEVARD REAL ESTATE ADVISORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .074 ACRES LOCATED ON THE NORTH SIDE OF WEST TREMONT AVENUE BETWEEN SOUTH TRYON STREET AND HAWKINS STREET FROM TOD-R(O) (TRANSIT ORIENTED DEVELOPMENT – RESIDENTIAL, OPTIONAL) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT – MIXED USE, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends transit supportive uses for the subject 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 subject site is within a 1/4 mile walk of the East/West Boulevard Transit Station on the LYNX Blue Line and the site was previously approved for transit orientated development and the current request proposes to amend the permitted uses and the proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project and the site plan supports increased connectivity by providing a new north/south street between Tremont Avenue and the site's northern boundary upon new construction and this petition will help support the transition of the area to a more walkable transit district.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2018-003 by Boulevard Real Estate Advisors and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area, based on the information from the final staff analysis and the public hearing and because the plan recommends transit supportive uses for the subject 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 subject site is within a 1/4 mile walk of the East/West Boulevard Transit Station on the LYNX Blue Line and the site was previously approved for transit orientated development and the current request proposes to amend the permitted uses and the proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project and the site plan supports increased connectivity by providing a new north/south street between Tremont Avenue and the site's northern boundary upon new construction and this petition will help support the transition of the area to a more walkable transit district.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 678-679.

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**ITEM NO. 13: ORDINANCE NO. 9449-Z, PETITION NO. 2018-054 BY BLUE HEEL DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.2 ACRES LOCATED AT THE END OF PRICE LANE, SOUTH OF YORKMONT ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McClung seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: The petition is found

to be inconsistent with the Southwest District Plan land use recommendation and inconsistent with the General Development Policies, based on information from the post hearing staff analysis and the public hearing, and because the Southwest District Plan recommends office land uses. The General Development Policies support up to eight dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the proposed residential development, while inconsistent with the recommended office land use for the site, provides a compatible use between the existing office developments along Price Lane and the residential portion of the City Park development and the site is located within the Old Coliseum mixed use activity center, as per the Centers, Corridors and Wedges Growth Framework, which envisions an activity center with a more robust mix of uses, including moderate density residential and the proposed density of 8.7 dwellings per acre is slightly higher than the eight units per acre supported by the General Development Policies and the site is surrounded by a mix of scattered single family homes, apartments, townhomes, commercial, institutional, and office uses, and vacant land, making this proposed townhouse project compatible with the existing land uses in the area and the proposed site plan proposes pedestrian connections, via trails, through the tree save area to the adjacent park south of the site and the site plan commits to dedication of right-of-way for the future extension of Price Lane and preserves the ability to build a connection between Yorkmont Road and Tyvola Road.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2018-054 by Blue Heel Development and adopt the following Statement of Consistency: The petition is found to be inconsistent with the Southwest District Plan land use recommendation and inconsistent with the General Development Policies, based on information from the final staff analysis and the public hearing, and because the Southwest District Plan recommends office land uses. The General Development Policies support up to eight dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed residential development, while inconsistent with the recommended office land use for the site, provides a compatible use between the existing office developments along Price Lane and the residential portion of the City Park development and the site is located within the Old Coliseum mixed use activity center, as per the Centers, Corridors and Wedges Growth Framework, which envisions an activity center with a more robust mix of uses, including moderate density residential and the proposed density of 8.7 dwellings per acre is slightly higher than the eight units per acre supported by the General Development Policies and the site is surrounded by a mix of scattered single family homes, apartments, townhomes, commercial, institutional, and office uses, and vacant land, making this proposed townhouse project compatible with the existing land uses in the area and the proposed site plan proposes pedestrian connections, via trails, through the tree save area to the adjacent park south of the site and the site plan commits to dedication of right-of-way for the future extension of Price Lane and preserves the ability to build a connection between Yorkmont Road and Tyvola Road.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 680-681.

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**ITEM NO. 14: ORDINANCE NO. 9450-Z, PETITION NO. 2018-077 BY R2 DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.69 ACRES LOCATED ON THE WEST SIDE OF STEELE CREEK ROAD, SOUTH OF HAMILTON ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Watkins, seconded by Samuel) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan recommendation but inconsistent with the recommended density, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential uses at a density of four 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

Steele Creek Area Plan land use recommendation does not specify type of housing, but instead specifies residential use and the proposed development will provide a different housing choice at a density that is comparable to the surrounding single family detached residential and a buffer will be provided between the existing detached and proposed attached homes to prevent any unintended conflicts between the two uses.

**Tammie Keplinger, Planning** said this is one of the petitions I talked to the Council about earlier tonight where on the Consistency Statement we have a little addition, as you can see, on the screen above you. If the Council would make a motion to adopt the Zoning Committee's Statement of Consistency with the inclusion of the following statement: The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan from residential at four dwelling units per acre to residential up to five units per acre for this site.

**Councilmember Mayfield** said Ms. Keplinger, just for clarification on the Statement that is above, this is specifically for this site.

Ms. Keplinger said it is specifically for this site.

**Mayor Pro Tem Eiselt** said is that presumed included when I ask for a motion to adopt the Consistency Statement?

Ms. Keplinger said if someone could possibly make the motion to adopt the Zoning Committee's Statement of Consistency with the inclusion of what I just read.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2018-077 by R2 Development and adopt the following statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan recommendation but inconsistent with the recommended density, based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses at a density of four 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 Steele Creek Area Plan land use recommendation does not specify type of housing, but instead specifies residential use and the proposed development will provide a different housing choice at a density that is comparable to the surrounding single family detached residential and a buffer will be provided between the existing detached and proposed attached homes to prevent any unintended conflicts between the two uses. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan from residential at four dwelling units per acre to residential up to five units per acre for this site.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 682-683.

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**ITEM NO. 16: ORDINANCE NO. 9451-Z, PETITION NO. 2018-080 BY COLLIN WOLFF AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.22 ACRES LOCATED ON THE WEST SIDE OF JOHN ADAMS ROAD, NORTH OF WEST MALLARD CREEK CHURCH ROAD FROM O-1(CD) (OFFICE, CONDITIONAL) TO O-1 (OFFICE).**

The Zoning Committee voted 7-0 (motion by Watkins, seconded by Gussman) to recommend approval of this petition and adopt the following Consistency Statement: This petition is found to be consistent with the Northeast Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the area plan recommends office and retail 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 located on the west side of John Adams Road, north of W. Mallard Creek Church Road and the site is adjacent to large lot residential that is currently zoned R-3; however, those parcels and all surrounding parcels are recommended to be redeveloped for a mix of office, retail, and research uses over time. The proposed O-1 district is compatible with those future

uses and the O-1 zoning district allows office uses that are consistent with the vision for a Neighborhood Center in this area and there are no critical infrastructure projects, connections, or unique conditions that would warrant a conditional rezoning for this site.

Motion was made by Councilmember Phipps, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2018-080 by Collin Wolff and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast Area Plan, based on the information from the final staff analysis and the public hearing and because the area plan recommends office and retail 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 located on the west side of John Adams Road, north of W. Mallard Creek Church Road and the site is adjacent to large lot residential that is currently zoned R-3; however, those parcels and all surrounding parcels are recommended to be redeveloped for a mix of office, retail, and research uses over time. The proposed O-1 district is compatible with those future uses and the O-1 zoning district allows office uses that are consistent with the vision for a Neighborhood Center in this area and there are no critical infrastructure projects, connections, or unique conditions that would warrant a conditional rezoning for this site.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 684-685.

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**ITEM NO. 17: ORDINANCE NO. 9452-Z, PETITION NO. 2018-081 BY PROFILE HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.35 ACRES LOCATED OFF SOUTH TRYON STREET, SOUTH OF STEELE CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND B-D(CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL) TO R-12MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Gussman, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan land use recommendation but inconsistent with the recommended density, based on information from the post hearing staff analysis and the public hearing, and because the plan recommends residential uses at a density of four 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 proposed townhomes provide a transition from the apartments zoned R-17MF(CD) (multi-family residential, conditional) and assisted living facility zoned INST(CD) (institutional, conditional) to the northeast of the site, and the single family detached homes zoned R-3 (single family residential) located on the southwest of the site and the proposed townhomes will provide a transition between the single family homes, institutional use and the higher density multi-family development and the proposed townhomes will be phase 2 of the adjacent townhome development to the north that was approved in 2016. The subject site is situated between Phase 1 and South Tryon Street, a major thoroughfare and the proposed site plan adheres to the Steele Creek Area Plan Residential Design Policies that support critical treatments pertaining to blank walls along pedestrian circulation areas building orientation towards the internal street network and encouraging on-street parking along public and private streets.

The following change was made after the Zoning Committee's recommendation; 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 has made a change to the proposed building layout by combining two three-unit buildings into one six-unit building (i.e., Buildings 22 and 23 to be combined into new Building 22). The building is located at the front of the site along South Tryon Street.

The petitioner indicated this change was necessary to accommodate storm drainage infrastructure requirements for the site.

Staff Recommendation: Staff believes that the changes are minor than the previous plan presented to the Zoning Committee and does not warrant additional review by the Zoning Committee.

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

Motion was made by Councilmember Mayfield, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2018-081 by Profile Homes and adopt the following Statement of Consistency with the amended language: This petition is found to be consistent with the Steele Creek Area Plan land use recommendation but inconsistent with the recommended density, based on information from the final staff analysis and the public hearing, and because the plan recommends residential uses at a density of four 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 proposed townhomes provide a transition from the apartments zoned R-17MF(CD) (multi-family residential, conditional) and assisted living facility zoned INST(CD) (institutional, conditional) to the northeast of the site, and the single family detached homes zoned R-3 (single family residential) located on the southwest of the site and the proposed townhomes will provide a transition between the single family homes, institutional use and the higher density multi-family development and the proposed townhomes will be phase 2 of the adjacent townhome development to the north that was approved in 2016. The subject site is situated between Phase 1 and South Tryon Street, a major thoroughfare and the proposed site plan adheres to the Steele Creek Area Plan Residential Design Policies that support critical treatments pertaining to blank walls along pedestrian circulation areas building orientation towards the internal street network and encouraging on-street parking along public and private streets. The approval of this petition will revise the future land use of residential with four dwelling units per acre to residential up to eight units per acre for this site.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 686-687.

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**ITEM NO. 18: ORDINANCE NO. 9453-Z, PETITION NO. 2018-082 BY CITY OF CHARLOTTE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.02 ACRES LOCATED OFF KEN HOFFMAN DRIVE, EAST OF NORTH TRYON STREET, SOUTH OF W. T. HARRIS BOULEVARD FROM O-2 (OFFICE), MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) AND INST (INSTITUTIONAL) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Samuel, seconded by McClung) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the University City Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends a mixture of residential, office, retail, and civic/ institutional uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the requested government building/office use is consistent with the adopted area plan and the proposed building location on the corner of N. Tryon Street and Ken Hoffman Drive creates a cohesive corridor that provides a feeling of continuous building activation and comfortable pedestrian oriented environment along N. Tryon Street and the site is located within a ¼ mile walk distance of the McCullough transit station. The proposed government building/office use is an appropriate element in the mix of uses on and around the site along the North Tryon corridor and urban open space is provided along both street frontages and will enhance the public realm by providing an open-air area improved with seating, plantings and/or other amenities accessible and open to the public and elevations are provided, which indicate the building will be constructed with predominately masonry materials, consistent with area plan design standards and the building is designed to avoid a continuous building wall and breaks up visual mass and bulk.

Motion was made by Councilmember Phipps, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2018-082 by City of Charlotte and adopt the following Statement of Consistency: This petition is found to be consistent with the University City Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends a mixture of residential, office, retail, and civic/institutional uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the requested government building/office use is consistent with the adopted area plan and the proposed building location on the corner of N. Tryon Street and Ken Hoffman Drive creates a cohesive corridor that provides a feeling of continuous building activation and comfortable pedestrian oriented environment along N. Tryon Street and the site is located within a ¼ mile walk distance of the McCullough transit station. The proposed government building/office use is an appropriate element in the mix of uses on and around the site along the North Tryon corridor and urban open space is provided along both street frontages and will enhance the public realm by providing an open-air area improved with seating, plantings and/or other amenities accessible and open to the public and elevations are provided, which indicate the building will be constructed with predominately masonry materials, consistent with the area plan design standards and the building is designed to avoid a continuous building wall and breaks up visual mass and bulk.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 688-689.

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**ITEM NO. 19: ORDINANCE NO. 9454-Z, PETITION NO. 2018-084 BY AMICUS PARTNERS, PLLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 42.05 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF PLAZA ROAD EXTENSION AND HOOD ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-4 (SINGLE FAMILY RESIDENTIAL).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Samuel) 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, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential uses up to four dwelling units per acre 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 proposed R-4 (single family residential) zoning district is consistent with the surrounding single-family zoning districts in the area, which include R-3 (single family residential) and R-4 (single family residential) and the proposed zoning will maintain the low to moderate density residential character of the area because much of the surrounding area is also recommended for residential up to four units per acre.

Motion was made by Councilmember Newton, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2018-084 by Amicus Partners, PLLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Rocky River Road Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to four dwelling units per acre 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 proposed R-4 (single family residential) zoning district is consistent with the surrounding single-family zoning districts in the area, which include R-3 (single family residential) and R-4 (single family residential) and the proposed zoning will maintain the low to moderate density residential character of the area because much of the surrounding area is also recommended for residential up to four units per acre.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 690-691.

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**ITEM NO. 20: ORDINANCE NO. 9455-Z, PETITION NO. 2018-087 BY MIDWOOD OVERLOOK, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.22 ACRES LOCATED AT THE INTERSECTION OF CENTRAL AVENUE AND IRIS DRIVE FROM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).**

The zoning Committee voted 7-0 (motion by Gussman, seconded by Samuel) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends retail uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the subject site is located on Central Avenue, which is a commercial corridor, and along a future phase of the proposed LYNX Gold Line Streetcar alignment and this site's location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment opportunities, and Veteran's Park and the site is walkable from surrounding residences including new residences in the Morningside neighborhood area; and this project proposes to repurpose the existing building that is sensitive in scale to the surrounding neighborhood, for uses allowed in the MUDD (mixed use development) district and existing parking located between the building and Central Avenue has been reduced, and parking fronting both streets is located across from nonresidential zoning and land use, which limits the impact on nearby residences.

Motion was made by Councilmember Egleston, seconded by Councilmember, and carried unanimously to approve Petition No. 2018-087 and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends retail uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site is located on Central Avenue, which is a commercial corridor, and along a future phase of the proposed LYNX Gold Line Streetcar alignment and this site's location within ½ mile of the Central Avenue/Plaza Midwood business district places it within walking distance of neighborhood goods and services as well as entertainment opportunities, and Veteran's Park and the site is walkable from surrounding residences including new residences in the Morningside neighborhood area; and this project proposes to repurpose the existing building that is sensitive in scale to the surrounding neighborhood, for uses allowed in the MUDD (mixed use development) district and existing parking located between the building and Central Avenue has been reduced, and parking fronting both streets is located across from nonresidential zoning and land use, which limits the impact on nearby residences.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 692-693.

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**ITEM NO. 21: ORDINANCE NO. 9456-Z, PETITION NO. 2018-089 BY ANDRES MERA-BORJA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRES LOCATED ON EAST 15TH STREET BETWEEN NORTH DAVIDSON STREET AND NORTH ALEXANDER STREET FROM I-2 (GENERAL INDUSTRIAL) TO UR-C (URBAN RESIDENTIAL, COMMERCIAL).**

The Zoning Committee voted 7-0 (motion by Ham, seconded by Watkins) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the BLE Transit Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends transit oriented uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the site is within between ¼ and ½ mile walk distance from the Parkwood Transit Station on the LYNX Blue Line Extension, which supports a change from industrial to mixed use zoning and the site

is developed with a single family residential dwelling, and is adjacent to industrial uses bounded by N. Davidson Street, Belmont Avenue, and E. 15th Street, which are expected to transition to transit supportive development over time and the petition redevelops an infill site, thereby minimizing further environmental impacts while accommodating growth and the residential, office and business uses permitted in the URC (urban residential, commercial) district are consistent with the uses allowed in the TOD (transit oriented development) district.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to approve Petition No. 2018-089 by Andres Mera-Borja and adopt the following Statement of Consistency: This petition is found to be consistent with the BLE Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends transit oriented uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is within between ¼ and ½ mile walk distance from the Parkwood Transit Station on the LYNX Blue Line Extension, which supports a change from industrial to mixed use zoning and the site is developed with a single family residential dwelling, and is adjacent to industrial uses bounded by N. Davidson Street, Belmont Avenue, and E. 15th Street, which are expected to transition to transit supportive development over time and the petition redevelops an infill site, thereby minimizing further environmental impacts while accommodating growth and the residential, office and business uses permitted in the URC (urban residential, commercial) district are consistent with the uses allowed in the TOD (transit oriented development) district.

A vote was taken and recorded as follows:

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Mayfield, Newton, and Winston

NAYS: Councilmember Phipps

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 694-695.

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**ITEM NO. 22: ORDINANCE NO. 9457-Z, PETITION NO. 2018-090 BY FOURSTORE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.1 ACRES LOCATED ON THE WEST SIDE OF PROVIDENCE ROAD, SOUTH OF I-485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by McClung, seconded by Gussman) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Providence Road/I-485 Area Plan Update, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential use at up to eight dwellings 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 I-485 & Providence Road Development Response Memorandum was prepared in March 2011 with considerable community organization and property owner consultation. A second Development Response was held in 2014. Although not adopted by City Council, they formed a basis by which Waverly, Providence Farm, Rea Farms, and other adjoining properties previously recommended for residential use were rezoned for more intense commercial and mixed-use development. The subject property was not directly included in these processes and as a result of these rezonings for mixed use development, the Providence/I-485 Activity Center was expanded to incorporate the new developments, and now includes the subject property within the Activity Center and the property fronts on Providence Road and Allison Woods Drive, just south of I-485, at a visually prominent location with limited right-in/right-out access. The proposed use is a relatively low traffic generator which is desirable for a site with access limitations; and properties to the south immediately across Allison Woods Drive are developed with retail and commercial uses compatible with the proposed use, and include a street network that serves the subject property and provides connectivity within the Activity Center and the property is constrained along the north and west by creeks and

wetlands, and does not immediately abut existing single-family neighborhoods. The creeks and wetlands will provide a buffer and separation for future development to the north and west.

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, to approve Petition No. 2018-090 by Fourstore, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Providence Road/I-485 Area Plan Update, based on the information from the final staff analysis and the public hearing and because the plan recommends residential use at up to eight dwellings 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 I-485 & Providence Road Development Response Memorandum was prepared in March 2011 with considerable community organization and property owner consultation. A second Development Response was held in 2014. Although not adopted by City Council, they formed a basis by which Waverly, Providence Farm, Rea Farms, and other adjoining properties previously recommended for residential use were rezoned for more intense commercial and mixed-use development. The subject property was not directly included in these processes and as a result of these rezonings for mixed use development, the Providence/I-485 Activity Center was expanded to incorporate the new developments, and now includes the subject property within the Activity Center and the property fronts on Providence Road and Allison Woods Drive, just south of I-485, at a visually prominent location with limited right-in/right-out access. The proposed use is a relatively low traffic generator which is desirable for a site with access limitations; and properties to the south immediately across Allison Woods Drive are developed with retail and commercial uses compatible with the proposed use, and include a street network that serves the subject property and provides connectivity within the Activity Center and the property is constrained along the north and west by creeks and wetlands, and does not immediately abut existing single-family neighborhoods. The creeks and wetlands will provide a buffer and separation for future development to the north and west.

A vote was taken and recorded as follows:

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Mayfield, Newton and Phipps

NAYS: Councilmember Winston

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 696-697.

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**ITEM NO. 23: ORDINANCE NO. 9458-Z, PETITION NO. 2018-091 BY SCBP DEVELOPER, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.65 ACRES LOCATED ON THE EAST SIDE OF STEELE CREEK ROAD, NORTH OF SOUTH TRYON STREET FROM O-1(CD) (OFFICE, CONDITIONAL) TO O-1(CD) SPA (OFFICE, CONDITIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 7-0 (motion by Watkins, 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 Steele Creek Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential, office and/or retail land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed site plan amendments are consistent with the residential, office and/or retail land uses recommended for this site, as per the Steele Creek Area Plan and the proposed reduced buffer is due to the adjoining parcel being rezoned to Inst CD (institutional, conditional) from single family in 2006, therefore, no longer requiring the larger 75-foot Class B buffer along the northern property line and the proposed daycare use is compatible with the office and medical office uses proposed for this site, and will be across the street from Steele Creek Branch Library as well as Steele Creek Middle School.

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to approve Petition No. 2018-091 by SCBP Developer, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential, office and/or retail land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed site plan amendments are consistent with the residential, office and/or retail land uses recommended for this site, as per the Steele Creek Area Plan and the proposed reduced buffer is due to the adjoining parcel being rezoned to Inst CD (institutional, conditional) from single family in 2006, therefore, no longer requiring the larger 75-foot Class B buffer along the northern property line and the proposed daycare use is compatible with the office and medical office uses proposed for this site, and will be across the street from Steele Creek Branch Library as well as Steele Creek Middle School.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 698-699.

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**ITEM NO. 24: ORDINANCE NO. 9459-Z, PETITION NO. 2018-094 BY HOPPER COMMUNITIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.03 ACRES LOCATED ON THE EAST SIDE OF ELM LANE, SOUTH OF WILLIAMS POND ROAD FROM R-12MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee vote 7-0 (motion by Samuel, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential uses at up to 12 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post hearing staff analysis and the public hearing and because the proposed residential use and density of 10 units per acre is consistent with the area plan recommendations and surrounding moderate density residential context and there are numerous single family attached residential developments in the area and surrounding the site and the current zoning would allow for 24 units and a building form that is not consistent with adjoining residential development and the proposed site plan provides a slight reduction of the number of units to 20 dwellings and the building form consists of single family attached dwellings with alley-loaded double car garages, consistent with the existing development adjoining to the north and east and the proposed street network connects to an existing stub of Fiddlers Roof Lane, completing the street connection anticipated in the adjoining development and supporting City Council's connectivity policies.

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2018-094 by Hopper Communities, Inc. 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 uses at up to 12 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed residential use and density of 10 units per acre is consistent with the area plan recommendations and surrounding moderate density residential context and there are numerous single family attached residential developments in the area and surrounding the site and the current zoning would allow for 24 units and a building form that is not consistent with adjoining residential development and the proposed site plan provides a slight reduction of the number of units to 20 dwellings and the building form consists of single family attached dwellings with alley-loaded double car garages, consistent with the existing development adjoining to the north and east and the proposed street network connects to an existing stub of Fiddlers Roof Lane, completing the street connection anticipated in the adjoining development and supporting City Council's connectivity policies.

The ordinance is recorded in full in Ordinance Book 61, at Page(s) 700-701.

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## HEARINGS

**ITEM NO. 29: HEARING ON PETITION NO. 2018-072 BY THUNDERBYRD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.68 ACRES LOCATED ON THE SOUTH SIDE OF MIRANDA ROAD, WEST OF PRIMM ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-5(CD) LWPA (SINGLE FAMILY RESIDENTIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA).**

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

**Tammie Keplinger, Planning** said this petition is for property that is located off of Miranda Road in the northwest part of Charlotte between Beatties Ford Road and Oakdale Road. The property is located in the Lake Wylie protected area, which is one of our watersheds. The rezoning originally contained everything in yellow plus this little corner if you can see that on the map. The petitioner recently revised the application to remove that corner, so we started out with approximately nine acres and we are down to approximately seven and a half. The request before you is to rezone this property from R-4 single family residential to R-5(CD) both with the Lake Wylie Protected Area.

This is the adopted future land use map which is from the Northwest District Plan, which was adopted in 1990, and you can see everything in yellow, and that is what is recommended for four dwelling units per acre including the entirety of this site. The petition itself proposes a single family residential development that has 29 lots; the density is 3.77 units per acre, which is less than what is allowed under the current zoning and is also less than, what is called for by the future land use plan. There is a minimum lot width of 50-feet. The street network is required by the subdivision ordinance. We have a street coming in as the main street, and you have a stub street to the east and a stub street to the southwest. There is an identified gravel firetruck turn-a-round that is located on this part of the site. That is because this block is too long for the firetrucks to back down, so they need a place to turn around. There is privacy fencing or landscaping barriers along property lines that adjoin R-3 zoning. One of the things this zoning would do is it would reduce the minimum lot width from 70-feet, which is what is required in the R-3 district, to 50-feet per the R-5 district. Also, the lot width would be less, the square footage instead of being 10,000 square feet required in the R-3 district there would be a minimum of 6,000 square feet, which is allowed in the R-5 district.

In looking at this proposal the request is for a density that is less than what the Area Plan recommends, it is consistent with the density and land use recommendations for the site and the surrounding areas. Most of the property is developed at four dwelling units per acre or recommended for that, and the development will provide the street cross section and connectivity that meets the subdivision ordinance and also complies with the City Council's connectivity policy. Staff is recommending approval of this petition and there are no outstanding issues.

**Councilmember Harlow arrived at 6:10 p.m.**

**Charlene Grindstaff, 2431 Miranda Road** said I own the property across the street from this proposed development that is coming. My main concern is at the end of Miranda Road and Sunset and Oakdale Road is a five-point intersection. The traffic there is terrible; it took 20 minutes to get of there tonight to get to this meeting. This is a very small road. There are wrecks there, and it is listed as the fifth most dangerous intersection in Mecklenburg County right now. We are just concerned with more development on that road and how much safety issues that will cause there and also where this property is, it is hard to tell from that map, but that is on a hill when you come down and the entrance they have coming out is coming out on a blind spot on the hill itself that I live across from. If you are coming from Oakdale Road to turn into that development, you would be fine. If you are coming from Beatties Ford Road and you try to turn into that development there are going to be safety concerns there, and we have not heard anything on how this is going to be addressed. That road is very narrow; it is an old country road, most of the houses out there are on lots of larger size of course just because it is mostly large lots with homes from a long time ago. There is a development behind my property on Primm Road, which comes off of Miranda Road, and it is zoned R-3, and I don't

have a problem with that at all. The neighbors that use Primm Road, that is their only way out onto Miranda Road. We do have traffic issues on that road and that is the main thing that my concern is that there are major traffic issues. I can't tell people what kind of development they are going to build; that is not my place, but the traffic issue is a major concern to me. If you allow this to go to R-5, instead of R-3 which is what everything else is zoned on that road, you are just multiplying the traffic problems in our area.

**Chris Rupert, 2301 Primm Road** said I live on Primm Road, which is around the corner from this, and everything Ms. Grindstaff said was absolutely right about the traffic. As you come around the sharp curve on Miranda Road you go over this hill that is right where the entrance is going to be. You are not going to be able to see cars pulling in and out and the speed limit is 45, and people go 50 and 60. Miranda Road is a cut through to get to I-485 now, so the traffic is really heavy on Miranda Road. There is going to be a lot of accidents coming in and out of this proposed neighborhood, and the other thing is Miranda Road and Primm Road is a beautiful little growing country area. It is a pocket of country right in the middle of the City, and we should protect this area, and we shouldn't let it build up with these dense neighborhoods that are going R-5. It is R-3, and if we kept it R-3 then the housing quality, the housing values would stay up. Letting this zone up to R-5 it is going to bring everybody's property values down, and it is just not fair to the neighborhood to this little pocket. There are a lot of high density neighborhoods in the area, we ought to preserve this pocket right by the Oakhill's Park that just got named. The Opossum Walk Nature Preserve is on Miranda Road, so you've got these natural areas and we ought to preserve this. This is a beautiful little area. We should protect this area and make it a desirable area, not let it build up with these dense neighborhoods. I plead that you vote no.

**Donna Annabel, 3045 Ed Reid Street** said I live on Ed Reid Street which is right off of Primm Road in the Maranda Subdivision, and we have gorgeous, beautiful homes up and down Primm Road and back in where I am on Ed Reid Street, but when you get to Primm Road and Maranda Road intersection there, it is dangerous and then you have the fourth most dangerous intersection only a mile from this development right down by Oakdale Road and Simpson Road, and it is going to take two-years to get our round-a-bout put in there. Everyday there is a dangerous accident. My granddaughter goes on a bus over there, and it is horrible. The bus drivers sweat it out; it is one of the most dangerous intersections, and it is only a mile from this high density so you have to think about that. I'm hoping that the researchers have looked up and down this road and seeing; at the other end of the road here, which is the intersection of Maranda Road and Beatties Ford Road is where the Rocking K Ranch was, and there is going to be another 380 homes being put in next year before this, so we've got 380 less than a mile from this one and then we've got the fourth dangerous intersection. None of your researchers I bet have even looked into all these contradictions of putting dense population in this area. So, we are adding 380 already on that Rocking K Ranch property and that is going to start within six months. This is really pushing it putting more into this area, where we are used to having beautiful horses there. We have a lot of stables in this area, a lot of people bring their children there to go riding lessons. This is not the area to have extra density at all, and we are still waiting for two-years to get this round-a-bout by the Oakdale Post Office. When we get to that intersection we pray; that is how bad it is. There is an accident there at least once every two weeks. Please consider. I oppose this.

**Seth Schader, 2329 Miranda Road** said I live at 2329 Miranda Road. I think one of the other extremely close properties. I know there are a lot of people that live on Miranda Road that were not able to make it here tonight because of the holiday week or families and the time downtown, but this is a family neighborhood and it is a very hard place to find in Charlotte. When I moved here about seven-years ago and looked for a place that had over an acre lots and old country homes; there is just not a lot of them and they keep getting rezoned and taking the character out of the neighborhood. Beyond the safety concerns and everything else everybody has mentioned this is a very nice area that does need to be preserved in some fashion. I understand it is going to get developed, and if it is going to get developed I just think there should be some sort of justification as to why? When you came to the community meeting and explained the reason why, it was basically this is an investment for me. It is a sidecar. I need to make more money by going to R-5. There was never a reason explained to us as to how it helped anybody in the community. I just hope you guys take that into account that we don't make our decisions based on the financial goals of the investor, and we do take out community into consideration.

**Tom Murphy, 4023 Arborway** said I am with Thunderbyrd LLC. As you know, this is a small project, 29 homes is what we are asking for off of Miranda Road. By right with an R-3 designation, that is 23 units, 7.7 acres times three. What we are really asking for is six additional units. It is not R-5 density; we are asking for R-5 because of the conditions and required setbacks. We are trying to get a project that is economically viable as anything needs to be viable from a housing perspective, so it is actually under the four-long-range plan density only by six units. As far as the traffic issues, I do recognize that all the plaintiffs described the traffic issues. On the west bound side where Oakdale is, my last traffic count was around 5,000 vehicles per day go and down past Miranda Road. On the other side on Beatties Ford Road, it is about 2,000 to 3,000 so 29 units is not going to really drive any material traffic up and down Miranda Road that is not already there cutting through as the case may be. To improve things, we did offer the right-of-way for a left-hand turn lane going towards the west side, that should be an adequate space to turn into a subdivision. From the right-hand side there is also an expansion you can see where the expanded right-of-way is. There is going to be sidewalks there, a curb and gutter just to further enhance safety. We carved out two lots in the very front of the subdivision, you can see on either side the left and right where the top arrows are there are open spaces there. That is the go well above and beyond the NC-DOT required sight line instead of triangles. That will be mostly open space, there is hardly any trees there now, so that will further enhance the ability to see traffic coming and going.

To give an idea of what is in the area, you see down to the south there Mandy Place; on the west side is Sunset Village. This is already an R-4 density, 190 units here in Sunset Village. The Woodlands which borders it also about 1,000 feet away from the property is 150 units in R-3. It appears to be pretty close to a cluster density, so the houses are closer together. Further east which was mentioned before is just off the side of this map there is Northlake Landing off Beatties Ford Road with entrances. It is 94 units at R-5 conditional. Right next to that is Avery Glenn off Beatties Ford Road, which is 142 units at MX-1 and then Wedgewood, which is next to that off Beatties Ford Road on the east side as well is 150 units at R-9 PUD. As you know, this is one of the last undeveloped or relatively less developed areas of inter loop inside I-485. If Charlotte lots of housing takes place, it is close to where the working traffic centers are, we have to make some sort of accommodations to make project become viable for housing needs of the community. I also recognize that some of the complaints of the neighbors immediately next door, there are three houses that the property borders, we would set up landscaping barriers or privacy fence to insight down from the neighborhood. They don't want to see the new subdivision, and I understand it, subdivision neighbors maybe don't want to be on top of them either, so we will put along their lot lines some sort of barrier to enhance the privacy issues.

In the very front of the property this area here is a tree save open space along with these open spaces here. We were able to engineer the site, because it is kind of long type of design to put as much as possible tree save up here so people coming up the street from this direction and this direction would see mostly trees, so most of the view they are going to see is not any different from what they currently see today. You have to get way back inside after the turn in order to see any housing. This tree save over here should prevent anybody from seeing most of that activity. I don't want to take any more of your time; I just wanted to make sure that everybody understood what the value add to the Charlotte and Mecklenburg community was for having a project like this.

**Councilmember Winston** said Ms. Keplinger, I have a question about the Lake Wylie Protected Area, and I heard some of the residents mention they wanted to protect this area. This is a lot closer to Lake Norman than Lake Wylie.

Ms. Keplinger said it is based on the watershed area, and I cannot tell you how those are defined or why they are defined a specific way but Doug Lozner is here, and I don't know if he has any additional information on the water sheds.

Mr. Winston said my main question is what does this type of zoning protect the land from?

Ms. Keplinger said what the watershed does is it is protection for groundwater, and it limits the amount of impervious surface that you can have on the property. So, any property that goes for permitting, whether it is residential or non-residential, in any of our watersheds they have a

limit on the amount of impervious coverage they can have. So, that is coverage that water cannot seep through, and that helps protect the groundwater.

**Councilmember Egleston** said I can verify the danger of that intersection. I am member of the Long Creek Volunteer Fire Department, and I have gone on calls to that intersection. I did think it was relevant that as was pointed out 23 homes could be built on this property now, so this will be a big difference from what is currently there but not as big a difference from what is currently allowed, and I am assuming it is just a typo in the notes, or I'm misreading it somehow, but it says rational for recommendation, the proposed density of 3.77 units per acre is less than what is allowed under the current zoning, which it is not. It is more but it is less than what the plan calls for.

Ms. Keplinger said less than what the plan calls for, you are correct.

Mr. Egleston said so the land use plan calls for four units per acre but the current zoning allows for three, so it is more than the current zoning and less than the area plan.

Ms. Keplinger said that is correct.

Mr. Egleston said I'm also a big fan of the Rocking K Ranch; we had our Fire Department Christmas party there a couple years ago, and I'll be very sad that the Rocking K Ranch won't be there. The greenway on the map on page 5, there is no mention of it in here, so I didn't know if we already have whatever easements are needed for that.

Ms. Keplinger said it does not touch this property.

Mr. Egleston said okay, it is hard to tell from the way this map is zoomed out.

Ms. Keplinger said it is difficult to see but it does not touch the property, it is to the south.

**Councilmember Harlow** said I am sorry I'm late; I guess I jumped right on time. This is just outside of District 2 and from the incorporated limits of Charlotte. If this is every incorporated it probably would be in District 2. Welcome Mr. Murphy and thanks for joining us and presenting this. I'm with Mr. Egleston and I know I kind of walked in during Ms. Keplinger's presentation, but I'm familiar with this, since it is so close to the District. It is not too far off from the plan by any means, and we just heard the rationale around why staff is recommending it, and I get that. This is more just for comment for the Council. We've heard about traffic and things, and it is kind of unfortunate, we don't get this kind of analysis in here, but we've got a lot of infrastructure improvements in this area, so I just want the colleagues to know that as it relates to the constituents; thank you guys for coming down. The round-a-bout is part of a C-NIP that last week's bond approval will add the final piece of funding for that, so that is part of why that kind of two-year timeline is out there. The design phase has already been approved. It is going to go into real estate acquisition real shortly here. Beatties Ford Road widening in addition to the street improvements around Hornet's Nest Park where Miranda Road does meet Beatties Ford Road, so I want kind of a fuller context to the Beatties Ford Road/Sunset C-NIP incorporates some of what we already know around what Oakdale, Miranda and Sunset and all the traffic concerns there. We are a little bit challenged because this is in the ETJ; this is not in the City Limits directly and so there is only so much that we can do from an infrastructure standpoint without any form of annexation. For the community members who are here who may not know or if you didn't know too much about what else is going on around it from an infrastructure standpoint there is \$20 million worth of investment going into the area, but we are in the business of compromise right, so R-5, R-4 or R-3 it gets real close when you are saying 23 units, 29 units. The community wants R-3; you've got R-5 and somewhere in the middle might be okay for them. I do want us to get the idea this is the last piece of land that needs to be developed. We've got to have more housing in the City, so I'm tempted to say I like this project. I think home ownership in this area is important. I think how do we build out parts of our City but is there anything in your mind, is this site plan set in stone Mr. Murphy or is there something that says hey we can shrink this down by a few units here to help appease the community, we appreciate your efforts in trying to dedicate a left turn lane to mitigate some things.

Mr. Murphy said I'm assuming the stub road extensions were part of your City's master plan to some degree for additional connectivity to parcels next door to the south or to the east.

Something like that obviously was put into the plan if you have such City planning to have that many stub road connections. For the most part, we are probably looking at, just the way the layout is, maybe one unit could drop off. It is already given a couple units way up at the front there, so it is kind of hard to redesign at this stage, but open to suggestions.

Mr. Harlow said you and I have not met yet; I've gotten a lot of e-mails from the folks who live in Miranda, Sunset, Primm Road area, so maybe we all get a sit down and we figure out some of this stuff out before the decision time.

**Councilmember Ajmera** said I don't want to repeat what some of my colleagues have already addressed in terms of the area plan and the density is not way too off. I do have a question for staff; how far is the Nature Preserve from this site? Could you show us on the map?

Ms. Keplinger said I'm not sure if it shows up on our map. I may have to have some help with this because I'm now aware of where the location of the Nature Preserve itself. That is something I will have to get back to you on.

Ms. Ajmera said if you could follow up report as to the location of the site from the Nature Preserve area. One of the speakers mentioned the Nature Preserve which is close to the site. If you want to come down and address that. Could you help us understand which Nature Preserve site you were referring to in your remarks?

Mr. Rupert said the Nature Preserve site is up Miranda Road towards Beatties Ford Road. I don't know the exact distance, a half mile or three-quarters of a mile up Miranda Road before you get to Rocking K, so before that big development that is coming in, Possum Walk Nature Preserve, and Oakhill Park is just at the end of Primm Road which you can see the road going off on the map right here so there is another park just within a half mile. Both of them are close.

Ms. Ajmera said the current district plan I saw in one of the presentations Ms. Keplinger was developed in 1990; am I correct? I'm sure that is long overdue at this point. What would have been the density if you were to update it as part of the UDO process?

Ms. Keplinger said we wouldn't update this as part of the UDO process; it would be part of the comprehensive plan and just because a plan has some age on it doesn't necessarily mean that it is out of date. In this particular area, we see mostly single family residential. We have different levels of single family R-3 and R-4, and that seems to still be appropriate for this area, and this petitioner is requesting to stay within the R-3 and R-4, although he is requesting the R-5 district the density will be 3.78.

Ms. Ajmera said so, it still within the plan that was designed in 1990?

Ms. Keplinger said it is still within the range that is developed in the area and the range that is proposed for the area in the future land use.

Ms. Ajmera said I'm looking forward to hearing from District 2 Councilmember, as you have conversations with the community and the petitioner as to how we can come to the middle ground and address all the concerns that were raised by the community.

**Councilmember Driggs** said so, the citizens have commented on the traffic safety issue; it is quite common for us to hear about congestion. Traffic safety is kind of another issue, so I would be interested in getting from our engineers some data on what the actual statistics are for accidents at that site, so we can be objective when we consider that, and we are not going to do this tonight, I would just like to follow up. I would also like to hear their assessment of what kind of risks might be created and response to that particular point by the neighbors. I wanted to clarify that in the document that we have, it makes reference in the traffic statistics to an entitlement of 320 trips per day based on 27 single-family homes, and we heard 23, so I'm wondering if we could clarify whether the existing entitlement is 23 or 27.

Ms. Keplinger said the existing entitlement is 23. The 27 was based on the rezoning prior to that little corner of land being taken out.

Mr. Driggs said so, the relevant number is 23 by right. I just wanted to comment briefly to the residents who are here tonight. I can see that you are in a low-density area, that you've got some homes on large properties and that it is quite ideal there, and I understand that you don't want that disturbed, but the way we have to look at this is. It already can have 23 homes there without any action from us. So, we are looking at what difference the extra six homes would make. Some of the issues you raised relate to any kind of development there, and that is what I think makes it a little harder for us because we can't look at it that way. We are not in a position where we can just say no this can't happen. We are in a position of having to approve or deny the increase from the 23 that could happen without any intervention from us to the 27. Having said that I do want to hear from C-DOT, and I would like to know that if we are going to move ahead with the rezoning that we are comfortable about the measurements related to traffic.

**Councilmember Mayfield** said I have a question for the petitioner, Mr. Murphy so reading through this you do not have plans petitioning for this to be annexed within the City of Charlotte.

Mr. Murphy said no I do not.

Ms. Mayfield said Ms. Keplinger; question for you, is that going to be a right turn as well as a left turn in?

Ms. Keplinger said I believe it will be a right in and left turn.

Mr. Murphy said that is correct.

Ms. Mayfield said looking at the pictures that you provided for us for what is in the surrounding area, I think it is always a challenge for us, because this is an unincorporated area of the City, so it is a little different. You have large acreage with farm animals, horses, other things, but if I looked at the map that you had up earlier correctly immediately around where this proposal that is all still undeveloped land, but in this proposal, we have a stub street that in if additional development happens downs the road in order to have connectivity.

Ms. Keplinger said yes ma'am, there are some land locked parcels that are on this side of the property, so our subdivision ordinance requires those connections that you see in the site plan.

Ms. Mayfield said but we only had one that I noticed.

Ms. Keplinger said you have main road that goes from Miranda Road through the property and then there is a stub to what I would call the northeast and there is a stub to the southwest.

Ms. Mayfield said so, there is the one that comes all the way through the stub road connecting out to the back community and out to the side. When staff looked at this we are thinking of some of the comments that residents made regarding safety along this street, I'm trying to understand if we had any concern if this is a street that nine in 10 chances because it is a right-of-way; a lot of people speed going down. I can't imagine us putting a light right there in the middle, and I didn't see it in here; do we have some language in here to identify that this residential is coming up?

Ms. Keplinger said certainly the traffic considerations are something that we do look at and I would like ask Felix Obregon from C-DOT to come speak to you about that.

**Felix Obregon, Transportation** said when we looked at the site we looked at the amount of trips that the site was going to generate, and as part of that we ask the developer to provide space for the left turn into the site, and during the plan review we will also look at intersection site distances, which is what we typically do on all land development projects.

Ms. Mayfield said what we have written in the paperwork is that it is currently around 10 trips per day, but it can hold up to 340.

Mr. Obregon said correct, but the proposed you can have more trips.

Ms. Mayfield said it would be helpful to get a little bit more information around how, if we were to move forward, that is going to be mitigated, because that is going to be a considerable

amount of traffic that may be coming around that curve and without there being clear designation to help let people know that you now have in and out.

Mr. Obregon said the site will provide additional pavement for a left turn onto the main access point. In addition, the site is going to provide curb and gutter along its frontage with a planting strip and a sidewalk along the frontage as well.

Mr. Egleston said I was looking at Google Map, but I heard Ms. Mayfield say something about a stop light. I know it is in the ETJ, and maybe it doesn't apply to what we are talking about in the Transportation and Planning Committee around neighborhood traffic calming, but this is a three-way intersection. Is there a way to make it a three-way stop sign and that helps with some of the safety issues of people speeding down and maybe not knowing that there is going to be incoming and outgoing traffic they are not used to?

Mayor Pro Tem Eiselt said wasn't there reference about a round-a-bout?

Mr. Egleston said there is a round-a-bout down at the five-way intersection at Oakdale Road down at the bottom of the yellow map, but at Primm Road if it were a three-way stop I would assume that would help some with some of the safety concerns that are being discussed. I don't know what the possibility for that is, and I don't know how that works with us doing that in the ETJ.

Mr. Obregon said we've got certain parameters as to when we install stop signs on the main road, which would be Miranda Road. We can provide additional information on the follow-up report as far as that.

**Councilmember Phipps** said I read in the community meeting report that there are no plans to annex this area, so that means as far as City services are concerned that this particular parcel or tract will have their own private refuse and recycling services.

Mr. Murphy said that is correct.

Mr. Phipps said I guess there will be roll-out containers.

Mr. Murphy said at the edge of their driveway like you do with the City, just a private service to pick it up.

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

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**ITEM NO. 30: HEARING ON PETITION NO. 2018-099 BY SHEA HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.59 ACRES LOCATED ON THE NORTH SIDE OF EAST 36TH STREET BETWEEN HOLT STREET AND SPENCER STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) AND R-8MF(CD) MULTIFAMILY RESIDENTIAL, CONDITIONAL) TO MUDD(CD) (MIXED USE DEVELOPMENT, CONDITIONAL.)**

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

**Ed McKinney, Assistant Planning Director** said the first slide identifies the location of this site highlighted in yellow located on 36th Street approximately at the intersection of Charles Avenue and is about a half mile to the 36th Street Transit Station in NoDa. Let me provide a little bit of a land use context as we walk through the recommendation from staff. This is a little familiar as we've had some recent cases in the similar geography, so I want to pull back up this site located here just on the edge of the 36th Street Transit Station, but also a portion of it is within our Central District Plan, so I want to highlight a couple of the policies that are germane to that. This case the residential land use for the portion that is within the station area is shown for a maximum of six units per acre. We've had other cases as you may recall where the plan does allow for alternative residential infill of moderate density following some of the design standards that were placed in that plan so I will walk through the site plan in a moment and

how those address. I also want to mention the Transit Station Area Principles and again a big part of what we are trying to do the Station Area Plans are encouraging a range of housing type, affordability and diversity within the stations. The last thing I want to mention, again just to be technically accurate there is a small portion just outside of the Station Area Plan which is in the Central District Plan, which recommends residential single family up to five units per acre. What is probably a little more important for context is the 36th Street Corridor itself, so this aerial view that looks down 36th Street the petition in question is highlighted in red, and you see just in the horizon the 36th Street Station, so as I mentioned before that walking distance for this site to the station is right at the half-mile so it is about a 10-minute walk to the station.

I want to highlight a couple other sites highlighted in yellow along the 36th Street corridor. This is a different type of corridor; it is a pretty important prominent connection to the station as part of this neighborhood. We have several projects of similar scale and density; I just want to highlight both developed and some recently approved. The first that is 17 units at about 34 units per acre. The next one just adjacent to this site was a rezoning approved by Council this past year for 27 units at around 21 units per acre. Another site here at 27 units per acre, and this other photo shows the ones in the foreground here at 25 units per acre. Again, I wanted to show you that context it is important to the way staff has viewed this case and the notion of how we see development along 36th Street particularly, as it relates to the transit station.

Moving in closer to the site plan just to highlight again and sort of outlined in white is the proposed site plan for the site. A couple of the details; it is a total of 65 single family attached units or townhome units. Highlighted in the colors are essentially the building footprint, so it is organizing a series of grouping of townhomes, a central drive that connects off of Charles Avenue with drives that sort of organizes a set of blocks. Pretty important here is the orientation, so the units along 36th Street are setback and oriented consistent to how we've seen development on 36th Street and then the other units orient to themselves with open space in between the blocks.

A couple of other key highlights here the petitioner has committed up to seven units or 10% of the unit's total for affordable housing units that would be for sale up to 80% of AMI for a period of 15-years. Some restrictions about when those would happen and commitments to when those would happen and a couple of other key points here about the site plan provided some interior open space along that main drive and then there is also an accommodation for additional visitor parking for the site plan. All of the units have individual garages but there is also additional visitor parking provided on the adjacent drive for the site plan.

Staff recommends approval of this petition; there are a couple of technical outstanding issues. Again, the consistency here is it is consistent with the overall residential land use; it is inconsistent as I mentioned with the base recommended density for both the Central District Plan and the Station Area Plan so the total density is 18 units per acre; six units is the recommendation from the plan. The rationale here is we believe there is a commitment and a precedent and scale of the development along 36th Street and its connection to the Station. We believe the single-family context and the surrounding adjacencies are combatable, and it also provides from our stand point a design and a character with what we are seeing on 36th Street, so staff recommends approval of this petition with a few outstanding issues.

**Collin Brown, 214 North Tryon Street** said I am with K & L Gates on behalf of the petitioner Shea Homes. Joined tonight Mike Shea with Shea Homes is here along with Matt Kearns. Eddie Moore from McAdams is doing the civil engineering, and F & K is doing the architecture. It was a great overview from Mr. McKinney, and I don't feel like there is that much I need to cover, but he has talked about the proximity to downtown, NoDa and a good walking distance to Highland Montessori here and very close proximity to some parks that are developed in the area. That is an aerial photo; currently, there is a daycare on a portion of the property. Another portion of the property is access land owned by a church and then the large piece in the back is currently owned by the City of Charlotte. This is a look at it together; there is the street view. There has been a focus on affordability by this Council, and you guys have consistently talked to us about the need for more affordability especially in transit station areas and also for some for sale housing. This is one of the interesting areas in the City where the community that is also their drum beat, so that works out pretty nicely. Since being engaged on this, Shea had done some other developments in the area and heard that message loud and clear, so on this

one there has really been a focus on affordability from the outset and one of the ways of doing that was approaching the City of Charlotte about this parcel to the rear of the property. This is a 1.34 acre parcel which has some development challenges so the Shea Team saw this as an opportunity to add some additional land area that could be tree save to make this work a little better. You all may recall this City Council approved the sale of that property to Shae Homes in October; this is not a giveaway, they are paying the tax value for the property and part of that was an agreement to provide affordable housing on the site.

We are glad that worked but it took many months to make that happen. Initially, we were on the agenda for the sale in June; it was ultimately approved in October, so we spent a lot of time bringing that about and one of the reasons you received a letter from the NoDa NBA over the week-end that said they are not currently in support, one of the reasons is typically when we go in front of an organization we present to the one month. We hear their feedback, and we come back to them the next month with a new plan. Because of where we are and since the City just approved this transaction last month we didn't want to go to them until that had been approved, so the first time we were able to go to them was in November. They saw our plan and gave us their feedback but we needed a vote that night, so our expectation is that after this hearing we will go back to the NBA and have some adjustments to the plan, and we are hopeful that we gain their support, but the but the President of the Association mentioned in their letter that part of it was due to timing, and we are sorry, but we are waiting on you guys for the land transaction so that is our timing.

Here is a color version of the site plan, and here I've got it laid onto the property. Mr. McKinney has done a good job walking you through the details of it, but what you will see are the units as Mr. McKinney mentioned, fronting on 36th Street and then other units organized off the central entrance and we've teed these up, this connection here, you may recall you approved a rezoning for Saucy Burbank, and this site has a street connection going through its site, there is an intervening property, but C-DOT has asked us to tee this up in the future, so that our site can receive the street through if that happens in the future. The bulk of the area that was City owned property is here at the rear of the site. Most of that is tree save; 20% of our site is tree save area additionally because parking is an intense discussion in the neighborhood. You will see that we've added additional parking back here; this area here is guest parking so there are 27 additional parking spaces at that location. This is a look at the proposed architecture for the site; this is the 36th Street frontage. One of the things in the Noda Vision Plan they call for residential size, developments that they come along. Fourplexes are specifically mentioned in the plan, and these are the fourplexes they had in mind I think, but these are examples of four-unit buildings fronting on 36th Street that kind of keeps that residential character. There is another look at another color scheme that could go with that.

Community concerns, there is a speaker tonight, and I'm not sure what he will say but the general feedback from the NoDa NBA was the Community Association, affordability is a priority, and they are supportive of the affordable units here. They have some concerns with density; traffic and parking; questions about the number of bedrooms and there was a request for some commercial uses on 36th Street, and I will address these as we go. The focus on affordability, I mentioned that was important to Shea, not just for the units that will be restricted but for all units. So, the concept for this development is to have units that are smaller than most of the new townhomes coming on the market. Everything will be two-bedroom units, nothing larger, nothing smaller. The smaller size allowed the market rate units; these are the ones that are just straight up market price to be sold in the low to mid \$300,000, so we think that is more affordable for folks that want to live in walking distance to a transit station. There will be at least seven affordable units, we are going to do away with percentages and just say at least seven so even if we only get 60 units developed that will still be seven affordable units. They must be House Charlotte eligible and we think those will probably come in for under \$200,000 and again those are for sale and the goal is to provide units that are affordable for all of our, these are market rate units relative to the area. So, when I say mid to low \$300,000 that does not sound affordable to a lot of people, but if you see what is coming on in the market walking distance to transit we think it is relative to the new stuff coming on the market and this is a great location for that product, like I said walkable to parks, elementary schools, transit, and commercial.

Density was an issue, and I think the question here in our density is 18 units per acre which as Mr. McKinney mentioned is significantly lower than most of the new projects. What it is our site

has bigger acreage so that number of 65 units has gotten people's attention, but it is spread over three plus acres, so our density is actually lower than most of the new products that have come on line in the area.

Parking, we are currently showing 124 spaces. Every unit will have garages and most of that is garage parking so there are either two garage spaces or one garage space per unit and then we have additional parking in the rear. I've had an ongoing conversation with several neighbors about it; they have asked we could remove some tree save area to create more parking in the rear. I thought that might be something we meet with some resistance on, so we are looking more internally. The engineers at McAdams are looking at the site plan now to see if we can pick up some more on-street parking internal to the site on our streets, and we think we can probably get 10 or so parking spaces along 36th Street so when we come back to you with our revised plan and what we take back to the NoDa NBA we expect to have created some additional parking, hopefully not at the expense of tree save areas.

Commercial uses, that is an ask that we just can't accommodate. I think some neighbors wanted to see if we could do some office frontage here; the answer is that is just not what Shea does. We talked a lot about live/work units. We've tried to do that in the past; this doesn't feel like the right location for them, so we've looked at it but our answer to them is that this will continue to be a straight residential project. The other thing I will mention, I don't know who you will hear from, NBA also mentioned the transition to the single family to the rear. I think this is about as good a transition as you are going to see is all that tree save area to the rear of the site, so I think that the McAdams Team had done a nice job of that. There is not a lot of amenity space; the idea is there is some public open space in the middle of the site. We leave the tree save area alone, but the real amenity is the location and these people are walking to the great public park that is a couple hundred yards from the site walking to downtown NoDa.

**Ben Smith, 3338 Spencer Street** said I live on the property that borders the property that we are talking about. There is a lot to like about this plan, and certainly, I would like it to be developed. The affordable housing is certainly appealing to myself and the neighborhood. What concerns us is the number of units and why there needs to be specifically that extra row of units in the back that encroach on the City owned property. I'm sure you are aware, he touched on it, that Shea homes, I don't know if it is closed or whoever is about to buy that City owned property in the interior. It used to be a lake, had a lot of drainage easements running through it. It is real low-lying property and when the petitioners came to NoDa in the spring they said they wanted to buy the property so the density would come in where it was allowed with what they were doing, so obviously density was an issue from the beginning to pack a lot of units into the area where they are building, and we are adding the acreage to accommodate that. They indicated that they would not be building on that City owned property, but they are just adding it to allow for the density to meet the standard. As you can see from the drawing, they are building about 50% of that City owned property. As they mentioned visited the NBA a few weeks ago, and they showed the updated plan that does that last row of units and parking in the back encroaching on the property.

As he mentioned it was a short amount of time of the MBA to consider everything and weren't supporting it at that time. I guess the question that comes into play is, why do that extra row if it was considered undevelopable? I'm sure it is to just some more profit to the project. A lot of times we just don't know how much more or less profitable that additional row of units makes the project, and that is not part of the presentation so there is no way to factor that into play. It is appealing to see the property developed but would the property not be developed if they could not do that last row of units and nobody really knows that or it hasn't been shown anyway.

Just following up on some of the NoDa NBA points; it is going to add a lot more traffic on 36th Street with only one way in and one way out. Parking would certainly be a challenge having lived in units about this size, 1,500 square feet or so storage can be a challenge and a lot of times the garage ends up being the storage space leaving the car to be parked elsewhere. On a lighter note what little natural wild life NoDa does still have usually occupies this City owned property in the back and they won't be able to do that anymore.

In rebuttal Mr. Brown said to be clear we are purchasing the property from the City so it will be owned by Shea Homes. As I mentioned the bulk of that is tree save area, we are putting additional parking back there. There has been an ask for more parking, and I guess if we did less parking there could be more units; there could be more open space so the answer on the

units these right here are in that area and kind of our answer to the NoDa NBA they have asked us could we lower the density. I think I pointed out our density is substantially lower than most of the other stuff out there. Sure, if we took off 10 units it could be done; we've have to change our unit mix and that would push our price points up into the \$400,000. That is just how that works and we kind of said to the NBA we will talk to you guys about it but there is just a difference of opinions in the room. A lot of folks in the NoDa NBA have been saying we want affordability and we want affordability in the market units and this is the way to do that. If you were to go in the other direction sure, you could take units off the table and the price would go up, but we think this plan here is a really nice compromise.

You've got 20% tree save area which is more than is required. We've added this additional parking; we took some tree save out to add more parking to address that concern. As far as the parking issue, these are two-bedroom units. These are not three-bedroom. The thought is at that price point Shea thinks they are going to get a lot of single buyers that are going to be happy to have a location they can afford within walking distance. You may have two roommates but at the rate we are we are just about at two parking spaces per unit and we think when we do the revised plan we will be there.

**Councilmember Mayfield** said Mr. Brown; since we are having this discussion but we had the discussion regarding the selling of the land, if the City owned property were not in the process of being purchased, what would this project look like? I'm concerned regarding the comments that it gives the appearance that the density change because of the access of the additional land, so if that land wasn't purchased what would have been the site plan?

Mr. Brown said there would be a line here, and that is a City parcel that would remain; this would become a smaller project. It would press this direction; we would have to on this site provide 15% tree save area, which you would see there. I think the answer is it would be a different product mix and the price points you are probably looking at three-bedroom towns. I don't imagine the density would be much less; we've looked at the other sites and the density of most of the others is around 20 units per acre so the total unit count would be lower. It would just be kind of compact here and the price point I believe would be higher.

Ms. Mayfield said so the land that was City owned land goes from right above.

Mr. Brown said this is the City parcel.

Ms. Mayfield said so, that whole back piece so the project had that not been purchased would have just been on that front part.

Mr. Brown said that is correct.

Ms. Mayfield said I have a question for staff; would adding the additional land on the back, did that change the density of the project as far as what could be allowable or it is the same density whether that piece of property from the City was purchased or not?

Mr. McKinney said I think as Mr. Brown was just describing the math gets pretty complex. If we take out the City of Charlotte piece it is a completely different site plan, the number of units go down. I'll take Mr. Brown for his word that likely the overall density because the actual size of the parcel is going to get smaller. You are going to have less number of units, it is probably likely you would land at a density not too far off than what his current plan has proposed. We haven't done that plan, and we can't say that for sure.

Mr. Brown said this is a good example; this is a parcel rezoned that we handled earlier this year for Saussy Burbank. This is at 22 dwelling units per acre with no affordable units. That is a higher density, they are three-bedroom units, so I don't think that the addition of the City land led to more density. It did lead to more overall units because there is more overall acreage.

Ms. Mayfield said just for clarification so that I understand it. We are saying that more units do not equal more density.

Mr. McKinney said potentially we are talking about two different sizes of land that we are measuring against, so in this case the City parcel is 1.3 acres so taking that one acre out is

what changes that metric on the density, so once you shrink the amount of land, shrink the amount of units, more than likely again using the examples we showed along 36th Street Corridor, essentially at the three story scale, the kind of residential development that we've seen along that corridor is going to land somewhere in the 20 to 30 units per acre density and gain in this cases because of the size of this parcel it is actually showing it at a lower density at 18 units.

Ms. Mayfield said Mr. Brown, are you able to go back to the price points that you had listed? Because as we are having this conversation regarding access to diverse price point housing and we are looking at land that the City owns and in light of the community coming out overwhelmingly and supporting what we are trying to do, I want to make sure that we have much clarity as possible when we are having conversations about selling land, especially when that is done separate from a proposal, because the way unfortunately, and Assistant City Attorney Hager-Gray can correct me if I am saying this incorrectly, we make our decisions either in support or against based on the information that is in front of us so what we had a vote on a few months ago was specifically or whether or not we were going to sell land. Now, today we are having the hearing on here is a proposal of how to develop that land. In this proposal, we are saying that the houses will be House Charlotte eligible starting around \$200,000 so \$200,000 up.

Mr. Brown said they have to be House Charlotte eligible; that is the agreement with the City. I'm telling you that Shea anticipates those will be a little bit under \$200,000.

Ms. Mayfield said so, a little bit under \$200,000.

Mr. Brown said also it is important to point out they are not just seven units over here that are just the affordable units. Shea is going to build all these units alike; you will not know where those seven units are.

Ms. Mayfield said that is also helpful for clarification sake that it is not one piece of the development is going to be where all of the housing that is House Charlotte eligible will be altogether; it will be mixed in.

Mr. Brown said they are the same units, and no-one will know which units they are.

Mayor Pro Tem Eiselt said I want to ask along those lines as well because is what I'm thinking about. Just so that I'm clear, the sale of the City land was tied to this condition that they would be House Charlotte eligible?

Mr. Brown said that is correct.

Mayor Pro Tem Eiselt said I don't know what our target for home ownership? I thought it went down to like 60%.

Ms. Mayfield said because we are still having to use federal and state guidelines, that is the 80% and below, but we are having conversations in the Housing and Neighborhood Development Committee around how we are definitely more focused with addressing our needs and what flexibility we have in our dollars verses the limitations, because the numbers are higher when we have to use the federal numbers.

Mayor Pro Tem Eiselt said so, that restricts us from going lower on this one even though we should in theory have wiggle room, because we set the sale price for the land, so is that fair?

Ms. Mayfield said political will versus political ability so yes, we have the ability to have a different conversation around requirements that we put on specifically City owned property and the property that we may purchase through the county or swap. It will be a conversation of now how do we move forward to ensure that we are addressing the true diversity of the need because remember when we talk about 30% that is only \$22,500 a year.

Mayor Pro Tem Eiselt said 30% but for home ownership.

Ms. Mayfield said it is a little different but also you think about the down payment assistance program and the other programs we have in place, so we have the ability to have some different conversations within Housing and Neighborhood Development around what restrictions, if any, we are going to have directly on City owned land.

Mayor Pro Tem Eiselt said in theory thought would we not still have that opportunity with this because it is just making the numbers work. It is not going to change the design. If our goal is to have a little bit lower AMI for home ownership do that through renegotiating the price of the land?

Mr. Brown said I don't know if Pam Wideman is here but she is who we need to talk numbers about and she can probably tell us. I feel like if the under \$200,000 that is probably getting people that are under 80% of AMI, but we should have your staff speak to that.

**Councilmember Driggs** said I just want to clarify, my understanding of the deal was that we would sell this property with the understanding that we were getting 80%, and that was considered not a bad deal because all we had to do was sell this property at its appraised value. There is no other subsidy here so if you want more subsidy then you get into a different conversation about putting cash in, right. Maybe you are not, but I'm just saying that deal struck me at the time on its own terms creating 15-year affordability at 80% as being a good way for us to use City property, but we don't yet have a guideline in particular about cash subsidies in order to improve the affordability. If I may I just had one other comment; we are now in position where we are looking at a rezoning petition that we can't just kind of reject. I think maybe we should go back and consider the way in which we do the land sales so that we have a better understanding of what we are getting into and don't end up in this situation. I'm not prejudging where we come out, but I'm just saying I don't feel like I have a lot of choice here.

Mayor Pro Tem Eiselt said somewhere in the process we have to be able to have this earlier.

Mr. Brown said if you don't approve the rezoning we don't purchase the land. You are not stuck if you decide you don't want to rezone it we don't complete our transaction.

Mr. Driggs said right.

Ms. Mayfield said it is a different conversation on our end. That is why I said with Housing and Neighborhood Development, because we had two separate conversations. For the conversation for the selling of the land it was clear that there was a commitment for it to be at 80%. That is a separate conversation; tonight's conversation regarding the add to a rezoning and whether or not this moves forward knowing that there is land that the City will sell at the market value and they have a commitment of 80%. Where we come in as the Committee of Housing and Neighborhood Development is to have a different conversation on our end when it comes to the policy language of how we are moving forward when it comes to land that we are looking to sell, because this conversation was discussed months before where we are today.

**Councilmember Egleston** said a lot has been said but when we made the decision part of the reason that decision dragged so long was because we wanted a lot more clarity around it. By the time we made the decision we had a lot of clarity around it; we knew exactly what they were buying it for and why so there seems to be some disconnect there, there shouldn't be. What is the approximate square footage on the units?

Mr. Brown said about 1,300 square feet; they are smaller than typical.

Mr. Egleston said okay, so I do think there is something to be said for diverse price point housing, diverse sizing of housing allows for diverse price points of housing and as someone who lives not too far away, and Mr. Winston can co-sign on this, there is not a whole lot of for purchase new product being built in NoDa or Plaza/Midwood or anywhere right around there at a \$300,000 price point, and the under \$200,000 I think isn't going to be at 80%. I don't know exactly what the math is, but it is probably down in the neighborhood of 75% or 70%. I will just say philosophically and my colleagues can either agree or disagree; if we are talking about, and I know it has been asked of you by some in the neighborhood. We will let you use some

of the tree save since you've got more tree save than you need; let's use it for more parking. In a transit station area where we are technology and just changing ways of the world are trending towards us over time needing less parking we are also in a City, that we and the citizens are frequently decrying the fact that we are losing our tree canopy. That is not a trade I'm interested in making, so if it gets you 400 parking spots to cut down three or four percent of your tree save, I'll vote that I'm not in favor of that.

**Councilmember Winston** said I had a question about the affordability; can you go back to the affordability slide? It says the goal is to provide units that are affordable relative to new product available in the area, do we get to choose whether we tie it to AMI or relative to the price point of the products in the area?

Mr. McKinney said we can provide a perfectly clear answer to this from Pam Wideman in our Housing and Neighborhood services folks, but the short answer to this is the House Charlotte Program has specific language to the 80% and to the AMI. There is essentially a set of standards that we apply that really relate to the overall City region so those are specific to the House Charlotte Program, which is what the commitment was made for the purchase of the property.

Mr. Egleston said the relative bullet is referring to the market rate housing and not to the-

Mr. Brown said and that is Shea Homes saying that. You know what housing is going for there; this is a developer that has heard feedback from you and the neighborhood trying to provide something in a lower price point. It is the smaller units that someone can buy something for \$300,000 and walk to a station.

Mr. Winston said one concern I do have about this is that it is eliminating a child care facility, and I know from living in this area that it is very difficult to find child care in this part of the City where there is traditionally a lot of families. Just one of my concerns.

Mr. Brown said Mike Shea is waving and telling me that facility is not operational, and they did not renew their lease, and that is why it came to the market, but you are right about the need for it in the area.

**Councilmember Ajmera** said I want to echo what Mr. Driggs had mentioned; I think we already approved the sale of the land, knowing that this would be at 80% AMI or below. I think to have that conversation again whether it is going to be at 60% or 50% or 30% I think it is unfair to the petitioner, because they have already gone down this process taking them several months and here we are I think the decision should be focused on rezoning not necessarily on the affordability. I hope that my colleagues will ask question that are relevant to land use and not necessarily affordability. I think that discussion should have happened several months ago. I think they waited over four or five months at this point, so I will spare you from my affordability discussion.

**Councilmember Harlow** said I feel like we are shooting ourselves in the foot on this one. We are having a HAND Committee conversation during a zoning meeting, but I think there is a conversation to be had around our City and how we dispose of City owned land or acquire City owned land and the policy around that. We even asked Tony that in our last meeting, but kudos to Shea Homes for trying to meet some of our goals. This whole term has been about affordable housing and how we best leverage. The only thing we had that we could leverage in a land deal was the land, and I would suggest at \$300,000 and the seven under \$200,000, all of those are affordable in the NoDa area. Affordability is relative; this is certainly diverse price point, and I think it is a good design. Staff, thank you for the drawn-out views to show us the densities all up and down the streetscape there. I wish we could get that in all the rezonings. I'm not sure why we are spending 45 minutes on this when we know we want affordability in all of our neighborhoods; we are getting that and we want some density around our transit areas. These are our goals and we are going to be here late at night, and we are going to look back on this one and say whoa we could have cut that one in half.

**Councilmember Phipps** said how far is this from the Light Rail Station?

Mr. Brown said about half mile, 10-minute walk.

Mr. Phipps said so not the quarter mile because I was interested in knowing whether or not that played any role in your parking density decisions or not.

Mr. Brown said it absolutely played a role in the decision on the site; this is what people want. If I said we were relying on transit we would have none of the guest parking, that is a response to the community to provide the 27 parking spaces.

Mr. Driggs said I just wanted to say briefly these are not irrelevant conversations; HAND and zoning, because if our HAND proposal is contingent upon being accommodating to a certain proposal in the zoning process then we should discuss all of that together. That was why I raised that issue. I'm not unhappy about where we are going and don't want to sound unappreciative, but as a procedural matter for us to sell land with a certain understanding and potentially later learn that they can't fulfill the terms of the affordability, unless we allow 60 units per acre or whatever, it is a procedural point that I think we should probably discuss elsewhere. I do want to say the 80% affordability gains in value over time, because rents have been rising so much faster than incomes. So, I don't think we should look at this just as an almost at market type of deal. The deed restriction for 15-years has a lot of value.

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

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**ITEM NO. 31: HEARING ON PETITION NO. 2018-086 BY JACOB NORRIS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.30 ACRES LOCATED AT THE INTERSECTION OF THE PLAZA AND MCCLINTOCK ROAD FROM B-2 (PED) (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO MUDD-O (PED) (MIXED USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY).**

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

**Ed McKinney, Assistant Planning Director** said the first slide highlights the site in yellow, so we are at the corner of The Plaza and McClintock Road, for context Commonwealth Avenue is here and just off the map is Central Avenue. The big landmark here that people recognize is the Harris Teeter at the corner of Central Avenue and The Plaza. Again, going from a B-2 (PED) overlay zoning to a MUDD-O mixed use optional zoning. Another aerial view here is the site again; there is the Harris Teeter, Central Avenue, Commonwealth Avenue and you can see Independence Boulevard in the background and the Plaza Extension. What is highlighted in the red is the retail village overlay for the Plaza/Central PED scape plan back in 2003 and envisioned essentially what we have seen happen over time, which is a mixed use, retail, walking and essentially an urban village along the Central Avenue Corridor. We are seeing reuse, we are seeing new projects all of which are trying the desire the retail, the outdoor activity, the reuse and in some cases restored properties and a really strong orientation to pedestrian amenities. One thing I will mention here while I've got this view up is Hamorton Place. One of the commitments I will talk about in a moment for this site is to provide a pedestrian crossing and improvements here all the way, essentially two blocks from the site. You will see a small infill project and some out of the box thinking both from C-DOT and the petitioner about improvements that could be made off site for a project that is an infill redevelopment. Here is the view from The Plaza; you are looking towards Commonwealth Avenue, there is the site there are two existing buildings. You see the first one best and then the next view you will see that building again, the other adjacent one. This is a view looking from The Plaza; the Harris Teeter is right here. You will see this in play in the site plan, so this is a large area between the two buildings intended for outdoor activity dining and activity for the adaptive reuse of these two existing buildings.

A quick view of that site plan so the two buildings highlighted in the orange color, again McClintock Road, there is the Harris Teeter and The Plaza. Most of the site is essentially just using the two buildings; the space between them is intended for outdoor dining activity for the reuses. The big note here is the improvements that are being made; I mentioned the offsite one, which is two blocks up on Hamorton Place but also some significant improvements to the

sidewalks and the planting strip for both The Plaza and McClintock Road. One of the key things here is all of the parking for this project is provided on street on The Plaza or McClintock Road, and one of the key optional requests was a reduction of the overall required spaces down to 11, and all 11 of those spots are provided either on The Plaza or on McClintock Road.

Staff recommends approval of this petition. There are a few technical outstanding issues as you see the consistency, the plan is supportive of that retail walking urban mixed-use environment. I won't go through all the rational but you see the highlights here of the reuse of those buildings, the improvements that are being made to the pedestrian environment of the streetscapes and the overall retail uses consistent with the plan and the recommendations from the PED scape plan, so again staff recommends approval of this petition.

**Collin Brown, 214 North Tryon Street** said I'm here on behalf of the petitioner Jacob Norris, who is the current owner of the property. Mr. McKinney gave a great overview, so I will speed through. This is kind of the money shot of where we are doing the work. The adopted area plan I will point out there is a couple references to maintaining historic space and forms in the area and then secondly the idea to have commercial pedestrian oriented activity. The whole trick to this rezoning, there is nothing we are asking for that isn't allowed by right, all the uses we are planning can go in there tomorrow. What is happening is there is no parking on the site; look at it. There is a church. There is no parking area. We could tear out all this green space where we are going to have the cafes and green space and put in parking. This entire zoning is about taking the parking requirement down so that area can be kind of left as green space and come up to a more pedestrian oriented open space. That is the crux of the rezoning.

**Councilmember Egleston** said I just wanted to voice my support for this. It is an adaptive reuse of a very cool building in a part of town that I patronize the businesses and most of us in that neighborhood walk up to those bars and restaurants and retail, so it is a very appropriate place to lower our expectations parking wise and bonus points for anyone who can name the live music venue that was pictured in that area plan a couple slides back.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2018-088 BY OMS BCP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.27 ACRES LOCATED ON THE NORTH SIDE OF BALLANTYNE COMMONS PARKWAY, EAST OF REA ROAD FROM O-1(CD) (OFFICE, CONDITIONAL) TO O-1(CD) SPA (OFFICE, CONDITIONAL SITE PLAN AMENDMENT).**

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

**Kent Main, Planning** said this is 1.27 acres, and it is located on Ballantyne Commons Parkway; you can see that going left to right. Just off the map is Elm Lane and the Stonecrest Shopping Center just off the site plan. Williams Pond Lane comes through here, and there are neighborhoods below there. This is the adopted future land use, which comes from the South District Plan a 1993 Plan, and you can see that it is intended for office use, but that is as a result of a prior rezoning that was done on this particular property. You also see residential there and other office uses around the area. It is actually not part of the Stonecrest Mixed Activity Center; it is just outside of that area because does contain a single-family house and did at the time and still does contain that house. The intent of this particular rezoning is for demolition of that house which is about 2,900 square feet, which was rezoned for use of just the house on this particular site for office under the prior rezoning and they would propose a new 24,750 square foot office building. It would be 40-feet in height, three stories with an over/under parking, which I will show you in a minute how that works but that is located here. They are showing buffers along the two sides, a wall as well as the buffer at its full distance of 15-feet and it should be 16-feet, and we will get that corrected, along the back of the residential units. Along the other side over here they have the right to lower the buffer because of its proximity to that apartment building, and they are proposing use for medical offices and financial institutions. They are showing a planting strip and a sidewalk along the front and a setback from the right-of-way of 30-feet. They are also showing an entry plaza at the front of

the building as well of about 2,000 square feet. In addition. This is a state roadway, and they are proposing a left-over turn lane into the site at this point, which will provide access into there although that may need to go away at some point in the future if and when the state ever decides to widen that street. That is essentially the proposal that they have. There are two other similar office buildings along the edges of neighborhood that have been done over the last 10-years that are in place including this three-story and this two-story building which are also along Rea Road in close proximity to this particular site. This shows the proposed building form, and you will see in this cross section, here is the single-family neighborhood that is adjacent with a small buffer. Parking along that edge and taking advantage of a sort of a downhill condition from there as you go to the east. They will have a little bit of one extra level of parking as a sort of a tabletop parking area and then the three-story building which has been located at the maximum distance away from the neighborhood, which you see the single-family homes, the parking and then the building on this side as you step down the grade.

There are a few outstanding issues that they need to give us a little more specificity on the plaza space, and they need to clarify a little bit of the buffer dimensions. There is also a need for a sidewalk easement and a little bit of notation on tree save. The staff does recommend approval of this plan; it is consistent with the South District Plan for office use based on that prior rezoning. It also does provide a transition between the more intensity of the Stonecrest Activity Center and the neighborhood. They are limiting the square footage of the building there, limiting the height to only three-stories and 40-feet. They are providing the buffer and locating the building as far as they can. This is an isolated site; it does not connect to the residential. It does not connect to the apartments, it has nothing at the moment but a drive-way in, so that makes it not a very good place to try to develop more single family, maybe not a good place for isolated single family, so we think that the office use here is the best use of this sort of isolated parcel. The office use is consistent with several others that have been built along the parameter of neighborhoods in the general vicinity.

**Stephen Overcash, 2010 South Tryon Street** said I am with Overcash-Demmitt Architects, and I have been involved with this site for years and years. This is I think the third of fourth different use that we've taken to the neighborhood. We have taken boutique hotels and climate control and everything in the world. At the last meeting we asked, what would you like on this site? We were told we would like office. Office goes home at 5:00 p.m.; office doesn't work on Saturday, and that would be the least intrusive so we took that to heart and the developer we are working with said, okay I would love to have my corporate headquarters on this site and maybe a little bit of spec, so we went back to the drawing board and we established some goals that we are going to meet all of the buffers. If you look at the site plan, when you come into the property from the single family all the way down to the far-left corner, it slopes off probably 15 or 20-feet, so what we are doing with the parking it is an over/under deck is when you come in your start sloping down, and you go underneath or you slightly go up so the top level of parking is basically level with the single family.

So, you don't see the other level. It is an over/under that you slip under so it is nothing sticking above and we do have the six-foot fence. Some of the concerns with the neighborhood is the location of the fence. We have it right on the property line, but we have the petitioner's approval if they had rather have it right up against the parking that would be fine too. It just puts a little bit of no man's land that would have to be maintained. We did have a neighborhood meeting, and we had three to show up to discuss the project. The height is always a concern, but the office building is on the low end so from the residential area it is down about 10-feet, it is a 40-foot tall building but just sticks about 30-feet above the residential and we are 150-feet away. There is 150-feet so we pushed the office building as far away from the single family as we could. As Ed mentioned, there are some three-story in the immediate area. The apartments right behind us are three-story apartments so we feel like the height is appropriate. The reason for the outstanding issues on the buffer is the planners have recently come up with a different way to figure the buffers. We were originally told 15-feet and 10, and they are looking at how to interpret the code now, and we were asked to stretch this one to 16-feet and this one to 12-feet, which we had no problem with. I think we've already sent some information to Planning with the notation of 16 and 12. So, that was one outstanding issue that we've already gotten resolved.

Other concerns of the neighborhood, there is always traffic concerns; it depends on how you figure the traffic count. We've asked two or three different, but somewhere we are going to be

adding 300 to 400 trips per day. Obviously, that is early morning, people coming in and people leaving at 5:00 p.m., so we don't feel like that is too many trips. The reason is the footprints are so small but we started out with about 30,000 square feet, we were asked to reduce it, and we kept reducing it, and finally the planner said can you get it below 25,000, so we are 24,750 which is about an 8,000-square foot footprint. By the time you have elevators, stairs, mechanical rooms, electrical room, it doesn't leave a lot of space for people, so we feel like it is not going to be a very intense office use. The petitioner would probably put their corporate headquarters there. The other concern is we are doing a left over and DOT said that for now we can do that. Once they redesign Ballantyne Commons Parkway, they said we can't promise you right now what we are going to allow, so the concern is that a lot of people going this way would turn into the next neighborhood, go around their little pilon sign and come back. There could be posted signs that would say no U-turns in our neighborhood but that is the concern and we can't control DOT. I think that was most of the major concerns; it was traffic and the fence and a little bit about the density, and I think we've solved those. You saw the 3-D architectural, and we intentionally wanted to feel as light as possible, so we are using a lot of glass and quality materials, it will reflect the trees, reflect the sky, and it will feel a lot lighter than if you had a heavy masonry building on this lot. Most of the sides are glass to keep the building feeling light and once again that section at the top there is a level of parking underneath. We don't go up we go underneath; it is called an over/under. You go over or you slide under, so here is the residential neighborhood, and it is basically if you looked over the fence it would just look like the surface parking lot.

**Sean Newton, 7500 Celtic Court** said I know it is a holiday week so I appreciate you taking the time to hear us today and definitely thank you for your civic service. It is a tough job, but somebody has got to do, and I appreciate every one of you for doing that. Before I dive into the presentation, I did want to address a couple points I just heard from the staff and from the petitioner. The staff mentioned that this house is segregated and no desire for a house, but the last time this was listed for sale as a residential home was 2003, so there has been no attempt to see if residents would be interested in living in this home. It is a beautiful lot; there are tons of trees right now. Councilmember Driggs actually walked it with me once. Even though it is segregated from the neighborhood, it is beautiful and the house was actually built by a famous architect back in the 70's or 80's, so it is a shame to see it go to waste to start with and not very fair to say that it is smarter to have it as commercial. I don't think since there has not been a reasonable attempt to sell the lot.

As far as the petitioner's comments, I did want to address that. The individual representing the petitioner did bring a hotel a few years ago and another office building but that was not owned by the current owner, so I don't think it is fair to say that the developer now took our comments into consideration when planning this building. We had one community meeting around this building, but the previous petitions were owned by a different individual with different mindset, so it wasn't even a development firm.

I would like to highlight some of the points of opposition. I'll tell you Brittany Oaks is a small community in Ballantyne Commons, it is just over 50 homes, and I would like to thank my neighbors here tonight too. We are a united community, we might only be 50 homes but we've got 20% of our families represented tonight, so I think that tells you how united we are in opposition of this, but we are also reasonable. We are not standing here saying this shouldn't be commercial. I do think the house is beautiful, and it would be great to see it lived in by somebody, but at the same time we know that the Ballantyne Commons area is growing like crazy, and so we are not opposed to a building going there. We are just opposed to the size and stature for the size of the lot. It is only 1.26 acres, which is incredible small for some of the commercial developments especially an originally 30,000 now a 24,000-square foot building. To highlight some points of opposition that we have here, I've lived up and down Ballantyne Commons Parkway, and to date this would be the most intrusive building commercially built on Ballantyne Commons Parkway. The planners have done a great job so far to date of segregating commercial properties into basically four quadrants around the main road. So, there is Rea Road; there is Providence Road. There is Johnston Road, and a lot of the commercial properties are segregated in those areas and mostly or all residential in between and this by far would be the most obtrusive to the neighborhood and residential area of any property built so far. Nearby commercial properties are all one story or not adjacent to residential developments and additionally this property was rezoned five-years ago by the old owner, and at that time with opposition from our community originally, but we were assured

that the purpose of the rezoning was to use it as a current standing location, which is why it is zoned O-1(CD) now, and since then over the past three years we've had to deal with petition after petition that has actually not made it in front of the City Council until this one finally of hotel, business building, retail space, and so very quickly we [inaudible] as a trojan horse to say that they planned to use the property as is for commercial use.

Another problem the height of the building in proximity to neighborhood homes, it will be 30-feet above the property lines as currently drawn out even with the slope down, which is quite high. The height of the building will give tenants direct view into our homes, the homes that back up to it and make private use of those backyards almost impossible. The buffer trees are definitely going to take years before they provide any real privacy, if ever, as they grow taller you still may be able to see underneath them and over the screen wall from the lower floors of the building. Additionally, the petitioner mentioned this as well that traffic is one of our big concerns. It is very difficult to leave our neighborhood turning left or turning right. DOT estimate is actually 450 car trips per day of this; that will worsen already difficult exits of our neighborhood. New traffic will impede school buses and emergency vehicles. We actually have families in our neighborhood that require regular emergency vehicles to tend to them which would make it difficult coming in and out of our neighborhood and then as the petitioner mentioned they have afforded for a left in to that building, but we all know that Ballantyne Commons is going to get widened in the near future. It has already been planned and being in the process of planned, and there is a very real possibility that this might be a right in/right out building leaving us as a U-turn spot again. We are already a big U-turn spot for individuals on that road, and it is daily somebody almost gets t-boned leaving our neighborhood while somebody else U-turns. The parking deck is only 15-feet from our property lines, and the six-foot screen wall is directly on our property lines. This is the site plan, and I think the petitioner did a good job of showing you that, but here is some of the powerful images I think, and I really challenge all of you to go out and look at this before you vote on this petition. That is a view of one of our houses, and that first picture on the left is only 15-feet in the air, and can you imagine if you are 30 or 40-feet in the air how much of the view you would have into their home and how impossible it would be to ever enjoy that pool again? Your pool use is over; your backyard use is over, even with some type of buffer there you are still going to have minimal privacy at best. The second picture is right on the property line, so that is a view of where the parking deck would be. It will be 15-feet away from that, but again it is just trees separating you there so not a ton of privacy and nothing stopping individuals from walking through our yards.

I just want to highlight a couple things here; as I mentioned this would be the most intrusive property to date commercially. So, if you look here there are some of the areas of the pictures that staff showed and the petitioner showed, and you will see this is the tallest building. That is the three-story building they said is typical for the area but look there is a lake here with nothing there and this is house has an enormous lot with quite a distance away that I will show you in just a minute and then is a one-story daycare that backs up to these yards, so this is actually all land that is just a yard right now for kids to run around in, so there is no real affect individuals use and these are one-story buildings that don't actually back up to residential property. There is a road separating them now. Another thing that you will hear argued is that the apartment complexes are three-stories, but when they built them (A) there is a berm separating our land from their land but (B) this closest unit is actually built down in a hole. So, if you look on a 3-D image it looks like it is two stories maximum, actually from the road it really looks like it is one and a half stories, and it is 314 feet away from our closest property, so there is not a huge impact there compared to what the petitioner is asking for. This is a view from the petitioner's lot of that apartment complex. You can look from the lot and it looks like it is one and a half stories because of that sunken hole and the berm that is there. The apartment complex; that is actually their fence in the window there and they were forbidden by City Council from putting a fence on the property line and actually had to put it 15-feet back from the property line, so that is another point of contention on this petition. We would prefer to see, if a building is built, a fence 15-feet away and then the 15-foot buffer after that so that we have a little extra space between our yards and the business complex.

I would also like to note that we've been in conversation several times with the apartment complex and they are on the same page as us; they would be in favor of a one to two-story business building and think that the plan as it is currently stated is a negative impact to their building and the ability of retaining residents and getting new residents. Now, I will just show you some of the pictures of the buildings that I mentioned a minute ago; this is the three-story

building that was shown by staff. The parking lot itself is 113-feet away from the closest lot there so that is significantly higher than 15-feet. Additionally, the three-story building you can see there is nothing there; this isn't even usable land that is owned by anybody that I'm familiar with, so it is not very intrusive, and it is additionally down a hill, so it probably appears to be two-story to this house as well if it is ever envisioned. This is the daycare, and it is 60-feet; this is the closest thing on Ballantyne Commons Parkway to a residential building, but again one story is the maximum use it is all yard for the kids to run around in, and this is the front of it. This is the one-story property that does not back up to a residential neighborhood, but you can see it is a large business complex with multiuse, but it is all one-story and not obtrusive to anybody in the neighborhood.

C-DOT traffic information, the 450 trips I mentioned is a 2 percent increase since 2015. That is not even accounting for the 2018 study that we've seen trip ours underway, so you've already seen 10,000 average trips per day come up, and now that is going to go up even higher now that is 2018.

In rebuttal Mr. Overcash said there is not much rebuttal. We are very happy to move that fence. That seems to be a big issue from the property line to the edge of parking, which is now 16-feet away. We are very happy to do that, and we will make that concession. We've already reduced the building a couple of times so 24,000 square foot building we feel like is an appropriate size. None of us can control DOT; there is even talk that their neighborhood might not get a left over if they rework the road, so that would solve that whole concern and they would be into a right in right out situation also. So, nobody can control DOT we can just control what we can control, and thank you for your time. We hope you will consider the petition.

**Councilmember Driggs** said Mr. Newton, we talked about the apartment association you referred to them. Have you and they discussed any circumstances under which you would accept this, or are you and the apartment association irreconcilably opposed to anything resembling this?

Mr. Newton said great question, I ran out of time, but the last slide actually has our recommendations or what we are most comfortable with. Basically, a smaller parking, this is a 1.27-acre lot and it is very unusually shaped. It is triangular, and it seems to be forcing a square peg into a round hole even to put a building of this size there, but here is where we are kind of trying to meet in the middle. Again, we've been through several petitions over the past two to three years but no parking deck. An over/under deck makes the parking lot directly at eye level with our property line, so anybody tending the fence or hanging out near their fence could see the cars very easily at that level. If you took away the over/under it would make the parking slope away from our lots, so only a few cars would be at potentially eye level if at all, and the rest of the cars would slope down towards the building making it a lot less obtrusive parking wise. A smaller parking lot away from the property would be great. I realize there is requirements of size based on building size, but really, I think to stay in line with what is in the area and what would keep Ballantyne Commons –

Mr. Driggs said I get that, thank you I just wanted to know whether there is a counter proposal there. We are going to have to talk some more about whether there is any prospect for closing that gap. The only thing I would mention colleagues, is that this is called the site plan amendment, but I think you can tell it really isn't. The conversion to office use in the first place was something that was done by the previous owner with the idea of selling this for a commercial purpose later on and at that time the condition associated with it was that the business would be conducted in this little house, which is actually an interesting looking place and interesting architectural design, but is not derelict the house, so we will need to consider this on its merits. It is an awkward little triangle with no connectivity on the two sides. it enters and exits only onto Ballantyne Commons Parkway, and I think the best thing I can suggest now is that we all continue to talk, and I will report to the rest of you on where we come out.

**Councilmember Ajmera** said I look forward to hearing from Mr. Driggs on how we address some of the concerns and also work with the petitioner, so I will just work with you afterwards.

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

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**ITEM NO. 33: HEARING ON PETITION NO. 2018-093 BY US DEVELOPMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.43 ACRES LOCATED ON THE WEST SIDE OF NATIONS FORD ROAD, NORTH OF WEST TYVOLA ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-12MF(CD) MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

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

**Kent Main, Planning** said this is one and a half acres roughly at Nations Ford Road just off of our map is Tyvola Road and just off to the other side over here is I-77. The surrounding properties include a townhouse property here called Stone Brook and just up the way is Cedar Knoll Apartments, as well as Nations Ford Community Church here and a number of hotels at the corner of Nations Ford Road and Tyvola Road. The adopted land use for the plan is the Southwest District Plan. You can see the light color which is for four units per acre and the other surrounding properties down here below Tyvola Glenn is again those several hotels that are in that location. This is a strip that is zoned for office use or intended for office use and multifamily as well, then the townhouses up in that area.

The proposal here is for 21 townhomes to be built in four building at a density of about 15 units per acre and they are designed in such a way that you've got a sidewalk and a planting strip across the front with units fronting out on to the street and then a road along the upper edge and access to rear loaded driveways for both sets of units as well as front doors that also come off of that driveway. There is a 16-foot buffer along the south to property that is still single family. There are several single-family lots right here; that one right there is actually zoned for multifamily. The other townhouse property is behind it and the multifamily is just beyond as well. There are buffers along both sides where they adjoin other properties as well.

We have a few outstanding issues specific locations and discussions about a CATS bus shelter and dedication of right-of-way which needs to be worked out in that area and also a little bit more on environmental tree save areas. It is consistent with the Southwest District Plan in terms of the single family. The plan recommends four units per acre, but the General Development Policies support an increased density up to 12 units per acre, so we are still just a little bit above that. However, this is located on a major thoroughfare with properties zoned for multifamily immediately to the north, to the west and to east. The site sits across from a parcel on Nations Ford Road that is zoned for hotels and office buildings and including those existing hotel buildings. The request is general consistent with what is in the immediate area, and it is providing buffers as well.

**Sonny Tran, 4850 Old Pineville Road** said I appreciate your time, attention and effort to this matter. I am the representative for the petitioner US Development, who is here in attendance as well as the design team working on the architecture to answer any specific design questions that you may have. Mr. Main went through in great detail of what this petition is comprised of. We held a community meeting on August 27, 2018, had a great turnout, addressed many concerns of the community and answered most of their questions. We also had good feedback at that meeting. The design team has been very responsive to Planning's comments, and we are just respectfully seeking approval for an R-12 multifamily residential conditional zoning and are here to answer any questions you may have.

**Councilmember Mayfield** said for complete transparency for Council even though we did not have anyone that signed up in opposition Ms. Shirley Allen, who could not attend tonight's meeting, did I believe send us all an e-mail, if not I can forward it to everyone, regarding some very specific questions and concerns that were brought up at the meeting. Mr. Tran, I want to say thank you for responding with answers to the questions, because when I shared her questions with you, you were quick to respond. It will be helpful if you can share with Council because not all of the meeting went where it was all positive comments. We want to address that there were some concerns that were raised as well. Some of it was a little bit of misinformation regarding the property line. Mr. Tran and his team did some work around that but the other pieces around affordability, which unfortunately by law, that is not one of the decisions that should be a factor. We should be looking specifically at what is the land zoned for or the potential request for zoning, but I do want to give you a chance to comment on some of the response that you share with the questions that were asked if you have them with you.

Mr. Tran said Ms. Allen is a resident there and we did receive her e-mail and tried our best to quickly respond. One of the things that she brought up was just some discrepancy on the acreage, and we responded by saying that per the deed and legal documents we had the proper acreage. The second comment that she brought up was the concern about the firetruck turnaround. I don't believe the version that she saw had a depiction of a firetruck turnaround. The design team quickly addressed that and it is now in the current plan. The third thing is stormwater, and we addressed that as well in the plan. She brought that up, and the design team picked up on that.

Ms. Mayfield said I believe the last one was transportation as far as the traffic study.

Mr. Tran said yes, the fourth concern was in regard to a traffic study, and I believe Mr. Felix Obregon did provide an opinion and said that a traffic impact study was not necessary. At that time, it says that we were planning for 21 townhome units, but we were looking to consider something less if needed, but we felt we met that minimum requirement, and there is nothing further as far as an additional traffic study that she is looking for.

Ms. Mayfield said I do appreciate you sharing that additional information because again, she was not able to be with us but we want to acknowledge the fact that she did have some concerns on this petition.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2018-108 BY ELMINGTON CAPITAL GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.54 ACRES LOCATED BETWEEN SOUTH TRYON STREET AND JOHN PRICE ROAD ACROSS FROM NEVADA BOULEVARD FROM I-1 (LIGHT INDUSTRIAL) TO R-22MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

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

**Tammie Keplinger, Planning** said this property is located between John Price Road and South Tryon Street; it is located on the southwest side of Charlotte just south of Westinghouse Boulevard, and the request is to rezone from I-1 light industrial to R-22MF (CD) which is multi-family residential conditional. I wanted to show you this map; it has a lot of orange on it and looks like a little bit of Halloween, but actually, this is a snippet of the map from the Centers, Corridors and Wedges growth framework, and it shows that this property is located in the Industrial Activity Center for Westinghouse Boulevard.

The adopted future land use map shows a lot of brown in this area; this is the Steele Creek Area Plan which was adopted in 2012. It shows the property as being recommended for future industrial development. The properties on either side of it still have industrial components and are recommended for office, warehouse and industrial uses. We have recently had some industrial development in the area; there are new warehousing facilities that are located across John Price Road.

I'll tell you a little bit about the petition; it is for multifamily development with 321 multi-family units. The units per acre is a little bit less than 22 units; there is no more than 10 buildings, four stories, 75-feet. They are providing an amenity area which includes at a minimum a club house and a playground, and they specified the building materials and architectural standards which we usually see in our multifamily development. They are providing a Class B buffer along the eastern property line; they are providing a new public street to connect John Price Road and South Tryon Street. They have sidewalks and planting strips along the streets; they want to install a pedestrian refuge on South Tryon Street with a flashing pedestrian beacon, and they want to install a traffic signal at that location with the new Nevada Boulevard Extension and South Tryon Street, once it is warranted.

I want to go back to what the land use plan calls for in this area. The map I showed you that showed it in the Industrial Activity Center; this is the site with the teal outline. You can see the area in brown and again this is the future land use map. It shows all of this area is to be industrial. We've had several rezonings in the past year where we've talked about the implications that we have between industrial development and residential and some of the incompatibilities that we have when we have those types of relationships. Staff is recommending denial of this request because of the land use plan recommendation and because of the incompatibility with other industrial development. We see new industrial development in this area, and we feel like this is a prime area for industrial. There is some residential in the area; looking just on the future land use map this area is in green and this area. Those are a little over a half mile or almost three-quarters of mile from the site. At the lunch meeting today, we talked a little bit about looking at other land uses in the area, and it is very difficult to get an existing land use map without having some time to do surveys and things like that to accomplish that so this is the information that we have to work from. Some of these other areas you see in strips recommend some retail office and industrial uses, but many of them do not recommend residential. For residential, you would see either yellow or green, and you just don't see that in this area. This is about the closest thing to it.

In terms of the recommendation for this again, staff is not recommending approval of this petition. We have properties in the area recommended for office, warehouse, industrial located in the Industrial Activity Center with limited amounts of other types of land uses. I mentioned the warehouse project that is currently being constructed on the other side of John Price Road and also there are many industrial uses can be considered incompatible with the residential uses. I talked about that just briefly. One of the things in your notebook you will notice a comment from LUISA where they talk about that within one-half mile of these parcels there are 12 facilities that are known sources of air pollution, so with all of that in mind again, staff is not recommending approval of this petition.

**Keith MacVean, 100 North Tryon Street** said I am with Moore & Van Allen; Jeff Brown and I of our firm are assisting Elmington Capital with this rezoning petition. With me is Joe Horowitz and Nelson Hunter with Elmington Capital as well as Nathan Tidd with Kimberly Horne and associates. I want to thank Ms. Keplinger and the staff for their assistance with this petition. We understand why they are recommending denial of the petition due to land use recommendations. We believe that the proposed residential here does serve a need; it is providing residential in a location where there are a lot of jobs and will provide a quality residential community to that area.

As Ms. Keplinger mentioned, it is a 10.54-acre site zoned I-1 that is currently vacant. It is located in the Steele Creek area of Charlotte. We have met with the Steele Creek Residents Association and have had several good meetings with them. As a result of those meetings and reviewing the petition; they have provided us a letter in support of the petition, and we have attached a copy of that letter to the PowerPoint presentation we handed out earlier tonight. As I mentioned, Elmington Capital is headquartered in Nashville, Tennessee specializes in residential communities. They manage over 26,000 units and half of those units are actually workforce housing units. They deliver about 2,000 units per year since 2013; they built to own for the long term of 15 plus years of ownership. They currently own about 5,000 units and all of those are located in workforce housing communities. These are examples of those types of communities that they have built throughout the southeast. This is an interior of apartments in those communities. Again, as you are aware of Charlotte's current need for affordable housing, this chart tends to provide some information about the widening gap between price increases and income increases. Over the last six years there has been an increase of over 49% in the price of housing; 21% increase in the rental market whereas incomes have only risen by eight percent. This chart also provides a little more information on that phenomenon we are currently experiencing. Showing here for the last 26-years how median rents and median income have differed in the Charlotte area but with a larger gap starting in about 2010, which the last slide documented where median rents have increased by 24% while incomes have only increased by four percent. Again, workforce housing, the intent of Elmington Capital is to develop this site with a workforce housing community to satisfy the needs of the folks that live in this area. These are some examples of those type of tenants that they would be looking to attract. They attract quality tenants for quality communities. They have a good record of low turnover in their communities; they are long-term owners and operators as I mentioned. Their tenants are

routine background checks, credit checks and other things to make sure they are acceptable tenants for their communities.

Ms. Keplinger mentioned the land use recommendation of the Steele Creek Area Plan; it is for industrial however; the South Tryon Corridor is really not made up of industrial uses. It is really composed of commercial and retail uses. There is a hotel next to the site, there is a tire center next to the site. In green, we have tried to highlight at least 14 other communities, starting with Aysley at the intersection of South Tryon Street and I-485, which was also an industrially zoned site when it first began, now a very successful mixed-use community with a number of residential neighborhoods there. As you can see surrounding that also in close proximity to industrial zoning. We also see more residential communities as you move past our site going towards Rivergate where there are other residential communities again also in close proximity to industrial zoning. What we have found is that most of the heavy industrial uses in the corridor are really located on Westinghouse Boulevard toward I-77 or south of Nevada Boulevard, again off of Westinghouse Boulevard or further west on Westinghouse Boulevard. The industrial zoning and the uses around this particular site are really more commercial in nature as this map indicates all really uses that make this a great site for housing because these are now retail and commercial uses that provide services for the residents of the proposed community.

One last slide quickly to go over the particulars of the community; again, 231 units designed with amenity space in the middle oriented towards Nevada Boulevard Extension and South Tryon Street. We will be making traffic improvements, not only to the addition of a new network street, but also traffic improvements, a traffic signal and a temporary pedestrian signal before the traffic signal goes in. In closing a quality residential community in close proximity to jobs and retail services that will be an asset to the Steele Creek Neighborhood Association.

**Councilmember Mayfield** said Ms. Keplinger, I want to get a little bit more information on a comment that you made regarding us already identifying that in the area we have identified 12 facilities that are air polluters.

Ms. Keplinger said that is information that we received from LUISA; they did not identify what those 12 uses were, but we can go back and get that information and provide it in a follow-up report.

Ms. Mayfield said that is something that I want us to definitely take note of. Have you checked into that, and mainly the reason I'm asking is if we fast forward this 20 plus years I already have a number of communities in the District that were built, and the residents didn't necessarily know a number of the things that were there and during the day you are young and you are off to work. When you retire now they are feeling the impact whether it is near a rock quarry or some other industrial developments. What information can you provide on that?

**Joe Horowitz, 118 16th Avenue Ste. 101, Nashville, TN** said I am the developer with Elmington Capital. I would like to thank you Mayor Pro Tem and Councilmembers for meeting with us. I want to comment you on your efficiency. In Nashville these comment periods are unlimited and these meetings go well past midnight so well done. We saw that and we were a little bit surprised by that data as well so we reached out to MCAQ to identify all 12 of those locations. One of those locations is identified as a major potential facility that creates air pollution; it is the Frito Lay facility, which is further south on the Bobbitt. It is actually by my calculation using Google maps closer to about .66 miles away from the site, and in fact, the park at Steele Creek which you can see right there is equal distance to that site as our site is and the Harlow, which is just northeast of Park at Steele Creek, as well as the Chamber's Park project are also almost equal distance to that site. We were also able to determine the amount of pollutants that facility actually emits and it is extremely low compared to the limitations that have been applied to that facility. There have been two other facilities that are noted as minor synthetic potential polluters. Those facilities are also extremely low on the tonnage compared to the limitations that have been set for those facilities. The rest are either identified as just registered facilities or minor. We've also been able to determine that there have only been very few complaints of odor that have been made since 2008, and each one of those has been unsubstantiated by MCAQ after an investigation into those complaints. We take information like that seriously; we've certainly looked into it, and we feel like that uses up and down the South Tryon Corridor certainly reflect that those facilities aren't having too much of an adverse impact.

Ms. Mayfield said for a follow-up because there is a bit of a difference with all the development that has happened as far as retail in that area versus where you are going. If this were to move forward you would be the first that is surrounded by quite a bit of the industrial. You may have it in here, and I just didn't catch it as far as material anything that is specifically going to look at sound proofing, so if you are home during the day or if you are working from home, so you are not hearing the impact, because it is also extremely busy with the number of trucks that drive up and down Westinghouse Boulevard and is going to be some major construction that is going to be happening over there very soon as well. Has there been any conversation about how to mitigate long-term that impact?

Mr. Horowitz said sure, a couple things I would like to offer, first to the immediate west of the site is a hotel adjacent to the site and then to the immediate east is a tire center and if you follow along Westinghouse Boulevard, which I've heard referred to as granite road many times, many of the warehouse facilities are more retail distribution facilities; they are not heavy industrial where there is lots of noise and those types of chemical reactions occurring in those types of facilities. That being said we do use brick and hardy board, we do use sound proofing on our windows and we are focused on creating an environment that creates a long-term desirability for the families that live in our facilities.

Ms. Mayfield said so, you have noted in here, and I just missed it the sound proofing in the windows and actual materials.

Mr. Horowitz said I'm not sure it is noted in those notes but it is certainly something that we plan to incorporate.

Ms. Mayfield said that is a follow-up conversation that we can have just to think about long-term because the difference with of course you know a hotel, that is short-term stay whereas if you are going to be a resident you are dealing with the daily impact of it. Ms. Keplinger, another follow-up question because again you mentioned regarding the air pollution; was that identified by staff in correlation to the previous development that was mentioned tonight? Because a lot that area was industrial before it started being rezoned for retail.

Ms. Keplinger said I am not sure based on what LUISA made those comments but that is something we can follow-up on. I would like to mention one other thing, and I'm sorry I know this is not a question for Ms. Mayfield. I put the existing zoning map on the board so you can see this. I know the petitioner has talked a lot about the uses in the area and what is there now but this map shows you what the zoning is and anything in the light brown is currently zoned I-1, which allows any industrial use in the I-1. It areas that are I-2 are across South Tryon Street and then the darker brown along the bottom in Brookford Street, and that is where we would anticipate the heavier industrial but when we have talked about industrial in these areas before there are incompatibility issues with both districts with residential.

Ms. Mayfield said so my final question for you Ms. Keplinger to help try to bring this conversation from here down, what does staff see as potential concerns regarding residential being at this location? I'm thinking the potential of more industrial being built on the backside and just have this lone residential spot, but that also can trigger additional residential coming. It would be helpful to get an understanding, because even though it has been identified that this would be diverse price point housing that is encouraging, but I still have to think about the long-term impact and seeing in certain parts of the westside of District 3 where housing was built and then the negative impact regarding quality of life as well as access as well as negative impact long-term when we could have made a different decision on the front end is what I'm trying to avoid. Help me get an understanding Ms. Keplinger; in laymen's term, the concerns with going from I-1 to residential.

Ms. Keplinger said well there are a lot of concerns. The I-1 district has a lot of manufacturing uses that can be very noisy and they operate at all hours of the day. There may not be odors and things that are in the air but there may be noises that keep people awake, and we've seen that when we talked about the site on Tremont and then we talked about the truck parking that wanted to go in adjacent to the single-family residential. So, there is the diesel fumes from the trucks, there are all kinds of things within the industrial districts that are related to those types

of uses including the traffic. One thing that I did fail to mention, the petitioner has talked a lot about affordability. They have not made a commitment to affordable house for this project.

Ms. Mayfield said so it is not in writing.

Ms. Keplinger said it is not in writing.

Ms. Mayfield said thank you for indulging me Mayor Pro Tem. A final question for the petitioner to give you an opportunity to respond with knowing there are concerns with going into an industrial, you noted sound proofing the windows and using brick but that doesn't always address the concerns, so I wanted to give you an opportunity if you have something in direct response to how to mitigate negative impact and the fact that we do not have a commitment in writing regarding how we move forward.

Mr. Horowitz said as it relates to the sound, we will be meeting the HUD requirements on all sound proofing for the building and for the development. As it relates to the commitment, what we do is affordable development. If we develop this site, it will be affordable. We would be willing to provide that commitment at this point however the seller is not willing to allow us to put that restriction on the property at this point when we haven't actually closed on the transaction. We can't close on the transaction until the financing is put in place through NCHFA. What will happen with that financing will be a long-term land use restriction agreement, which will be placed on the property, which will require that it be operated as an incoming restricted property for 30-years. So, the commitment will be there, the requirement will be there from a legal standpoint and from a lean standpoint. We just simply can't put it on at this moment with the zoning because the seller will not allow us to so, and we need the zoning to move forward with the financing application.

Ms. Mayfield said I would hope that we can have a couple more conversations about this because initially there is quite a bit of concern of creating housing that is going into an area that potentially can have a negative impact on long-term residents.

Mr. Horowitz said we will be happy to continue those conversations.

**Councilmember Ajmera** said my concern is around the kind of environment we are providing to future residents here. I know we have had petitions especially northwest; I think it was for the trucking facility, and I think it was probably I-1 or I-2, which is pretty similar to the industrial use that is at this site, and the concerns a lot of residents had raised when that petition came to us closer to their neighborhood was specifically around the health of the residents with the air and the pollution and land contamination. I think if we look at it from that angle, I'm concerned about the quality of life that we will provide to the future residents that might be at this site. I'm concerned going from industrial to residential where all the site surrounding this development is industrial. Does that mean that we displace the existing industrial sites that we have, so I'm not comfortable at this point supporting this, and I look forward to hearing more from you and our staff?

**Councilmember Winston** said how long has the surrounding area been zoned industrial and specifically at the existing site has there ever been an industrial application?

Ms. Keplinger said I'm not aware of any changes in this area for rezoning in terms of zoning in my tenure with the City. I could double check that and provide that in the follow-up information, but this area has predominantly been industrial for some time.

Mr. Winston said how about the actual piece of property; has there ever been an industrial application on that parcel?

Ms. Keplinger said on the parcel in question tonight?

Mr. Winston said yes.

Ms. Keplinger said I do not know; that would not necessarily come through my office, but I can see if I can follow-up on some information on that.

Mr. Winston said the line of question is there any concern with the soil, any cause for concern on the actual site?

Ms. Keplinger said LUISA did not report anything; I don't know if the petitioner has done environmental yet.

Mr. Winston said does the petitioner know anything about?

Mr. Horowitz said yes, we have received a phase one and being that it is a vacant site there has been no use on the site that has created a concern; however, across the street at South Tryon Street a facility had contaminated groundwater, so we are going to be engaging a phase two to ensure that there is no groundwater contamination.

Mr. Winston said directly across South Tryon Street?

Mr. Horowitz said correct.

Mr. Winston said I would definitely like to get some – can we request some environmental study on the dirt or anything like that? Do we have that capability?

Ms. Keplinger said we do not.

Mr. Winston said so, in our land use decisions we can't determine whether or not the ground has poison in it before we decide whether to make it a residential use?

**Councilmember Phipps** said only if it is a brownfield.

**Councilmember Driggs** said we do that but it is not part of our zoning decision. In other words, it is tested as a result of the ongoing approval process but in construction there are other tests, right. We decide whether it is appropriate land use then they have to pass all kinds of inspections and meet the environmental rules etc. in order to proceed.

Mr. Winston said well outside of that; this is again what we are asking the developers to think about to do. We want neighborhoods where people can work, live, and play so kind of off the top, I'm interested in a project like this, because it changes the way we look at the way our neighborhoods are put together. What was South End like? Was it zoned industrial before all of this development happened?

Ms. Keplinger said there was a lot of industrial development in South End. I may have to call on one other Planning Department staff members to provide some answers. I did not work on the South End that much. Ms. Harmon has left the room but I know she worked some on that and so did Mr. Main. He can probably provide you with some information.

Mr. Winston said I would love that please.

**Kent Main, Planning** said a good of South End was industrial and various uses I-1 and I-2. In fact, you've seen some of those come before you for changes in rezonings just last month where I believe it just passed today where there was industrial use, and it was proposed for residential at one point and approved for that purpose. That does not necessarily mean that there was contamination as part of those, but a good bit of the South End and the Newbern area have been industrial in the past.

Mr. Winston said so when we started building multifamily and very dense residential in that area, did it challenge the thought process in terms of land use decisions at that time?

Mr. Main said I don't believe that it did again; there are a number of steps that have to be taken further down the path than just for rezoning, but those sites have been successfully redeveloped for intense TOD uses that include residential as well as commercial uses.

Mr. Winston said do we lack affordable or diverse price point housing in South End now? Would we might have liked to be a little more proactive of putting affordable housing in high opportunity zones like that under transition?

Mr. Main said there has not been a great deal of what you might consider affordable in the South End area, which has been very intensely developed in recent years.

Mr. Winston said to the petitioner I remember when we met we did meet and talk about this petition, and I see on the drawing that parking space across Nevada Boulevard, has there been any movement as to eliminate that to maybe put something like a park or public space in there?

Mr. Horowitz said absolutely, we will be removing that and it will be documented in the follow-up submission of the site plan. It is going to be green space and tree saving space. I would like to comment on the quality of the location; this location is less than a half mile.

Mr. Driggs said point of order, that is not an answer to a question.

Mr. Winston said my last comment is on top of thinking outside of the box and maybe this might give you an opportunity. I know we are asking developers to think outside the box, and I think this is by putting residential in an industrial zone, but that it has services and places that people living here might go to work or go to use. They are increasing the connectivity with this Nevada Boulevard. As we have different opportunities for transportation options, for instance scooters, this might not be a place where there might be a light rail but somebody might be able to live here and have a job or go get something to eat in a place that traditionally you need a car to do, and that is something new. This is again how we have to think differently as we continue to transition as a City. Have you thought about those types of things? Does that have any bearing on why this location and this type of project makes sense and this land use makes sense?

Mr. Horowitz yes and that was the primary reason that attracted us to this site. The area within a three-mile ring of this site is extremely lacking of affordable product. There are only three developments within the three-mile ring that provide affordable or workforce housing. The site provides great location to lots of jobs that the families of our development would be employed; it becomes housing as a transportation policy. It has a bus stop right in front of it; it is less than a mile from grocery stores, pharmacies, retail, medical services, schools. It is actually a great site by the scoring methodology that the North Carolina Housing Finance Agency uses, and we've been active in the locational housing policy discuss and while that policy has still not been issued for 2019 we feel the site is going to do very well within that policy, and it currently fits the housing policy that is in place.

Mr. Winston said are you asking for any public dollars to do this?

Mr. Horowitz said we will be using four percent low income housing tax credits, tax exempt bonds, and we are planning to ask for Housing Trust Funds.

Mr. Driggs said Tammie, we got sidetracked a little bit talking about environmental issues, but would it be right to say that your primary objection of this is that it is completely inconsistent with the area plan and with the growth framework?

Ms. Keplinger said that is correct.

Mr. Driggs said what bothers me about this frankly is that we are plunging into an area where there is no policy and we are throwing out the window our area plans and everything else, and I think some flexibility is indicated by the fact that we do want to pursue affordable housing opportunities, but I think we ought to spell out more clearly what the tradeoffs are that we are prepared to entertain and not just sort of make this stuff up on an ad hoc basis case to case, because this thing on a land use basis according to our established procedures doesn't have any real justification. It is surrounded by industrial uses; it is not infill. It is not something where you can kind of argue that it warrants an exception, because things have changed since this land use was described. The rest of the land around here is being used exactly in accordance with the plan, so if we want to go in the direction of entertaining setting aside our policies for the sake of realizing some goals we may have on affordable housing, I would love for us to spell out the terms on, which we do that and use those consistently.

Ms. Mayfield said I want to acknowledge the fact that what you are proposing definitely steps into the arena of what we are trying to address in our community, and I also want to share that I have some of the same concerns as Mr. Driggs, as far as when we set a new precedent, but more importantly again what I'm thinking about is long after I'm no longer sitting up here. When I first got into office at least the first four years were spent on environmental related concerns in neighborhood where Council had approved development that really impacted quality of life for residents negatively. If we were talking about a different part of Steele Creek that wasn't so close to residential, I think it would be a much easier conversation, the fact that there is still quite a bit of undeveloped land that can go either way. The fact that in South End you have a number of housing developments that multifamily has been built right upon residential and then Council receives numerous e-mails as well as calls regarding noise, smell, environment, not being able to sleep, bright lights because we approved a development. I recognize that the market is the market and also recognize that here is the reality for Council. Even if we were to move forward with this if this were approved when it is time for a decision the petitioner still has to do their work. They still have to identify their financing they still have a number of things, we've had a number of petitions that we've approved and then things didn't work out and then we have another conversation about a different rezoning at a later point. Ms. Keplinger; I just want to make sure that as we are having these conversations we have a UDO conversation that is happening in this sphere that is going to take a minimum of two years, could be a little less or it could be a little more but in the meantime, it is difficult for me to not see how this isn't very much different than TOD. When we created TOD South End was very much, before it became South End, an industrial area. Our multifamily developments have transitioned and honestly, we have displaced warehouse and a number of small businesses in the sake of identifying more housing, so it is difficult for me to see how this conversation is really that much different than the conversation except for the fact that we did fast track language in South End to try to address it with the creation of TOD, and now we are trying to clarify that language. When we are looking at potential housing here can we go back to the slide that shows the site plan with the elevations on it, because what I'm trying to figure out is what is the buffer to separate this residential from the office?

Mr. MacVean said we have a 37.5-foot buffer Class B buffer here and along this side the new public street, Nevada Boulevard actually acts as the buffer as well as this open space here. Again, this is a paint contractor so there are just trucks parked here and they go out and do work. This is a hotel; this is vacant.

Ms. Mayfield said so the 37.5 foot is that a 37.5-foot undisturbed buffer?

Mr. MacVean said no, this is newly planted, so it will be new landscaping trees.

Ms. Mayfield said so, right now the area that we are looking at is completely flat?

Mr. MacVean said it is flat, but there are some trees in this area, but the buffer is a new planted buffer, and that is adjacent to really a retail use. It is a tire center, gas sales, and light auto repair, so even though the area is industrial zoning, I think our point all along has been it is not industrial uses. It is a hotel; it is a fitness facility. It is a medical facility; it is a retail center and that is, because I-1 allows those types of uses. The new development is going in the direction of warehouse distribution, not manufacturing so again we are providing buffers. We have a setback along Tryon Street and John Price Road that are also landscaped and will provide the edges that the community needs.

Ms. Mayfield said we are going to need to follow-up.

**Councilmember Harlow** said this one is a little bit interesting. Most folks know it wasn't on the map but you know where my dental office is. I drive by this every day; it is a vacant piece of land, there is a lot of retail office use all throughout this South Tryon Corridor. This site is trapped smack in the middle between Ayrley and Rivergate, two huge neighborhoods centers and job centers at White Hall. Without looking at the land use itself, you would say yes, we definitely want affordable housing here, no question. Now of course you've got to look around it and say what else is there, less than houses is industrial as it gets. South Tryon; I'm tempted to say is less industrial, no question about it. You definitely see a lot more different types of uses there and I understand Mr. Winston's point about saying South End is like this, someone had to lead the way there and push that needle and it created a trigger point. We had light rail

there which makes a difference. On the fate of softball because you were trying to talk about the quality of the area so go for that real quick and then I want to make another comment.

Mr. Horowitz said I just wanted to note the proximity to employment, to retail, to transportation, to medical services and to schools. That is what makes this site I think a great site for affordable housing and for workforce housing, and that was for Ms. Ajmera.

Mr. Harlow said we've rezoned a lot of apartments or multi-family proposals in this area, some further-up to I-485 and some deeper down into the deeper Steele Creek area. My question to you is when you look at this site, is it your opinion that this fits in your mind for multifamily because of the other kind of differences and mix of uses on South Tryon or what is it about this particular site? Two hundred is a lot of apartments there but nonetheless knowing you guys knew this was going to be a little contentious surrounding by industrial, so I'm just trying to get to your thought process a little bit.

Mr. Horowitz said the site is not a qualified census tract which means that for the area there is generally a better level of AMI; there is usually a better level of education; there is a much lower level of poverty. As a result of that, there is still lots and lots of jobs, lots and lots of employment opportunities that require employees that work anywhere from that 30% to 80% AMI level. There is no housing for these families; these families are having to come from outside the three-mile ring to their places of employment. The lack of affordability in proximity to the jobs is what has made this what we believe to be a great location then when you add on top of it the amenities the grocery, the services, the location to schools, the availability of transportation it seems to check all the boxes of what makes a great affordable location.

Mr. Harlow said I would like to meet with you guys about this one before the decision.

**Councilmember Phipps** said I had the pleasure as a Planning Commissioner to help work on the Steele Creek Area Plan back in 2012. It was a long arduous process, and the fact I guess Mr. Driggs crystalized it when he talked about the compatibility of the plan. I guess I have been on this dais awhile, and this is the first time that I can remember seeing a statement like this from the Mecklenburg County Land Use Environmental Services Agency that gives a warning on this. I would like to go back to something the petitioner said when he was referencing these 12 parcels that were sources of pollution. I think I heard you say that right now in the current environment that the emissions are low in relation to their capacity, but would you agree that that really doesn't have any bearing on what operations may be in the future in terms if a company wanted to ramp up, they would definitely have the capacity to do so?

**Hunter Nelson, 118 16th Avenue, Nashville, TN** said I wouldn't say that we have the capacity to answer that question today, not being air quality experts except to say there are many residential uses within closer proximity both for single-family homes that are owned as well as rental communities. While those facilities have been in operation for a long time as Joe mentioned earlier, there have been claims of complaints but they have all been unstanuated at this point. Not being an air quality expert, I don't think we have the basis to answer that question.

Mr. Phipps said I appreciate that, and I guess I agree with a lot of what has been said already by a lot of my colleagues and right now I would have a difficult time in approving this particular petition as it is.

Ms. Ajmera said I know that as a Council one of our priorities is affordable housing but our also priority is sustainable and resilient Charlotte. The resolution that we had passed in June or July of this year, which means the quality of life for our residents. If we approve this, and if we have affordable housing at this site we will be sending a message that it is okay to have affordable housing where there is so much industrial sites nearby, and I don't think that is the right message to send. I think every resident deserves to live in a good area where there is a quality of life that we can offer that includes sustainable environment, clean air, not just for short-term but generations to come and that is what our Council is working towards. I hope that our colleagues would consider that, because this is a very important decision that we are making that will have an impact for generations to come.

Mr. Winston said one last comment especially since they would be looking for some public money. I think this is a perfect example why we need citizens to weigh in on this. There is a lot to consider there, there is a lot of priorities, but there are two edges to each of these swords and I would really like to for us to push for the Citizens' Review Board, because this is a perfect example of a decision that I think we could really get a lot of value from having community input not just from a community type meeting, but stakeholders that are working with us towards this end. I think we just don't have enough of that input and consideration right now if we were to make this decision today.

Mayor Pro Tem Eiselt said I join my colleagues with having concerns with this one especially knowing that we are going to be asking for Housing Trust Fund money. I have a hard time with that.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2018-098 BY CYGNUS CONSTRUCTION LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.20 ACRES LOCATED AT THE INTERSECTION OF PARKWOOD AVENUE AND EAST 15TH STREET FROM R-8 (SINGLE FAMILY RESIDENTIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT, MIXED USE).**

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

**Tammie Keplinger, Planning** said I just noticed this is TOD-M, and there is an optional up there, but it is not optional. This is a straight TOD-M request. This is located in the center of town along Parkwood Avenue; it is a conventional request of 0.20 of an acre. The site is within a quarter mile of the Parkwood Blue Line Station which the area plan which is the Blue Line Transit Station Area Plan recommends transit oriented mixed use for this property, and that plan was developed in 2013. The TOD-M district applies all the standards and regulations consistent with the form and intensity of development. The staff is recommending approval of this petition.

**Councilmember Egleston** said this plan makes a lot of sense on this site.

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

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**ITEM NO. 36: HEARING ON PETITION NO. 2018-112 BY MICHAEL LOEB FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.33 ACRES LOCATED AT THE INTERSECTION OF EAST SUGAR CREEK ROAD AND ANDERSON STREET, SOUTH OF THE PLAZA FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).**

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

**Tammie Keplinger, Planning** said we talked about this petition a little bit at lunch. It was rezoned in June to R-5, and once we rezoned it. It was officially rezoned, and in talking with the property owner we discovered that they could not do what they wanted to do with the site which is to divide it into two single-family lots. The only way that could be accomplished was go to the R-8 zoning district, and in that district, we were concerned about the density and some other uses like duplexes, triplex and quadruplex that would be allowed, so we asked the petitioner to go to a conditional district which they agreed to do. So, what is before you is an R-5 to an R-8(CD). The site plan that is associated with it shows two individual lots. The density is just slightly over six dwelling units per acre; they have the setbacks and the yard requirements as we've asked. The dedication of right-of-way, planting strip, and sidewalk along East Sugar Creek Road and staff is recommending approval.

**Councilmember Egleston** said this plan makes a lot of sense.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2018-107 BY JDSI, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.29 ACRES LOCATED ON THE EAST SIDE OF EAST. W. T. HARRIS BOULEVARD AND THE END OF SUSAN DRIVE, NORTH OF HICKORY GROVE ROAD FROM R-3 SINGLE FAMILY RESIDENTIAL TO R-8 (SINGLE FAMILY RESIDENTIAL).**

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

**Tammie Keplinger, Planning** said this petition is located just north of Hickory Grove Road and to the east of W. T. Harris Boulevard. We had a rezoning earlier this year for this property on Susan Drive to be B-2(CD). The proposed request will develop this property as R-8 single family. It allows single family residential as well as duplexes, triplexes and quadruplexes also under certain conditions. This property, as you can see, really has limited access, but there are other properties in the area that the same developer is already developing and the access will be gained through those sites. In terms of land use, it is right on consistent with the Eastside Strategy Plan, which was adopted in 2001 and recommends R-8. From the staff perspective, this is a conventional request with no outstanding issues, and we are recommending approval.

**Judson Stringfellow, 3515 Dovewood Drive** said I am the petitioner on this. I don't really have much to add to that excellent presentation. The land that is between this and Hickory Grove Road that is also zoned R-8 is single family and right below that portion we own and the two will be combined and it will all be zoned R-8.

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

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**ITEM NO. 40: HEARING ON PETITION NO. 2018-104 BY PAL-A-POOS PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.25 ACRES LOCATED ON THE WEST SIDE OF MALLARD CREEK ROAD, SOUTH OF GOVERNOR HUNT ROAD FROM INST (CD) (INSTITUTIONAL, CONDITIONAL) TO INST(CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT) WITH FIVE-YEAR VESTED RIGHTS.**

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

**Kent Main, Planning** said this is a rather odd shaped parcel of land along Mallard Creek Road and Governor Hunt Road. Other things in the proximity are Mallard Creek Elementary School is just north of here and also the Piedmont Unitarian University Church is also right in this area just for your understanding of where it is. Existing on the site is about 18,525 square foot child care center, and they are looking for a rezoning to expand the list of uses that can be used within this particular site. It is wrapped by multifamily on the west and south sides. You can see the Research Park along the other side of Mallard Creek Road, and it is an institutional use today and what they want to do is expand to allow for adult daycare, vocational schools, elementary secondary schools, religious institutions, health institutions and a range of other kinds of institutional uses in addition to what was very specific just daycare and religious institutions earlier. They will retain the right to expand from 18,000 to 25,000 square feet, so there is a little bit of wiggle room for additional buildings provided by the prior site plan. It also specifies that they would not be going over any requirements that would require additional buffers or additional parking uses on the space so the intent of this strictly to expand the list of uses that could be provided on this particular site.

**Robert Brandon, 9355 Bonnie Briar Circle** said I am a Planning and Zoning Consultant, and I'm here representing Pal-A-Roos Properties, LLC. The principal is Dianne Horne, and she is here. Our petition 2018-104, is a site plan amendment; it is a text only type plan amendment. We are not seeking to make any improvements with any building additions or expansions. We just want to add five more additional uses to that site plan. I think that is what we've been trying to get accomplished from the very beginning where we just wanted to add maybe a vocational school, religious institutional, health institution, cultural facilities and an adult daycare. I think when the plan was approved back in 1999, almost 20-years ago, it was zoned Institutional (CD) for a daycare only. I think typically whenever you go through a rezoning you want to make sure that you have other uses other than just one single use primarily, but that is okay at times but at times you may want to have a little bit more wiggle room. The petitioner is presently planning to continue the large daycare center, but she just wanted to enhance the existing site plan that she has to provide additional options in the distant future if that happens to be the case. That is the reason why we filed our petition, and that is why we are seeking your approval.

**Councilmember Phipps** said why it is necessary to have five-year vested rights for this? What is the rationale for that?

Mr. Brandon said I think that is the Planning requirement whenever they rezone or amend the plan they require five-year vested right per regulations.

Mr. Phipps said is that correct?

Mr. Main said I don't believe we've got five-year vested rights on here do we?

Mr. Phipps said it is on Prehearing Staff Analysis.

**Terri Hagler-Gray, Senior Assistant City Attorney** said that hasn't changed; I think Mr. Brandon is saying he thinks it was already five-year vested rights.

Mr. Brandon said from the previous approval plan I would imagine that is why we didn't make any indication other than just to add the additional principle uses to the existing site and if that was a result of that that automatically required that statement to be there.

Ms. Hagler-Gray said it is not automatic; it would be two-years automatic.

Mr. Brandon said two-years would be fine.

Mr. Phipps said it seems like a perfectly logical plan to me.

**Councilmember Ajmera** said I just want to clarify. Staff, do we have the five-year vested rights in the proposed because that is what we have? Was it updated afterwards?

Mr. Main said I suspect that was left over from the prior plan and we will look into that and get that worked out.

Ms. Ajmera said okay, so we do not know as of right now?

Mr. Main said I think it is ambiguous at this point and we will clarify that and get it in proper form.

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

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**ITEM NO. 42: HEARING ON PETITION NO. 2018-101 BY LLEWELLYN DEVELOPMENT LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.7 ACRES LOCATED ON THE SOUTH SIDE OF MCKEE ROAD, EAST OF KUYKENDALL ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-6 (SINGLE FAMILY RESIDENTIAL).**

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

**Kent Main, Planning** said this is a conventional request, and it is zoned R-3; McKee Road right here, where it crosses I-485. The adopted future land use plan which is the South District Plan calls for three units per acre; however, there is General Development Policies that support up to six units per acre for this particular site. Along McKee Road immediately adjacent is a church facility and south are a number of townhouse projects that also back up to the freeway location as well. We recommend approval of this plan for six single family residential conventional. It is consistent with the area plan and the General Development Policies. The proposed district follows many of the same general kinds of land use recommendations as the larger lot kind of uses, because of its proximity to the freeway it is isolated from other parcels, so that it will not have any deleterious effects upon any of the surrounding uses, and we think this is a supportable proposition.

**Walter Fields, 1919 South Boulevard** said I'm here to answer any questions of anybody has any.

**Councilmember Driggs** said this is an appropriate use; I agree with the staff.

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

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**ITEM NO. 43: HEARING ON PETITION NO. 2018-103 BY GRIFFIN INDUSTRIAL REALITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 35.91 ACRES LOCATED ON THE WEST SIDE OF OLD STATESVILLE ROAD, NORTH OF HUCKS ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) AND I-1 (LIGHT INDUSTRIAL) TO I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL).**

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

**Tammie Keplinger, planning** said first of all, I would like to say congratulations to the Mayor Pro Tem and City Council; you have covered five hearings in less than 15 minutes. This petition is 2018-103; it is located on the west side of Old Statesville Road on the north side of the City. It is just south of I-485 and north of Hucks Road, and the request is to go from R-4 and I-1 to I-2(CD). The properties to the north and south of this property are currently developed with office and industrial type uses. The properties to the north, south, east, and west adjacent to and across the street are zoned for industrial and business park uses. The proposed site plan that is provided for the site provides Hucks Road Extension right-of-way across the southern edge of the property which will support the City Council's connectivity policy.

This is a proposal for up to 550,000 square feet building area. It basically allows the uses in the I-1 and some specific uses in the I-2 district. There are two building and parking envelopes; access is from Old Statesville Road, and there is a provision for a public street A running north and south through the property and then Hucks Road Extension to the south. The petitioner has notes about the construction of Hucks Road Extension subject to certain provisions that are noted in the site plan. They specify the building materials and provide standards related to street facing entrances, loading areas, elevations and building orientation. Proposed is a 75-foot Class B buffer along the northern property line for this site. When looking at this in terms of the future land use plan I want to talk about that for just a minute, because the Northlake Area Plan, which was adopted in 2008, recommends TOD mixed uses for this site and this recommendation was made with the assumption that the Red Line Commuter Rail would be a funded and active project in this area and that is not the case at this point. Before the commuter line was proposed the adopted future land use for this area was business park and industrial for this site and the surrounding areas. In looking at this petition staff went back and relied on that earlier recommendation and we are recommending approval of this petition. We do have several outstanding issues related to transportation and site and building design and we believe that we will be able to work those out prior to the Zoning Committee and prior to it coming back for a Council decision.

**Bridget Grant, 100 North Tryon Street** said I'm with Moore & Van Allen; I'm here with Shaun Tooley with Land Design and Scott Bosco with Griffin Industrial, and we appreciate staff's presentation and we are just here to answer any questions.

**Councilmember Phipps** said what improvements are being planned for the intersection of Hucks Road and Old Statesville Road? That has been a source of frustration for many residents along that Croft Corridor on that side of town.

Ms. Grant said the Statesville Road project improvements are being handled by the State, and I think somebody from staff might be able to answer that question. The improvements that we are working on are within the site extending from Old Statesville Road to Huck Road realignment to the western property line of our site.

Mr. Phipps said is anybody available to talk about what if any improvements will be made to that intersection of Hucks Road and Old Statesville Road?

**Felix Obregon, Transportation** said we are working with NC-DOT and determining what would be the best intersection approach for that intersection. At the moment, we are looking to provide a signalized intersection with left turns.

Mr. Phipps said is that a part of this development or was this something that was in the pipeline before this?

Mr. Obregon said it was in the pipeline before this. What they are proposing on doing is on extending Hucks Road along their property.

Mr. Phipps said unless we have some enhancements to that intersection there is going to be a lot of angry people with most of that directed at me. So; I think this has to be something, because that has been talked about a long time because at that intersection there is no signal light there, and we need something done at that intersection.

Mr. Obregon said C-DOT is having conversation with NC-DOT; as you know, Old Statesville Road is an NC-DOT road, and they do have a planned project, and I want to say this when they put in to widen Old Statesville Road and provide some relief for that intersection.

Mr. Phipps said I would like some follow-up on that too as we move forward.

**Councilmember Harlow** said I'm sorry if this is in the packet; I know you sent an e-mail, but I guess I just didn't print it out. Ms. Grant; the petitioner is committing to building out Hucks Road just to Metromont?

Ms. Grant said it is on their site availability and the parcel availability to the south and to the west of our property. We are committing to providing the extension at a minimum within our site and if feasible beyond our site so the right-of-way to where Metromont Parkway ends.

Mr. Harlow said there have been a lot of questions around other land and stuff and how Hucks Road might help with other development so that is good. When we get to the other side of Metromont we are basically in District 2, so we will talk about this one going a little further.

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

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**ITEM NO. 44: HEARING ON PETITION NO. 2018-067 BY NVR, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.06 ACRES LOCATED ON THE NORTH SIDE OF MALLARD CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

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

**Tammie Keplinger, Planning** said this property is located on Mallard Creek Road, and you can see the edge of Concord Mills; the county line is somewhere in here. I'm not sure what angle it is. The proposed request is to go from R-3 single family residential to UR-2(CD) urban residential, conditional for a multifamily development. The site is located within one-half mile southwest of the Mall and retail area, which is considered a commercial mixed-use node. The Northeast Area Plan which was adopted in 2000 recommends residential at 12 dwelling units per acre for this site, and you can see for the surrounding sites. The property to the north and over to the west, these are currently development, and you notice with the striping they have a variety of future land uses which included some retail, but they've all developed as residential. South, you have institution and this is part of a church facility and then part of the Old Kings Grant with retail at the corner of Carolina Lily Lane and Mallard Creek Road. So, the request is to for 190 townhomes at 10.52 units per acre. They have limited the building height to three stories and 50-feet. They include passive amenity areas; they have transportation improvements, and I'm not going to go through all of those. They provide for a waiting pad for a new bus stop. They provide a 12-foot multi-use path along Mallard Creek Road and sidewalk and planting strip along Aspire and Kings Grant Drive. They have landscaped area for building units, which are next to the Duke Power line which is located on this area of the property. They provide architectural standards, and they are committing to a six-foot wooden or vinyl fence along the eastern property line adjacent to the single-family residential.

We have some outstanding issues related to environment, site and building design and transportation but we feel like we will be able to resolve those prior to this coming back for Council decision.

**John Carmichael, 101 North Tryon Street** said we do have a revised plan that we will be submitting Monday to the Planning Department. Ms. Keplinger did a really good job of going through the pertinent points. It is a townhome community and the density would be 10.29 dwelling units per acre; the plan supports up to 12, but this is a new plan and the density has been reduced to about 186 units now. They added another green amenity area to the middle of the site. The vast majority of these units, the ones that are orange would be rear load, alley loaded product which is a nice feature. Just a few along the northern edge would be front loaded. I did want to share the revised plan; the number of units would be 186 with a 12-foot multi-use path along Mallard Creek Road and then there is the trail that runs back here, so you would have almost a mile loop if someone wanted to take a walk during the afternoon.

**Councilmember Phipps** said this looks like they are packed in there pretty tight. It doesn't have much in the way of open space. I know that area is growing out there with a lot of activity, apartments, Concord Mills Corridor there, and I know that NC-DOT has a major road widening project on Mallard Creek Road from Derita on up to the I-485 interchange so that should help a lot with that traffic out there. This cluster seems to be in my mind, pretty tight. It is like they've got them packed up in there pretty tight.

Mr. Carmichael said to accommodate the widening of Mallard Creek Road and one reason we had to defer it was they redesigned the site. You may recall we had a conversation about this I'm not sure but they changed the alignment of Mallard Creek Road and they are dedicating a good bit of right-of-way to accommodate that improvement.

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

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**ITEM NO. 45: HEARING ON PETITION NO. 2018-109 BY EASTGROUP PROPERTIES, LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 24.23 ACRES LOCATED ON THE WEST SIDE OF SANDY PORTER ROAD, NORTH OF I-485 FROM I-1(CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY) TO I-1(CD) SPA AIR (LIGHT INDUSTRIAL, CONDITIONAL, SITE PLA AMENDMENT, AIRPORT NOISE OVERLAY).**

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

**Kent Main, Planning** said this is 24 acres located on Sandy Porter Road, right where it crosses I-485, very close to White Hall. It is a fairly simple site plan amendment; it is a part of the industrial activity center that centers on Shopton Road. The adopted future land use calls for warehouse and industrial distribution, and that is what they are proposing to do. In fact, it is already zoned for that. The existing site plan provides for two buildings; they want the ability to do one or two buildings, and it will not be three buildings. The site just north of there is the Vietnamese Catholic Church; there are a few remaining single-family residential, large lot parcels, but there is industrial over on this side; there is industrial proposed as a future rezoning that you will be seeing in the near future just east of there. The whole area is basically an industrial park. The maximum number of square footage is still set at 255,000 square feet; building height 45-feet. They will have curb, gutter and sidewalk along the street; they will be providing some funds for C-DOT future improvements along Sandy Porter Road. The only outstanding issue has to do with firming up some environmental tree save issues. It is consistent with the Steele Creek Area Plan, which calls for industrial use at this location, it is already zoned for that and this is just to give the flexibility on the number and type of buildings.

**John Carmichael, 101 North Tryon Street** said the whole purpose of this site plan amendment is that Eastgroup Properties had a potential user that approached them about having the square footage in one building as opposed to two. They are not looking to increase the density, not looking to change the cap on the office, just want the ability to do one building on the site.

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

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**Councilmember Egleston** said before we close the meeting, I will note that it was pointed out to me by somebody in the beginning that our rezoning meeting next month is scheduled at the exact same time as the home Monday night Panther's Football Game so I would encourage us to all think about possibly moving the time up a little bit.

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### ADJOURNMENT

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

The meeting was adjourned at 9:35 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours and 14 Minutes  
Minutes Completed: November 29, 2018