

The City Council of the City of Charlotte, North Carolina convened for a Special Meeting on Monday, October 17, 2016 at 4:05 p.m. in CH-14 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were John Autry, Edmund Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James Mitchell, Greg Phipps, and Kenny Smith.

ABSENT: Councilmember Al Austin

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Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to go into closed session pursuant to G.S § 146-318.11 (a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

The meeting recessed at 4:06 p.m. to go into closed session. The meeting returned to open session at 5:03 p.m.

Motion was made by Councilmember Driggs, seconded by Councilmember Fallon, and carried unanimously to excuse Councilmember Kinsey from the remainder of the Special Meeting.

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to recess the Special Meeting until Wednesday, October 19, 2016 at 5:30 p.m. in the Meeting Chamber.

The Special Meeting recessed at 5:05 p.m. to reconvene for the regularly scheduled Dinner Briefing.

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The City Council of the City of Charlotte, North Carolina reconvened for a Dinner Briefing on Monday, October 17, 2016 at 5:11 p.m. in CH-14 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Edmund Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps, and Kenny Smith.

ABSENT: Councilmember James Mitchell

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Tammie Keplinger, Planning said I gave you all a Dinner Meeting Agenda and then we had a change, so I'm giving you another copy that is a little bit longer. You should have one that has Item No. 15 at the bottom of the page. Tonight we don't have a lot of deferrals; we have hopefully been reducing those because of the new rezoning process. Item No. 9, Petition No. 2016-053 for Brookline; they asked for a deferral with the Zoning Committee level, so Council will need to defer it for a month, so it clears the Zoning Committee. Item No. 27, Petition No. 2016-115 for Crescent Communities requesting a deferral to November 21, 2016, which is our next Zoning Meeting. We are working on some outstanding issues. New as of late Friday afternoon, Item No. 31, Petition No. 2016-123 for Harbor Baptist Church, they have requested a deferral to December so they can work on issues with road connection going through the property. Item No. 8 was a case that you had a decision on back in July, but we failed to do the Statement of Consistency, so we need to go back and make up your own Statement of Consistency or adopt the one that the Zoning Committee had, and you will have the Zoning Committee's up on the board so you can see it.

Councilmember Phipps said does that mean that petition isn't officially approved?

Mr. Keplinger said I believe the Attorney would say that it is officially approved; we just need to finish up the Consistency Statement.

Terrie Hagler-Gray, Senior Assistant City Attorney said that is correct.

Mr. Keplinger said the latest addition was Item No. 15, Petition 2016-101 by Shining Hope Farms; it is outside the City but closest to Mr. Austin's District. The Petitioner has added a note to their site plan that says lighting associated with the outdoor riding ring but be directional installed pointing downward at the riding arena. Staff considered that a minor change and we don't think it needs to go back to the Zoning Committee. I talked to the Chairman about it, and he agrees that it is a minor improvement, and they don't to see it.

Mayor Roberts said but we have to vote on that before we vote on the petition.

Mr. Keplinger said yes ma'am, and it has to be a ¾ vote.

Ms. Keplinger said that is actually all I have except we have a change in the time for the November 7, 2016 meeting to move it from 5:00 p.m. to begin at 4:00 p.m.

Ron Kimble, Interim City Manager said that was an item we sent out in your Council/Manager Memo on Friday; it is election eve, and we figured you might want to start at 4:00 p.m. We checked with many of your calendars, and it seemed to be open. We are also looking at the Citizens' Forum that night and moving it forward from 7:30 p.m. to 6:00 p.m., so you will need to vote on that, if that is what you would like to do.

Mayor Roberts said knowing that many folks are going to be out at the polls the next day early we thought it would be good to do.

Motion was made by Councilmember Driggs, seconded by Councilmember Kinsey, and carried unanimously to amend the City Council Meeting Schedule by beginning the Monday, November 7, 2016 Workshop at 4:00 p.m. and the Citizens Forum at 6:00 p.m.

The Dinner Meeting was adjourned at 5:16 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 the regularly scheduled Zoning Meeting on Monday, October 17, 2016 at 5:37 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Gregg Phipps, and Kenny Smith.

ABSENT UNTIL NOTED: Councilmember James Mitchell.

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INVOCATION AND PLEDGE

Mayor Roberts gave the Invocation followed by the Pledge of Allegiance to the Flag.

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EXPLANATION OF THE ZONING PROCESS

Mayor Roberts explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Tony Lathrop, Chair of the Zoning Committee introduced the members of the Zoning Committee of the Charlotte Mecklenburg Planning Commission and said the Zoning Committee will meet Wednesday, October 26, 2016 at 4:30 p.m. here at the Government Center. At that meeting, we will meet to discuss and make recommendations on the petitions that have public hearings tonight. The

public is welcome at that meeting; please note that meeting is not a continuation of the public hearing that is being held tonight, but before that meeting you are welcome to contact us to provide input on these petitions. You can find our contact information and information on each of these petitions tonight, on the City's website at charlotteplanning.org.

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HISTORIC LANDMARK PUBLIC HEARING

ITEM NO. 4: BIDDLEVILLE CEMETERY

Motion was made by Councilmember Austin, seconded by Councilmember Driggs, and carried unanimously to open the public hearing on the question of adopting an ordinance for the property known as the "Biddleville Cemetery" as a historic Landmark.

Stewart Gray, Historic Landmarks Commission said the Biddleville Cemetery served as a community cemetery for Biddleville, an African American residential district that arose in the late 1800's near the Biddle Institute, now Johnson C. Smith University. The cemetery contains representative examples of funerary art from the late 1800's. The cemetery also contains the graves of influential citizens of Biddleville and African Americans who served in the Spanish American War, World War I, and World War II. The Landmarks is recommending designation of the property as a historic landmark.

Councilmember Austin said I just want to point out that this whole project came about because of one of my community leaders, and she is up in the audience. There is quite a bit of wonderful history associated with this particular cemetery as well as its connection with Johnson C. Smith and the Five Point Area.

Councilmember Phipps said how many graves do we have in the cemetery?

Mr. Gray said I don't have a number in front of me, but in your attachment you should have a listing attached, I believe to the Survey and Research Report that shows all the identified folks that have been interred in the property. I'm not sure what that would be, probably around 200 on this page and maybe 200 here. Many of the graves are unmarked, but we do have some surviving headstones.

Mr. Phipps said who is going to maintain this cemetery?

Mr. Gray said currently, the cemetery is essentially part of a community park, and so Park and Rec controls the property, and they were part of the process when we went through the Landmark designation process up to this point. Park and Rec have been supportive of the designation of the property and they will maintain the property.

Motion was made by Councilmember Austin, seconded by Councilmember Kinsey, and carried unanimously to close the public hearing on the designation of the property known as the "Biddleville Cemetery" as a Historic Landmark.

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ITEM NO. 5: CHARLES E. BARNHARDT HOUSE

Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, and carried unanimously to open the public hearing on the question of adopting an ordinance for the property known as the "Charles E. Barnhardt House" as a Historic Property.

Stewart Gray, Historic Landmarks Commission said the Charles E. Barnhardt House is the largest state home that was built in 1938 on Country Club Lane; one of the finest and best preserved historic homes in the Plaza/Midwood Neighborhood. The house is a rare example of residential architecture from the great depression. The house is very well preserved and largely unaltered and is an important example of the work of Charlotte Architect Martin Boyer. Charlotte Mecklenburg Historic

Landmarks Commission and Preservation North Carolina are pursuing a permit preservation plan for the property. There is currently a development plan for the property that would subdivide the land with the Barnhardt House remaining on a prominent large lot. I would also add that the house is in eminent danger of demolition if the Landmarks Commission and PMC can't come to some agreement with the property owner to purchase and preserve the property. It is a highly endangered property, and the HLC is currently performing due diligence on the potential purchase.

Len Norman, 2200 Crescent Avenue said I will make it very brief; Stewart has covered the main points. I am Chairman of the Historic Landmarks Commission, and I am here to speak in favor of designation of the Charles E. Barnhardt House. The Landmarks Commission has money we can spend on acquiring properties and then we put deed restrictions on them so they cannot be torn down, and that is what we would like to do with this one. We are in negotiation with a very cooperative developer in this case. I just want to give you the three reasons why we think it is important for us to preserve and why we think it is important to us and why we are willing to spend our money on it. One thing I should point out to you; we can't buy it unless it is designated by you as a Landmark. One, this is a very architecturally unique project here in Charlotte; it is kind of a house that has got elements of the colonial revival that we see a lot of around Charlotte, but at the same time, you start seeing the symbols of modernism creeping into it, like corville bricks in the columns and glass block windows in the house, which is kind of unusual for here. It is also brings into focus two families that were important to Charlotte, one being the Barnhardt and later the Crammers who purchased it. The Barnhart's being Barnhardt Manufacturing Company, still in existence, the other being the Crammers who are famous in the textile industry in Cramerton, and it is probably an area they've had a lot of textile mills. It is keeping a sense of the section of Plaza/Midwood that was Country Club Lane around the Country Club and kind of keeping a historic sense there, so we think it is important for those reasons, and we are willing to, if we can come to a deal with the developer, spend money from our revolving fund on it. Thank you for your consideration tonight.

Councilmember Kinsey said some of you may have noticed there is not very much information in your packet about the house, and when I realized that I immediately e-mail Stewart Gray, because I always want to know as much as I can, and quite frankly looking at it from the distance, and I told Stewart this, I didn't see much architectural quality there. Although, I do know of the architect, Mr. Boyer, but they have since then sent a great deal of information, so I encourage you to find that. You sent it electronically, right?

Mr. Gray said right; it should be a part of the attachment; on the Legistar attachments you should see a full report on the property, and that was a fault. We just mislabeled with one of the documents.

Ms. Kinsey said it should be easy to find, is that correct. I am challenged electronically, but I encourage you to read it because this doesn't anywhere near – I have seen a few of the pictures on the inside, and this doesn't really explain about the house itself, and I believe you do have some history of the families as well, which is also important.

Councilmember Autry said I just wanted to take this opportunity to thank Mr. Len Norman; Mr. Norman and I met about three-years ago now and Mr. Norman on his own time went out through District 5 and did an inventory of potential historically significant properties in the District and prepared a wonderful report and sir, we are still getting mileage out of that, and we actually approved the Arthur Smith Studio for designation, so we are still working on our way through that, but I just wanted to publicly thank you for that great work and let you know how much I really appreciate it.

Councilmember Eiselt said is the house currently occupied? You said if it doesn't get this designation, it is at risk of being destroyed.

Mr. Stewart said currently the house is vacant, but the house has retained a high degree of integrity in terms of its original features. It doesn't appear to have been altered. It is currently secure and stable, but if we cannot come to an agreement with the developer, and I will echo what Len said, the developer has been very supportive of our effort. If we can't come to an agreement with the developer, our belief is that the house will be demolished.

Councilmember Phipps said if we approve this and the house restored and developed, will anyone be living in the house?

Mr. Gray said that is the most likely scenario, especially considering the zoning that is going to be in place for the house when the lot is sub-divided. It will be a single family home.

Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, and carried unanimously to close the public hearing on designation of the property known as the "Charles E. Barnhardt House" as a Historic Landmark.

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ITEM NO. 6: DILWORTH AIRPLANE BUNGALOW

Mayor Roberts declared the hearing open.

Stewart Gray, Historic Landmarks Commission said the Airplane Bungalow style is a rare subtype of the craftsman style that is most common on the Pacific Coast in California in particular. In 1925, Airplane Bungalow is the only example in Charlotte of the style. The Asian influenced Airplane Bungalow is inspired by the elaborate ultimate bungalows designed by the brothers, Charles Sumner Green and Henry Green who have been credited with creating the craftsman movement. The California brother's interest in both English arts and crafts movement and oriental wooden architecture is reflected in the Dilworth Airplane Bungalow. The incredible integrity of the home, both on the interior and exterior, and the extensive use of stonework makes the bungalow an exceptional local example of a well preserved craftsman style home.

Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, and carried unanimously to close the public hearing on designation of the property known as Dilworth Airplane Bungalow, as a Historic Landmark.

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ITEM NO. 7: MIDWOOD ELEMENTARY SCHOOL

Mayor Roberts declared the hearing open.

Stewart Gray, Historic Landmarks Commission said the Midwood Elementary School was designed by Charlotte Architect M. R. Marsh, and it was the first school to serve the Central Avenue corridor. The school is an important historic and cultural element of Plaza/Midwood Neighborhood, and in Charlotte, the 1935 Midwood Elementary School is one of the best surviving examples of education architecture in the traditional revival style. Two things I want to add is that it is very similar in style to the Eastover Elementary School; however they both evolved over time. They have been altered in certain ways that haven't affected the historical character. but they both were generated by the same program to build schools during the great depression. Secondly, when we look at a building like this we really look at it in the context of its neighborhood, so I would say the most important thing about the Midwood Elementary School is in terms of the Plaza/Midwood Neighborhood; it is an important landmark, specifically for that neighborhood. You could make the case that it has significant for the entire city, but especially for that neighborhood.

Alma Hernandez, 1539 Belvedere Avenue said I here with two faces tonight; I am a resident of Plaza/Midwood. I am also an employee that is currently occupying the building currently known as the Midwood International Culture Center, formerly known as Midwood Elementary School, formerly known as Midwood High School. I'm here to ask that you do vote in favor of granting historic status to Midwood Elementary. This building is located in the heart of Plaza-Midwood which is currently a historic neighborhood of Charlotte, and I think it is a jewel that a lot of people oversee that we really need to start paying attention to and not take for granted. It holds historical, architectural, and cultural importance that transcends decades up until the mid-1930's. Buildings such as these teach the local residents about our city's history and help cultivate pride of the past and our current heritage. Such historic structures help retain the character and charm that endears many Charlotteans into the Plaza/Midwood Neighborhood. As City Council, you've seen and in many cases have approved construction of massive development in my neighborhood in lieu of such buildings such as the Midwood Elementary Building, but this building is unique, not only was it the

first school to serve the local neighborhood in the 1930's, it also has architectural style use prior and during the depression era. Most importantly, it is a prime example of the collaboration between the old and the new; it is an example of how historic buildings can change and accommodate modern. Midwood Elementary is an iconic structure in East Charlotte. It once was used to educate youth and now fills it heart with new community organizations, all of which benefit this City. As many of you may or may not know, it currently houses 14 local community organizations that benefit Charlotte. I know that as the City grows so do the neighborhood needs, so as I see it high rise apartments and condos fill this neighborhood constantly and as a Charlottean, as a Plaza/Midwood resident and I believe that you as elected officials have an obligation to respect the community resource and preserve it for future generations. I hope that you all do in favor of designating the site as a local landmark and hence help and preserve Charlotte history. Thank you for your consideration.

Cedric Lundy, 406 Leighton Court, Matthews said I am a Pastor of Justice at Watershed Church and we are one of the many tenants at the International House at the Midwood International Cultural Center. I'm here to represent our church community but also the other tenants as well of the International House of the Midwood International Cultural Center, formerly known as the Midwood Elementary School and ask that you vote in favor of designating it as a Historic Landmark. A couple of reasons why, one as was so eloquently detailed, just the history of it that is really important to preserve one of the original pieces of the Plaza-Midwood area and its history. Plaza-Midwood is unique; there are very few other neighborhoods in the entire state let alone the whole City that are like Plaza-Midwood, so it really adds to that uniqueness, and it would just be a shame to see it become a part of waste land of progress with just building townhomes and different things and just help maintain the eclectness of the neighborhood. The International House, there is a plaque on the wall if you go in there that says, where Charlotte welcomes the world, and that is really what it is. You have so many different people that come from out of the country that love this country that want to make Charlotte their home and it really serves to help those people learn to be able to integrate and become contributing members to this community. Last but not least, for us as Watershed Church, it is a neighborhood that we have begun to call home in our short 11-year history. It has really given us the opportunity to be good neighbors in the Plaza-Midwood area. Prior to becoming tenants in the Midwood International Cultural Center, we had about 50 people that were serving different schools as tutors and mentors just to help with the education and just giving other adults in the lives of young people. Since moving to Midwood International Cultural Center, we now have 100 people who are committed to being tutors and mentors to kids at Shamrock Elementary School and Walter G. Byers, so for us it is just an opportunity to continue to just do good for the City of Charlotte and serve other interest than just our own but for the good of the City as well.

Johnelle Causwell, 1320 Ivy Meadow Drive said I am the Program Director at International House. Our organization provides legal and educational services to the International an immigrant population here in Charlotte, along with administering State Department sponsored professional exchange programs. Our organization serves the community out of one of the buildings listed on the agenda for designation as a Historic Landmark. This is the Midwood Elementary School. Charlotte is my beloved adopted home, and it has an abundance of bright shiny new buildings standing and also under construction. These brand new buildings are great, but they do not reflect our City's historic and storied past. The Plaza-Midwood Neighborhood, where the Midwood Elementary School is located, is a culturally diverse and vibrant area. Buildings such as he Midwood Elementary School provide the character and the soul of the neighborhood that is enjoyed by many. This authenticity that is afforded by these great land marks needs to be preserved. Restaurants, bars, retail shops and other businesses in this neighborhood benefit from patrons who visit the area to experience its authenticity, its rich history, and its charm. If buildings such as the Midwood Elementary School were not protected and preserved then, Plaza-Midwood would become just like any other neighborhood, eliminating what made it special and unique in the first place. I believe in progress and modernization, along with the preservation of our heritage. A perfect example, as my colleague Alma Hernandez stated, is the Midwood Elementary School; the first school to serve the Central Avenue corridor, one of the last remaining examples of education architecture in the traditional revival style. Once empty now breathes new life as an international and cultural center, housing not only International House but other amazing organizations that serve the community like Germaine Bank, like the Light Factory, like the League of Women Voters, like the Language Academy, Watershed Ministries, the Japanese Association and many more. This is why International House supports the designation of the Midwood Elementary School as a historical landmark. I also as a private citizen support the designation of the Midwood Elementary School, as a historical landmark along with other buildings listed for this designation. We need to keep our City culturally diverse;

we need to preserve our past so that we can appreciate the future. I'm asking all members of Council to please support this, and vote yes for this building to be designated as a historical landmark.

Juli Ghaazi, 312 Plantation Place said I'm coming to you on two parts tonight; one, as a member of the Watershed Church Community where I've been a member for 10-years and what that means to me with this building and the second as a business owner that is two doors down from the Midwood International Center. Watershed has become my spiritual place; it is a very sacred home for myself and my daughter, and I've been able to get involved on a very deep level by starting a community service group within Watershed called QC Serve, and about six to eight times a year we gather a group of volunteers that are not just within the Watershed community but also within Plaza/Midwood to invite our neighbors to come together hand in hand to be able to work with non-profits, most of which are focused in the Plaza-Midwood Neighborhood. Charlotte Family Housing was something where we went in and were able to work with a homeless shelter for families one Saturday afternoon. We've been able to serve the homeless in the Plaza-Midwood Neighborhood, and so it is such a great pouring of the people that are coming together to roll up their sleeves and be able to get involved to make a difference within the Plaza-Midwood Neighborhood. This is housed within the Midwood International Cultural Center. The second part is as a business owner. I have a restaurant two doors down called Pure Pizza, and I can tell you that on a weekly basis that we are engaged with the Midwood Cultural Center. Often times we have the French Emersion Group that comes down for lunch, and it is so fabulous to hear 10 to 12 people sitting around speaking in their native tongue, and we are constantly working with Charlotte Lit, which is one of the newer non-profits on fund raising efforts that they have. We had a poet laureate that came into town, and 100 or so people showed up for this really great funding raising effort. We have a great synergy with the Light Factory and to just to name a few, so we are seeing constant people in and out of this building, and I feel like this building really can resonate the beacon of hope of what Charlotte the potential to really be. I've lived in this City for about 17 year and one of the things that makes me so sad is how we are so often segregated from each other, whether that is through race, whether that is through religion or whether that is social economic factors, and what I see happening within the Midwood Cultural Center is just a beautiful display of the rich fabric of diversity that our community has. It is one of the only places that I can think of in the City of Charlotte that is able to generate this type of integration within so many different areas, and so it would be sad to me on an emotional level to see this come down, because I don't know of another building that creates this type of atmosphere and creates these types of relations. I do hope you vote in favor for the Historic Designation.

Councilmember Kinsey said this school is certainly historical and had many important people who went there; I was there six years, and they actually let me out. It is a beautiful school, and I have fond memories there, and I do think it is worthy of designation. It is part of my history too, so I'm glad that it is still being used and I certainly recommend that we vote yes next month.

Councilmember Eiselt said when a building is designated as a Historic Landmark, what is the effort that goes into putting placards or putting the history of the building into the building? I think in this particular case it is such a great cultural resource in Charlotte, and it is sort of the conversion of a lot of different cultures, people that are new to the City and people that have been in the City for quite a while, so it is even more important that they understand the history of the area and of the building itself. I hope that there is a good effort by the people who use it to really put old photos up and old pieces that give newcomers an idea as to the history of the building. Is there something in there that once it is designated that you automatically –

Mr. Gray said every property that is designated is eligible for a plaque, but at the same time many properties such as Midwood School, more of a cultural center, not privately owned property, we've seen the institutions erect a highway marker or road sign which is typically a large cast, aluminum or bronze freestanding plaque that has the history of the site, very similar to the state historical highway markers and that can be a real benefit to the community to have that history there. We've assisted several organizations and groups in producing those, but that is typically up to the property owner if they want to pursue that. I would touch on another things you mentioned; simply doing the research for the designation of a historic property like the Midwood School is invaluable, because we've done the work, we've done the report, got reports available either online, and it is also in our files. We will have researchers and the public contacting us for years to come seeking that information, because we've gone through it for the designation, and we can provide it to the public.

Ms. Eiselt said it is owned by CMS correct?

Mr. Gray said yes, it is.

Ms. Eiselt said so hopefully the occupants will work with CMS to get some good educational information up on the walls.

Councilmember Driggs said I just wanted to clarify; it is owned by CMS. Are they supporting this petition?

Mr. Stewart said the response we've had from CMS is that they are neither supporting nor opposing the designation of this property. We've got precedent for that going back at least 10 years, so I can produce the response we've had from CMS, but that is essentially their response. They are neither supporting nor opposing the designation.

Mr. Driggs said the people who are there are they actually tenants; do they pay rents to CMS for the use of the space or what is that relationship?

Mr. Stewart said I don't know what that relationship is.

Mayor Roberts said I can answer that actually; I used to serve on the Board of International House, and International House is a tenant, and it also has a separate non-profit called the Midwood International Cultural Center Board that is connected to International House and International House is a member of that, but there is a Board that manages the other tenants as well. They do have 14 tenants; they have incredible synergy going on. They use the gym for quite a few neighborhood activities and cultural events; there is a lot of teaching that goes on. CMS was really interested in the fact that there are language classes that go on there; there is a language school that is there; there are people teaching English as a second language in the evenings that are volunteers. It is very much connected to a CMS building as educational.

Mr. Driggs said I understand that the activity there is valuable with this as a Historic Landmark designation. That has to do with the building and what it represents historically. I just want to make sure that CMS is absolutely fine with this before we went ahead and did this. There are two separate issues the use to which it is being put today and its significance as a Landmark.

Mayor Roberts said I don't want to speak on behalf of the CMS Board, but they are appreciative of the current use. I don't know the whole financial aspect that they are looking at. International House does do all the maintenance and upkeep, so they've replaced HVAC systems and all that and actually save the schools quite a bit of money because they are maintaining it as well as being the landlord and renting it to the other organizations.

Councilmember Smith said I understand the International House and their use of it. What happens at a future date if the school system wants to dispose of the property for any number of reasons? I assume the Historic designation means it can't be torn down, so what happens in that ongoing scenario if 15 years from now the International House is not in there?

Mr. Stewart said the Historic Landmark designation conveys regardless of who the owner is, so if CMS at some point decides to sell the property it will still remain designated as a local Historic Landmark. One of the restrictions on the designated landmark is it cannot be demolished without the issuance of a certificate of appropriateness from the Commission, and the Commission can delay that demolition by one year, but after that the property owner is typically free to dispose of the property however they like.

Councilmember Phipps said as part of the department review process, we asked for certain comments from various entities. Four of the six had no response and the rest was no conflict, but is no response synonymous with no conflict?

Mr. Stewart said we are just reporting; we sent out notifications to different departments. It is not unusual for us not to get comments back from everyone.

Mr. Phipps said so that means they are interpose no objection.

Mr. Stewart said I would interpret it that way.

Motion was made by Councilmember Kinsey, seconded by Councilmember Austin, and carried unanimously to close the public hearing on the designation of the property known as “Midwood Elementary School” as a Historic Landmark.

Councilmember Mitchell arrived at 6:16 p.m.

DEFERRALS

Motion was made by Councilmember Lyles, seconded by Councilmember Austin, and carried unanimously to defer the following items: a decision on Item No. 9, Petition No. 2016-053 by Brookline Residential, LLC to November 21, 2016, a hearing on Item No. 27, Petition No. 2016-115 by Crescent Communities to November 21, 2016 and Item No. 31, Petition No. 2016-123 by Harbor Baptist Church to December 19, 2016.

DECISIONS

ITEM NO. 8: PETITION NO. 2016-066 BY JWM FAMILY ENTERPRISES, INC.

Mayor Roberts said at the July 18, 2016 City Council, Meeting Rezoning Petition No. 2016-066 was approve without a Statement of Consistency, and we need to adopt a statement of Consistency, as listed in the agenda, for the five acres located on the southwest corner at the intersection of Roxborough Road and Rexford Road.

Motion was made by Councilmember Lyles, seconded by Councilmember Smith, and carried unanimously that this petition is consistent with the SouthPark Small Area Plan based on information from the staff analysis and the public hearing, and because the plan recommends office or a mix of office and residential uses; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because a hotel, which is the use proposed for this site, is classified as an office/business use and allowed in office and business zoning districts and the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development and the more specific vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses and the proposed site plan intensifies the subject site by redeveloping a surface parking lot located between an existing hotel and Rexford Road, with a second hotel and accessory structured parking and the new hotel will enhance the pedestrian environment by providing active, ground floor uses oriented to the public sidewalk on Roxborough Road and where the proposed parking structure fronts Rexford Road, the site plan commits to architectural treatment to the structure and also provides a wide setback to allow tree preservation and additional landscaping to partially screen the parking deck from the public sidewalk and the site plan also provides wide setbacks along Roxborough Road to preserve existing mature trees and provide added green space consistent with other recently approved rezonings and to support the concept of a “green ribbon” along streets in the SouthPark area as discussed in the recent Urban Land Institute study of the SouthPark area; and the portion of the building adjacent to Rexford Road is limited to a maximum building height of 88 feet which is similar to the height of recently approved development on the “Colony Apartments” site to the east, and mid-rise building heights are appropriate in a Mixed-Use Activity Center.

ITEM NO. 10: ORDINANCE NO. 8146-Z, PETITION NO. 2016-074 BY MCKINNEY HOLDINGS NC II, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET BETWEEN SANDY

AVENUE AND ROCKY RIVER ROAD FROM B-2(CD) (GENERAL BUSINESS CONDITIONAL) TO TOD-M(CD) (TRANSIT ORIENTED DEVELOPMENT MIXED USE, CONDITIONAL).

The Zoning Committee found this petition to be consistent with the University City Area Plan, based on information from the staff analysis and the public hearing, and because The petition is consistent with the University City Area Plan, which recommends transit oriented development organized on a new network of streets and blocks designed to maximize access to the station, support walkability, and interconnect to adjacent surrounding development; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The subject site is located within a ½ mile walk of the University City Boulevard Transit Station on the LYNX Blue Line Extension and The University City Area Plan recommends transit oriented development for the site. A mix of residential and office uses are appropriate and retail could be considered within a vertically mixed use building and The TOD-M (transit oriented development – mixed-use) zoning will allow these uses and The University City Area Plan also recommends a new network of streets and blocks to support transit oriented development around the station including the alignment and design of a new “Avenue” and “Local” streets parallel to North Tryon Street and these streets represent critical infrastructure necessary for the successful development of this unique station area which includes significant tracts of undeveloped land with no street connectivity and the request shows the recommended street network and commits to dedicate the streets as public right-of-way and the request also proposes to donate permanent and temporary easements along the site’s Rocky River frontage to accommodate the City’s Comprehensive Neighborhood Improvement Program project.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2016-074 by McKinney Holdings NC II, LLC.

Motion was made by Councilmember Phipps, seconded by Councilmember Fallon, and carried unanimously that this petition to be consistent with the University City Area Plan, based on information from the staff analysis and the public hearing, and because The petition is consistent with the University City Area Plan, which recommends transit oriented development organized on a new network of streets and blocks designed to maximize access to the station, support walkability, and interconnect to adjacent surrounding development. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The subject site is located within a ½ mile walk of the University City Boulevard Transit Station on the LYNX Blue Line Extension and The University City Area Plan recommends transit oriented development for the site. A mix of residential and office uses are appropriate and retail could be considered within a vertically mixed use building and The TOD-M (transit oriented development – mixed-use) zoning will allow these uses and The University City Area Plan also recommends a new network of streets and blocks to support transit oriented development around the station including the alignment and design of a new “Avenue” and “Local” streets parallel to North Tryon Street and these streets represent critical infrastructure necessary for the successful development of this unique station area which includes significant tracts of undeveloped land with no street connectivity and the request shows the recommended street network and commits to dedicate the streets as public right-of-way and the request also proposes to donate permanent and temporary easements along the site’s Rocky River frontage to accommodate the City’s Comprehensive Neighborhood Improvement Program project.

The ordinance is recorded in full in Ordinance Book 60, at Pages 242-243.

ITEM NO. 11: ORDINANCE NO. 8147-Z, PETITION NO. 2016-083 BY DEMETER PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.38 ACRES LOCATED ON THE NORTH SIDE OF DAVID COX ROAD BETWEEN HARRIS COVE DRIVE AND DAVIS LAKE PARKWAY FROM R-9 PUD (MULTIFAMILY RESIDENTIAL, PLANNED UNIT DEVELOPMENT), R-4 (SINGLE FAMILY RESIDENTIAL, AND RU(CD) (RURAL CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee found this petition to be consistent with the Northeast District Plan recommendation for residential land use but inconsistent with the General Development Policies, based on information from the staff analysis and the public hearing, and because The plan recommends residential land uses and the General Development Policies locational criteria recommends up to six dwelling units per acre. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is situated between more intense development, including retail uses, assisted living, and single family residential in the Davis Lake Community; and the rezoning will serve as a transition between the retail and assisted living and the single family residential and the petition seeks a density of 7.4 dwelling units per acre which is consistent with the density of 7.54 units per acre for the recently approved townhome development across David Cox Road and the proposal will provide an extensive pedestrian and vehicular network of sidewalks, public and private streets and alleyways and the petition includes a number of elements designed to enhance the residential environment including centrally located tree save, alleys that allow parking to be placed at the rear of the units, on-street parking, non-required buffers, and common open space along David Cox Road and the development will provide a 21-foot buffer to the rear of the site which will provide additional screening for the Davis Lake Community and the site plan provides architectural standards for the proposed units that address porches, stoops, roof pitch, building materials, decorative garage doors, and blank walls on corner/end units. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

Site and Building Design

1. The site plan had been modified to request and show only 115 proposed dwelling units.
2. A 21-foot "Class C" buffer has been labeled on the site plan.
3. A note has been added that the minimum 20-foot setback has been added to the site plan.
4. Two possible dumpster locations have been shown and labeled. In addition, the area where they might be located has been taken out of tree save.
5. Added a note under "Architectural Standards" that buildings H, G, F, E, I and J will have a front façade that is oriented towards David Cox Road.
6. Relocated the proposed Mail Kiosk from "Private Road D" to "Private Road B", with recessed parking in front of the kiosk.
7. Added Note 6F under Environmental Features as follows: "Areas for water quality and detention BMPs on David Cox Road will be aesthetically appealing through the use of grass, landscaping, water features, and rain gardens or other like forms."
8. A note has been added listing the proposed building materials as brick, stone, stucco, pre-cast concrete, synthetic stone, and cementitious siding and prohibiting vinyl as a main building material. Vinyl may be used on the garage doors, window soffits, and hand rails.
9. A community amenity and tree save area has been revised and added to the site plan.

Infrastructure

10. A note has been added specifying that the 150-foot left-turn storage lane with appropriate bay tapers on David Cox Road at access point "B" will be constructed prior to the first certificate of occupancy.
11. A north/south "public" street connection through the proposed subdivision from Harris Cove Drive to David Cox Road has been shown on the plan.
12. Amended Note 3F under "Access and Transportation" to read curb and gutter will be provided on both sides of the "public street."
13. A note has been that the petitioner will work with the Charlotte Department of Transportation and the Harris Cove Community to determine appropriate traffic calming measures for Harris Cove Drive.
14. A note has been added that a local residential wide street section is required. The minimum right-of-way requirement for this section is 51 feet. If the minimum is used then the sidewalks may need to be placed in a permanent sidewalk utility easement (SUE).

Environment

15. Possible tree save areas have been labeled on the site plan.
16. Potential location for stormwater facilities have been shown and labeled on the site plan. Other
17. Revised vested rights from five years to two years.

Councilmember Phipps said this was a very contentious rezoning for the neighbors; I'm happy to report that the developer and the petitioner did work with adjoining neighbors to reduce the density and also to implement and correct certain concerns and issues raised by the community and, I think in view of that effort, I think they reduced the density from 159 to 115 and did a host of other things

there. I think we all got an e-mail this morning explaining in very much detail how much they have changed this particular petition so in view of that good faith effort I'm going to move to approve.

Motion was made by Councilmember Phipps, seconded by Councilmember Lyles, to approve Petition No. 2016-083 by Demeter Properties, LLC, as modified.

Councilmember Kinsey said I did get that e-mail this morning. My concern with this was the road into another neighborhood, and I understand there were two possibilities to address that, but I don't know which one they chose. Have they chosen one?

Councilmember Fallon said if I recall, I brought up a motion to send it to Governance to see if we could change that subdivision rule, because we are going to ruin neighborhoods doing this.

Tammie Keplinger, Planning said the petition does still show the connection to the adjacent residential property, the neighborhood to the west, because it is something that is required by the subdivision ordinance. At this point, neither staff nor the Council really has the ability to say that that is not a requirement. It would have to go back through; I believe Ms. Fallon made a recommendation for that to go back to one of your Committees to look at that issue with the connectivity. It still does show on this petition, because it is what meets our requirements.

Ms. Kinsey said then what we can do if we don't like it, we can vote no. I think it says that we can't say no. I just wanted to make sure.

Ms. Keplinger said correct.

Ms. Fallon said the point would be that we don't hold up the whole development for this rather than have it pass. It is not fair to the developer or the community not to know what is going on, but we do have to do something about that subdivision ordinance; it is unconscionable that you ruin neighborhoods by putting roads that are not needed through them.

Councilmember Lyles said I wanted to ask if the staff or the developer were here. I recall the e-mail said that there had been a meeting with the neighborhood and that there were a number of opportunities to the way you could design that would include traffic calming and as well make some adjustments, so I don't know that those are notes on the site plan but the letter that was sent that talked about the reduction, the density, adjustment to the roads throughout the process, so they made a number of significant changes, public streets, parallel streets, wider streets, turn a-rounds so that people could come in and out and then there was a discussion about working with the community about how to do that connection in a way that was traffic calming, so I think Ms. Kinsey they did work to address a number of the issues around that so I will support the petition.

Councilmember Phipps said with regards to the ordinance that requires this connectivity; if that whole process is something more than just; what would that require to change an actual subdivision ordinance to address that? It seems to me it was much more elaborate and detailed than what might be obviously viewed by others just looking at this meeting.

Ms. Keplinger said when we look at an ordinance change, it does have to go through the public hearing process, but before we even start the public hearing process, my understanding and the City Manager will correct me if I'm wrong, but it does go through one of your committees and then if the Committee and then the full Council felt like it was something that was needed then it would go through the public hearing process very similar to a rezoning public hearing process.

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

YEAS: Councilmembers Autry, Driggs, Eiselt, Fallon, Lyles, Mayfield, Mitchell, Phipps, and Smith.

NAYS: Councilmembers Austin and Kinsey.

Motion was made by Councilmember Phipps, seconded by Councilmember Lyles, and carried unanimously that this petition is consistent with the Northeast District Plan recommendation for residential land use but inconsistent with the General Development Policies, based on information from the staff analysis and the public hearing, and because The plan recommends residential land uses and the General Development Policies locational criteria recommends up to six dwelling units per acre; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is situated between more intense development, including retail uses, assisted living, and single family residential in the Davis Lake Community; and the rezoning will serve as a transition between the retail and assisted living and the single family residential and the petition seeks a density of 7.4 dwelling units per acre which is consistent with the density of 7.54 units per acre for the recently approved townhome development across David Cox Road and the proposal will provide an extensive pedestrian and vehicular network of sidewalks, public and private streets and alleyways and the petition includes a number of elements designed to enhance the residential environment including centrally located tree save, alleys that allow parking to be placed at the rear of the units, on-street parking, non-required buffers, and common open space along David Cox Road and the development will provide a 21-foot buffer to the rear of the site which will provide additional screening for the Davis Lake Community and the site plan provides architectural standards for the proposed units that address porches, stoops, roof pitch, building materials, decorative garage doors, and blank walls on corner/end units.

The ordinance is recorded in full in Ordinance Book 60, at Pages 244-245.

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ITEM NO. 12: ORDINANCE NO. 8148-Z, PETITION NO. 2016-089 BY DERITA MASONIC LODGE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.35 ACRES LOCATED ON THE SOUTH SIDE OF DEARMON ROAD BETWEEN MINERAL RIDGE WAY AND HAMPTON PLACE DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO INST (CD) (INSTITUTIONAL, CONDITIONAL).

The Zoning Committee found this petition to be consistent with the Prosperity Hucks Area Plan, based on information from the staff analysis and the public hearing, and because this petition is consistent with the Prosperity Hucks Area Plan which recommends single family land uses at a density of four dwelling units per acre, but also states that institutional uses are appropriate if criteria pertaining to site and building design, as well as transportation access, are met. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the area plan identifies this site as being appropriate for single family development at a density up to four dwelling units per acre and however, the plan also states that, for some sites, institutional may be an appropriate alternative use if the site meets criteria pertaining to building massing, scale, buffers, site access and connectivity in relation to existing properties and this site meets the criteria identified in the area plan for institutional uses. Specifically: The site is located on DeArmon Road, an existing minor thoroughfare and the proposed civic use is separated from other properties within adjoining neighborhoods by a 28-foot buffer; is limited to 5,600 square feet which is a size that is appropriate for a residential environment; and will provide new sidewalks and planting strips long DeArmon Road. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

Transportation

1. The petitioner has replaced Special Notation 1-092316 with “The City will fund and build the curb and gutter and associated storm drainage along the frontage of 12100 DeArmon Road during construction of the DeArmon Road Complete Street Improvements project. In exchange, the petitioner/developer of the Derita Masonic Lodge agrees to donate/dedicate all necessary easements to build the improvements at no charge to the City. Easements include permanent (such as right-of-way, utility, storm drainage, Petition 2016-089 (Page 2 of 4) Zoning Committee Recommendation etc.) and temporary.”
2. Site plan has been amended to note 40-foot right-of-way to provide future temporary construction easement, with commitment stated in Special Notation 1-092316.

Environment

3. The note stating “No perennial or intermittent streams exist on the site” has been removed from the site plan.

Land Use

4. Eliminated the note stating all uses in the INST (institutional) district are allowed and limits the uses to the fraternal organization, religious institutions, and general offices.

Site and Building Design

5. Under “Architectural Standards”, specified that proposed height will be a maximum of 40 feet or two stories.

Requested Technical Revisions

6. On site plan, removed “Class C” Buffer label from abutting properties and placed on rezoning site.
7. Internal sidewalks are now shown as five feet, not six.
8. Modified 40-foot front setback to read “40’ setback”.
9. Modified “20’ side setback & buffer” to read “20’ side yard”.
10. Modified “Lighting” note to specify 21 feet not 20 feet in order to be consistent with industry standards.
11. Removed building floor plan detail from elevation sheet.
12. Added a note regarding availability of water and sewer service for the site.
13. Added a note pertaining to adherence to the City of Charlotte Tree Ordinance, specifying tree save area will be a minimum 30 feet wide, and no structures will be allowed within ten feet of the tree save areas.

Motion was made by Councilmember Phipps, seconded by Councilmember Fallon, and carried unanimously to approve Petition No. 2016-089 by Derita Masonic Lodge, as modified.

Motion was made by Councilmember Phipps, seconded by Councilmember Driggs, and carried unanimously that found this petition is consistent with the Prosperity Hucks Area Plan, based on information from the staff analysis and the public hearing, and because this petition is consistent with the Prosperity Hucks Area Plan which recommends single family land uses at a density of four dwelling units per acre, but also states that institutional uses are appropriate if criteria pertaining to site and building design, as well as transportation access, are met. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the area plan identifies this site as being appropriate for single family development at a density up to four dwelling units per acre and however, the plan also states that, for some sites, institutional may be an appropriate alternative use if the site meets criteria pertaining to building massing, scale, buffers, site access and connectivity in relation to existing properties and this site meets the criteria identified in the area plan for institutional uses. Specifically: The site is located on DeArmon Road, an existing minor thoroughfare and the proposed civic use is separated from other properties within adjoining neighborhoods by a 28-foot buffer; is limited to 5,600 square feet which is a size that is appropriate for a residential environment; and will provide new sidewalks and planting strips long DeArmon Road.

The ordinance is recorded in full in Ordinance Book 60, at Pages 246-247.

ITEM NO. 13: ORDINANCE NO. 8149-Z, PETITION NO. 2016-096 BY CITY OF CHARLOTTE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.52 ACRES LOCATED ON THE EAST SIDE OF LAWYERS ROAD BETWEEN ALBEMARLE ROAD AND EAST W. T. HARRIS BOULEVARD FROM R-17MF (MULTIFAMILY RESIDENTIAL TO O-2 (OFFICE)).

The Zoning Committee found this petition to be inconsistent with the East District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends multi-family land uses; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the Lawyers Road extension north of Albemarle Road was not contemplated by the East District Plan and as a result of the construction of the extension of Lawyer’s Road, the site’s primary access is now from Lawyers Road, where other properties are zoned for retail or office development and the site does not have access to the abutting multi-family development to the east of the site and the site is part of a larger

parcel and the remainder of the parcel is zoned O-2; and the proposed rezoning will bring the larger parcel under a single zoning district.

Motion was made by Councilmember Autry, seconded by Councilmember Austin, and carried unanimously to approve Petition No. 2016-096 by City of Charlotte.

Motion was made by Councilmember Autry, seconded by Councilmember Driggs, and carried unanimously this petition is inconsistent with the East District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends multi-family land uses; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the Lawyers Road extension north of Albemarle Road was not contemplated by the East District Plan and as a result of the construction of the extension of Lawyer's Road, the site's primary access is now from Lawyers Road, where other properties are zoned for retail or office development and the site does not have access to the abutting multi-family development to the east of the site and the site is part of a larger parcel and the remainder of the parcel is zoned O-2; and the proposed rezoning will bring the larger parcel under a single zoning district.

The ordinance is recorded in full in Ordinance Book 60, at Pages 248-249.

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ITEM 14: ORDINANCE NO. 8150-Z, PETITION NO. 2016-100 BY MPV PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 41 ACRES LOCATED SOUTH OF SOUTH TRYON STREET NEAR THE INTERSECTION OF STEELE CREEK ROAD AND WALKER BRANCH DRIVE FROM R-3(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL) AND R-17MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL), WITH FIVE-YEAR VESTED RIGHTS.

The Zoning Committee found the residential use to be consistent with the Steele Creek Area Plan, but the proposed density to be inconsistent with the Plan, based on information from the staff analysis and the public hearing, and because The proposed multi-family use is consistent with the Steele Creek Area Plan recommendation for residential development on the site; however, the proposed density of 10 dwelling units per acre is inconsistent with the plan recommendation for a maximum of eight dwelling units per acre. The petition proposes to extend Walker Branch Drive into the site as recommended by the area plan and provides for future connectivity to RiverGate Parkway; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the requested residential use is proposed to be developed at a slightly higher density (10 dwelling units per acre) than the eight dwelling units per acre recommended in the area plan; however, the proposed multi-family development is located within the Rivergate Mixed Use Activity Center, and the density is appropriate for a Center location as part of this development, the petitioner has committed to the design and construction of an important creek crossing to accommodate the extension of Walker Branch Drive. This connection will allow residents of this property to access the rest of the Activity Center without having to travel on Steele Creek Road and in addition to connectivity for motor vehicles, this development will provide important pedestrian and bike connections to the adjacent shopping center via the proposed street connections and Walker Branch Greenway and the petitioner has committed to a number of site and building design standards, including standards designed to promote a walkable environment and to break up long buildings. The Zoning Committee voted 6-1 to recommend approval of this petition with the following modifications:

Environment

1. Petitioner has depicted and labeled on the site plan a 50-foot (from top of stream bank) future stream restoration easement on parcel 219-06-117 to facilitate the construction and maintenance associated with a possible capital improvement project affiliated with Walker Branch.
2. The petitioner agrees to dedication and conveyance of the 100-foot SWIM Buffer to Mecklenburg County for future greenway use prior to the issuance of the first certificate of occupancy. Mecklenburg County Park and Recreation (MCPR) notes that property dedicated to Mecklenburg

County Park and Recreation may not have any developed trails that do not meet MCPR Greenway Standards. MCPR further agrees with the petitioner providing safe, accessible, pedestrian connectivity to the future Walker Branch Greenway via proposed Bridge/Crossings along the proposed network streets extending Walker Branch Dr. and RiverGate Pkwy.

Site and Building Design

3. A public access easement for the proposed private drive connection between Walker Branch Drive and RiverGate Parkway is now labeled on the site plan.

Technical Issues

4. The petitioner has amended the site plan to note that all setbacks will be from the “future” back of curb.
5. The site plan has been revised to replace “landscape areas” on the perimeter of the site with “buffers”.
6. The site plan has been revised to identify where buffers are proposed to be reduced from 50 feet to 30 feet.
7. The petitioner has modified the site plan to note that the buffer along the western property line will be 30 feet.
8. All sheets have been revised to reflect proposed zoning is UR-2(CD).

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2016-100 by MPV Properties, as modified.

Motion was made by Councilmember Mayfield, seconded by Councilmember Austin, and carried unanimously that the residential use is consistent with the Steele Creek Area Plan, but the proposed density to be inconsistent with the Plan, based on information from the staff analysis and the public hearing, and because The proposed multi-family use is consistent with the Steele Creek Area Plan recommendation for residential development on the site; however, the proposed density of 10 dwelling units per acre is inconsistent with the plan recommendation for a maximum of eight dwelling units per acre. The petition proposes to extend Walker Branch Drive into the site as recommended by the area plan and provides for future connectivity to RiverGate Parkway. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the requested residential use is proposed to be developed at a slightly higher density (10 dwelling units per acre) than the eight dwelling units per acre recommended in the area plan; however, the proposed multi-family development is located within the Rivergate Mixed Use Activity Center, and the density is appropriate for a Center location as part of this development, the petitioner has committed to the design and construction of an important creek crossing to accommodate the extension of Walker Branch Drive. This connection will allow residents of this property to access the rest of the Activity Center without having to travel on Steele Creek Road and in addition to connectivity for motor vehicles, this development will provide important pedestrian and bike connections to the adjacent shopping center via the proposed street connections and Walker Branch Greenway and the petitioner has committed to a number of site and building design standards, including standards designed to promote a walkable environment and to break up long buildings.

The ordinance is recorded in full in Ordinance Book 60, at Pages 250-251.

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ITEM NO. 15: ORDINANCE NO. 8151-Z, PETITION NO. 2016-101 BY SHINING HOPE FARMS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 34.47 ACRES LOCATED WEST OF BEATTIES FORD ROAD NEAR THE INTERSECTION OF KIDD LANE AND BEATTIES FORD ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND INST (CD) (INSTITUTIONAL, CONDITIONAL) TO INST (CD) (INSTITUTIONAL, CONDITIONAL) AND INST (CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT.

The Zoning Committee found the portion of the site currently used for a therapeutic riding farm to be consistent with the Northwest District Plan and the expansion of the use on the remaining portion of the site to be inconsistent with the adopted plan based on information from the staff analysis and the public hearing, and because the portion of the site currently used for a therapeutic riding farm (Tract 1) is consistent with the institutional land use recommendation per the Northwest District Plan, as amended by rezoning petition 2003-046 and the expansion of the therapeutic riding farm use on the

remaining portion of the petition (Tract 2) is inconsistent with the Northwest District Plan recommendation for single family residential uses; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the request is for the expansion of an existing use on the subject rezoning site and although a portion of the proposed institutional use is inconsistent with the residential land use recommended by the area plan, locations for institutional uses are not typically identified within adopted plans and instead, these uses are considered on a case-by-case basis, taking into account the compatibility of the specific use with the surrounding development and in this case, the proposed changes to and the expansion of the existing therapeutic riding farm will preserve the existing rural character of the area and are complimentary to the nearby Hornets' Nest Park. The Zoning Committee voted 5-0 to recommend approval of this petition, with the following modifications:

Site and Building Design

1. Petitioner has clarified hours of operation by adding Lighting Note c that states: "Lighting associated with outdoor riding ring may be utilized during the hours of 6:00 a.m. and 9:00 p.m. The outdoor lighting may also be used beyond these hours when required to administer to livestock located on the Site (e.g. to attend to sick horses)."
2. Petitioner has added Permitted Uses and Development Area Limitation Note 2b that states: "The existing residential structure on tract #2 may be used as a caretaker's residence or for any other use associated with the therapeutic riding farm and allowed on the Site."

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

1. Lighting associated with the outdoor riding ring must be directionally installed pointing downward at the riding arena.

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

Motion was made by Councilmember Austin, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2016-101 by Shining Hope Farms, as modified.

Motion was made by Councilmember Austin, seconded by Councilmember Kinsey, and carried unanimously that the portion of the site currently used for a therapeutic riding farm to be consistent with the Northwest District Plan and the expansion of the use on the remaining portion of the site to be inconsistent with the adopted plan based on information from the staff analysis and the public hearing, and because the portion of the site currently used for a therapeutic riding farm (Tract 1) is consistent with the institutional land use recommendation per the Northwest District Plan, as amended by rezoning petition 2003-046 and the expansion of the therapeutic riding farm use on the remaining portion of the petition (Tract 2) is inconsistent with the Northwest District Plan recommendation for single family residential uses; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the request is for the expansion of an existing use on the subject rezoning site and although a portion of the proposed institutional use is inconsistent with the residential land use recommended by the area plan, locations for institutional uses are not typically identified within adopted plans and instead, these uses are considered on a case-by-case basis, taking into account the compatibility of the specific use with the surrounding development and in this case, the proposed changes to and the expansion of the existing therapeutic riding farm will preserve the existing rural character of the area and are complimentary to the nearby Hornets' Nest Park.

The ordinance is recorded in full in Ordinance Book 60, at Pages 252-253.

ITEM NO. 16: ORDINANCE NO. 8157-Z, PETITION NO. 2016-104 BY CENTRAL PIEDMONT COMMUNITY COLLEGE AMENDING THE OFFICIAL ZONING MAP OF

THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.7 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF WEST HEBRON STREET AND WEST ARROWOOD ROAD AND ALSO LOCATED AT THE NORTHWEST CORNER NEAR THE INTERSECTION OF WEST HEBRON STREET AND NATIONS FORD ROAD FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) (HEREBY KNOWN AS “NORTHERN PARCEL”) AND INST (INSTITUTIONAL) (HEREBY KNOWN AS “SOUTHERN PARCEL”) TO INST (INSTITUTIONAL) FOR THE NORTHERN PARCEL AND O-1 (OFFICE) FOR THE SOUTHERN PARCEL.

The Zoning Committee found this portion of the northern parcel to be consistent with the Southwest District Plan; and finds the remaining portion of the northern parcel and the southern parcel to be inconsistent with the Southwest District Plan based on information from the staff analysis and the public hearing, and because the plan recommends institutional uses for a portion of the northern parcel zoned B-1(CD) and the plan recommends multi-family residential for the remaining portion of the northern parcel and the plan recommends institutional uses for the southern parcel; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject parcels are located across West Hebron Street from the existing CPCC Harper Campus which the plan recognizes as an institutional use and the proposed INST (institutional) zoning for the northern parcel is compatible with the existing campus even though part of it is recommended for multi-family residential uses and the proposed O-1 (office) zoning for the southern parcel, for which the plan recommends institutional uses, will allow for many of the same uses allowed in the INST (institutional) district, plus additional office and parking uses and development under INST (institutional) or under O-1 (office) standards would require essentially the same rear yard, buffer, and building heights. The Zoning Committee voted 7-1 to recommend approval of this petition.

Motion was made by Councilmember Mayfield, seconded by Councilmember Austin, and carried unanimously to approve Petition No. 2016-104 by Central Piedmont Community College.

Councilmember Mayfield said I would like to say that I am happy to see that Central Piedmont is expanding along Hebron, and they are also going to be offering a wider range of classes, which is going to be beneficial to the community, and I think it ties in with the goal that we have for the City with trying to create more opportunities. I'm excited to see more growth on the west side, specifically with are expanding our educational opportunities.

Motion was made by Councilmember Mayfield, seconded by Councilmember Autry, and carried unanimously that this portion of the northern parcel is consistent with the Southwest District Plan; and finds the remaining portion of the northern parcel and the southern parcel to be inconsistent with the Southwest District Plan based on information from the staff analysis and the public hearing, and because the plan recommends institutional uses for a portion of the northern parcel zoned B-1(CD) and the plan recommends multi-family residential for the remaining portion of the northern parcel and the plan recommends institutional uses for the southern parcel; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject parcels are located across West Hebron Street from the existing CPCC Harper Campus which the plan recognizes as an institutional use and the proposed INST (institutional) zoning for the northern parcel is compatible with the existing campus even though part of it is recommended for multi-family residential uses and the proposed O-1 (office) zoning for the southern parcel, for which the plan recommends institutional uses, will allow for many of the same uses allowed in the INST (institutional) district, plus additional office and parking uses and development under INST (institutional) or under O-1 (office) standards would require essentially the same rear yard, buffer, and building heights.

The ordinance is recorded in full in Ordinance Book 60, at Pages 254-255.

ITEM NO. 17: ORDINANCE NO. 8153-Z, PETITION NO. 2016-106 BY BOBBY AND DEBORAH HOGAN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.60

ACRES LOCATED ON THE EAST SIDE OF STATESVILLE ROAD, NORTH OF SPECTOR DRIVE AND OLD STATESVILLE ROAD FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO I-2(CD) SPA (GENERAL INDUSTRIAL, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee found this petition to be consistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because the petition is consistent with the adopted industrial land use recommendation for the site and surrounding area; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the property is developed with a mini-warehouse storage facility, and is adjacent to the former Metrolina Expo, which is to be redeveloped as an industrial park and the proposed tower is compatible with the surrounding uses which are mainly industrial in nature and wireless communication towers are low intensity uses with low traffic volume. The Zoning Committee voted 7-1 to recommend approval of this petition with the following modifications:

Transportation

1. "Sidewalk" note has been amended to state that a sidewalk will be installed prior to final certificate for the new cell tower. Sidewalk should meet Mecklenburg County Land Development standards.

Motion was made by Councilmember Austin, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2016-106 by Bobby and Deborah Hogan, as modified.

Motion was made by Councilmember Austin, seconded by Councilmember Fallon, and carried unanimously this petition is consistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because the petition is consistent with the adopted industrial land use recommendation for the site and surrounding area; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the property is developed with a mini-warehouse storage facility, and is adjacent to the former Metrolina Expo, which is to be redeveloped as an industrial park and the proposed tower is compatible with the surrounding uses which are mainly industrial in nature and wireless communication towers are low intensity uses with low traffic volume.

The ordinance is recorded in full in Ordinance Book 60, at Pages 256-257.

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ITEM NO. 18: ORDINANCE NO. 8154-Z, PETITION NO. 2016-107 BY TREVI PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.86 ACRES LOCATED ON THE SOUTHEAST SIDE OF NORTH TRYON STREET BETWEEN WEDNESBURY BOULEVARD AND CAPRINGTON AVENUE FROM CC (COMMERCIAL CENTER) AND UR-C(CD) (URBAN RESIDENTIAL, COMMERCIAL, CONDITIONAL) TO UR-C(CD) (URBAN RESIDENTIAL, COMMERCIAL, CONDITIONAL) AND UR-C(CD) SPA (URBAN RESIDENTIAL, COMMERCIAL, CONDITIONAL, SITE PLAN AMENDMENT), WITH FIVE-YEAR VESTED RIGHTS.

The Zoning Committee found this petition to be inconsistent with the Northeast Area Plan, as amended by rezoning petition 2010-047, based on information from the staff analysis and the public hearing, and because the plan recommends residential, institutional, office and retail uses on the subject site. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed multi-family, which is associated with the non-residential development approved for the adjoining property, will provide a balanced land use pattern with a mixture of uses including residential, shopping, employment and institutional uses as recommended by the adopted plan; and this site provides an internal street and pedestrian network which will connect to abutting properties and enhance connectivity for the larger area when fully implemented and the proposed buffers and large tree save areas provide a transition to the existing single family neighborhood to the west and the site plan provides usable open space. The Zoning Committee voted 6-1 to recommend approval of this petition with the following modifications:

1. The petitioner submitted a revised administrative amendment request for the property that was part of rezoning petition 2010-047 but not included with the rezoning submittal. The administrative amendment reduces the total square footage on the remaining portion of the site included in rezoning petition 2010-047. The reduction in square footage is in proportion to the reduction in acreage for the remainder of property included in the prior rezoning.
2. The site plan was revised to include a 12-foot wide multi-use path along the site's US 29 frontage, which is separated a minimum of eight feet from the closest US 29 travel lane in most places.
3. Provided connections from each building to the sidewalk along the proposed Public Road A.
4. Deleted optional requests as they are not allowed in the proposed district and removed all reference to the optional provisions.
5. Deleted reference to a 20-foot greenway access, which will no longer be provided.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2016-107, as modified.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously that this petition is inconsistent with the Northeast Area Plan, as amended by rezoning petition 2010-047, based on information from the staff analysis and the public hearing, and because the plan recommends residential, institutional, office and retail uses on the subject site; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed multi-family, which is associated with the non-residential development approved for the adjoining property, will provide a balanced land use pattern with a mixture of uses including residential, shopping, employment and institutional uses as recommended by the adopted plan; and this site provides an internal street and pedestrian network which will connect to abutting properties and enhance connectivity for the larger area when fully implemented and the proposed buffers and large tree save areas provide a transition to the existing single family neighborhood to the west and the site plan provides usable open space.

The ordinance is recorded in full in Ordinance Book 60, at Pages 258-259.

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ITEM NO. 19: ORDINANCE NO. 8155-Z, PETITION NO. 2016-108 BY LAUREL FALLS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.42 ACRES LOCATED ON THE NORTH SIDE OF WEST BLAND STREET BETWEEN SOUTH TRYON STREET AND WINNIFRED STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT – MIXED USE).

The Zoning Committee found this petition to be consistent with the South End Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends mixed-use transit supportive development for the area in which the site is located; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is within a ¼ mile walk of the Bland Street transit station on the LYNX Blue Line and the proposal allows a site being used for industrial/office use to convert to transit supportive land uses and use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary and TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The Zoning Committee voted 7-0 to recommend approval of this petition.

Motion was made by Councilmember Mayfield, seconded by Councilmember Austin, and carried unanimously to approve Petition No. 2016-108 by Laurel Falls.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously that this petition is consistent with the South End Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends mixed-use transit supportive development for the area in which the site is located. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is within a ¼ mile walk of the Bland Street transit station on the LYNX Blue Line and the proposal allows a site being used for industrial/office use to convert to transit supportive land uses and use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary and TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book 60, at Pages 260-261.

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ITEM NO. 20: ORDINANCE NO. 8156-Z, PETITION NO. 2016-111 BY PHILEMON NODA PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.91 ACRES LOCATED NORTH OF NORTH DAVIDSON STREET ON THE SOUTHWEST CORNER AT THE INTERSECTION OF PHILEMON AVENUE AND EAST CRAIGHEAD ROAD FROM I-1 (LIGHT INDUSTRIAL) AND UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) TO TOD-M (CD) (TRANSIT ORIENTED DEVELOPMENT – MIXED USE, CONDITIONAL).

The Zoning Committee found this petition to be consistent with the Blue Line Extension Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends transit supportive uses in the 36th Street transit station area and the request is also consistent with the maximum recommended height of 60 feet; supports the recommended enhancements to Philemon Avenue and Raleigh Street at Craighead Road; and is consistent with the plan recommended streetscape improvements. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the site is located within ½ mile from the 36th Street Station on the LYNX Blue Line and the proposed development is designed to be transit supportive with the buildings located near the back of curb along both Philemon Avenue and East Craighead Road, courtyards with amenities, and clear pedestrian circulation. Entrances are currently proposed at least every 100 linear feet of street frontage and the rezoning includes three remnant parcels zoned I-1 (light industrial) that were not included in petition 2009-006, which rezoned most of the subject site to UR-2(CD) (urban residential, conditional). Inclusion of these parcels will result in a more holistic redevelopment plan than the existing approved conditional plan and the rezoning also allocates land for open space adjacent to the water quality buffer and FEMA Floodplain, which is consistent with the community design policy to integrate significant functional open space into the design of new development and additionally, preserving this area for open space recognizes the environmentally sensitive land and proposes to minimize impacts by not developing within it. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Transportation

1. Revised the site plan to show right-of-way or sidewalk utility easement dedication to back of walk in cross-section and updated Note 4g under “Transportation” to reflect a right-of-way extending 40.5 feet from the existing centerline as depicted on the rezoning plan.
2. Revised Note 4h under “Transportation” to tie improvements to the first, not final, certificate of occupancy.

Site and Building Design

3. Reflected the building entrances referred to in Note 6c under “Architectural Standards.”
4. Provided ground floor entrances for each unit designed to create greater visual interest and to be more residential in character.
5. Amended Note 6c under “Architectural Standards” to commit to direct access to the street they adjoin for ground floor residential units located along Philemon Avenue and Craighead Road. These entrances will be designed to have the appearance of being a primary entrance into the unit (the front door).

6. Revised the site plan to show that the 21-foot setback will be measured from the future back of curb along E. Craighead Road.
7. Agreed to amend Note 5b under “Streetscape, Landscaping Open Space and Screening” to state that along Philemon Avenue the petitioner will install the required street trees in tree wells that measure eight feet wide by a length of 20 to 25 feet (the varying length of the well is to match the spacing of the trees and wells with the required on-street parking). The building setback along Philemon Avenue will be increased by two feet from 18 feet to 20 feet as measured from the future back of curb to accommodate the proposed tree wells and a two-foot path adjacent to the proposed on-street parking. Agreed to amend the site plan to reflect the increased setback modification to the streetscape treatment along Philemon Avenue, and will add a Philemon Avenue cross-section to the site plan.
8. Amended Note 5c under “Streetscape, Landscaping, Open Space and Screening”, as follows: “A minimum of 27,000 square feet of open space will be provided on the site in the areas generally indicated on the site plan. Water quality and storm water detention facilities may be located within the passive open space area located along the southern property boundary.” Site plan shows 25,000 square feet of enhanced passive open space with trail, benches/seating and hardscape, 12,000 square feet of courtyard urban open space, and 8,000 square feet of courtyard/urban open space.

Environment

9. Added a note that the project will seek to use the exempt/flexibility as outlined in the Tree Ordinance related to TOD development in the 36th Street Transit Area.

Motion was made by Councilmember Kinsey, seconded by Councilmember Lyles, and carried unanimously to approve Petition No. 2016-111 by Philemon NODA Partners, LLC, as modified.

Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, and carried unanimously that this petition is consistent with the Blue Line Extension Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends transit supportive uses in the 36th Street transit station area and the request is also consistent with the maximum recommended height of 60 feet; supports the recommended enhancements to Philemon Avenue and Raleigh Street at Craighead Road; and is consistent with the plan recommended streetscape improvements. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the site is located within ½ mile from the 36th Street Station on the LYNX Blue Line and the proposed development is designed to be transit supportive with the buildings located near the back of curb along both Philemon Avenue and East Craighead Road, courtyards with amenities, and clear pedestrian circulation. Entrances are currently proposed at least every 100 linear feet of street frontage and the rezoning includes three remnant parcels zoned I-1 (light industrial) that were not included in petition 2009-006, which rezoned most of the subject site to UR-2(CD) (urban residential, conditional). Inclusion of these parcels will result in a more holistic redevelopment plan than the existing approved conditional plan and the rezoning also allocates land for open space adjacent to the water quality buffer and FEMA Floodplain, which is consistent with the community design policy to integrate significant functional open space into the design of new development and additionally, preserving this area for open space recognizes the environmentally sensitive land and proposes to minimize impacts by not developing within it.

The ordinance is recorded in full in Ordinance Book 60, at Pages 262-263.

ITEM NO. 21: ORDINANCE NO. 8157-Z, PETITION NO. 2016-114 BY HARRIS DOULAVERIS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.95 ACRES LOCATED ON THE NORTH SIDE OF ALBEMARLE ROAD BETWEEN HOLLIROSE DRIVE AND CIRCUMFERENTIAL ROAD FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL).

The Zoning Committee found this petition to be consistent with the Eastside Strategy Plan as updated by rezoning petition 2008-106, based on information from the staff analysis and the public hearing,

and because the plan recommends retail uses. • Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposal is consistent with the non-residential zoning and land use pattern along this section of Albemarle Road and the site was previously approved for office development and a retail pharmacy with an accessory drive-through window. Although the types of uses permitted to have a drive-through window has been expanded, the number of drive-through windows is still limited to one and the petition also commits to one sit down eating/drinking/ entertainment establishment without an accessory drive-through window and while the proposed B-2(CD) (general business, conditional) zoning is located amid property zoned B-1(CD) (neighborhood business, conditional) and INST (institutional), the proposed conditional plan prohibits a number of potential uses, such as automotive service stations, automobile sales and repair, and contractor's offices, that would otherwise permitted in the B-2 (general business) district but are not allowed in the B-1 (neighborhood business) district. The Zoning Committee 6-0 to recommend approval of this petition with the following modifications:

Site and Building Design

- a. Clarified distinction between the building envelope and parking envelope by relabeling Building Envelopes.
- b. Agreed to label Building Envelope #1 as Building/Parking Envelope #1.
- c. Agreed to amend Note 2E as follows: "On Building/Parking Envelope #1, parking and maneuvering areas for the proposed uses may be allowed subject to the restrictions listed in Note 2G."
- d. Agreed to modify the Building and Parking Envelope #2 so as to not preclude construction of the cross-access easement to the adjoining property in the future.
- e. Provided sidewalk connections from both buildings to the sidewalk along Albemarle Road.
- f. Removed the compact labels from all parking areas.

Environment

- g. Amended Note 2b under "Permitted Uses" as follows: "A sit down eating/drinking/entertainment establishment without an accessory drive-through window will be one of the uses constructed on the site."

Motion was made by Councilmember Autry, seconded by Councilmember Kinsey, and carried unanimously to approve Petition No. 2016-114 by Harris Doulaveris, as modified.

Motion was made by Councilmember Autry, seconded by Councilmember Driggs, and carried unanimously that this petition is consistent with the Eastside Strategy Plan as updated by rezoning petition 2008-106, based on information from the staff analysis and the public hearing, and because the plan recommends retail uses. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposal is consistent with the non-residential zoning and land use pattern along this section of Albemarle Road and the site was previously approved for office development and a retail pharmacy with an accessory drive-through window. Although the types of uses permitted to have a drive-through window has been expanded, the number of drive-through windows is still limited to one and the petition also commits to one sit down eating/drinking/ entertainment establishment without an accessory drive-through window and while the proposed B-2(CD) (general business, conditional) zoning is located amid property zoned B-1(CD) (neighborhood business, conditional) and INST (institutional), the proposed conditional plan prohibits a number of potential uses, such as automotive service stations, automobile sales and repair, and contractor's offices, that would otherwise permitted in the B-2 (general business) district but are not allowed in the B-1 (neighborhood business) district.

The ordinance is recorded in full in Ordinance Book 60 at Pages 264-265.

ITEM NO. 22: ORDINANCE NO. 8158-Z PETITION NO. 2016-116 BY BNA HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.87 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF SOUTH TRYON STREET AND BEAM ROAD FROM MX-1 (MIXED USE) TO MX-2 (MIXED USE).

The Zoning Committee found this petition to be consistent with the residential land use recommended in the Southwest District Plan, but inconsistent with the recommended density based on information from the staff analysis and the public hearing, and because the petition is consistent with the residential land use recommended by the Southwest District Plan but inconsistent with the density recommended by the plan, as amended by a previous rezoning; however, the requested density increase is supported by the General Development Policies (GDPs). Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the Southwest District Plan initially recommended single family residential up to three dwelling units per acre. Approval of rezoning petition 2006-149 amended the adopted land use recommendation to allow up to six units per acre. However, the GDP (General Development Policies) support the proposed increase in density to 7.88 dwelling units per acre and the site is generally located in an area with a variety of housing types at different densities, ranging from three units per acre to 17 units per acre and the proposed rezoning also provides 37.5-foot (with fence) and 50-foot buffers that will provide a transition between the proposed development and abutting lower density single family homes and the request includes new streetscape along South Tryon Street, along with new transportation improvements to enhance street network operations. The Zoning Committee voted 5-0 to recommend approval of this petition with the following modifications:

Transportation

1. The petitioner should revise the site plan to show all residential units on public streets to be alley fed. The units should not have direct driveway access to the public streets. CDOT has rescinded this request.
2. The petitioner should revise the site plan to show the private streets designed to public street standards including eight-foot planting strips and six-foot sidewalks on both sides. At a minimum, the private streets shall not have back of curb sidewalk. CDOT requests that the private streets are revised to public streets. CDOT has rescinded this request.
3. Petitioner has added a note on the site plan stating that all transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued or phased per the site's development plan.
4. Development Note 11.a under heading CATS Pads for Passengers commits to the construction of two concrete waiting pads for bus passengers along S. Tryon Street. The note has been amended to state that one of the passenger waiting pads may be located across South Tryon Street from the site.
5. The petitioner has added a note stating the design of the parallel spaces is subject to review by CDOT during the subdivision review process.
6. Petitioner has committed to removing the note that commits to standards pertaining to construction traffic, construction staging and timing of construction, including a provision prohibiting staging for the development of the site from being allowed on adjoining single family zoned properties. Construction related notes cannot be enforced through zoning.

Environment

7. Petitioner has amended the site plan to show possible tree save locations and noted that 2.38 acres will be for tree save. "Environmental Features" Note 8.c. has been modified to state the location of the proposed 15% tree save is generally depicted on the Rezoning Plan. A note has also been added to the site plan identifying existing trees in the right-of-way to be protected.

Site and Building Design

8. The "Site Development Data" information has been amended to reflect up to 124 attached dwelling units and one single family home (not exceeding 125 units). Number of principal buildings to be developed on the site has been increased from 30 to 31.
9. Petitioner has added Sheet RZ-3 Building Elevations to the site plan.
10. Petitioner has amended "Streetscape, Buffers, Yards, and Landscaping" Note 7.e to state that street trees will be planted on both sides of the private streets. Note now reads the trees will be spaced as close as possible to 40 feet on center, wider spacing will be allowed to accommodate unit driveways. Petitioner has also provided label on site plan.

Requested Technical Revisions

11. Information has been added under "Development Data" to note proposal is eight units to the acre.
12. "Possible Storm Water Facility" (BMP) is now labeled on the site plan.
13. Legend on the site plan has been amended to clarify meaning of "BW" (Blank walls to have windows) and "CP" (Corner porch where indicated).

14. The petitioner has agreed to remove the note committing to standards pertaining to construction traffic, construction staging and timing of construction, including a provision prohibiting staging for the development of the site from being allowed on adjoining single family zoned properties.
15. The petitioner has added a label identifying existing historical marker to remain undisturbed and Historical Marker Note 10 that states: "The petitioner shall preserve the historical marker located on the Site's frontage on S. Tryon Street. The marker will be decoratively landscaped and maintained by the HOA. The location of the marker is generally depicted on the Rezoning Plan."
16. The petitioner has modified the site plan to note potential location for McDowell House and drive if preserved. "Permitted Uses and Area Limitation" heading now includes Preservation of the McDowell House. Petitioner has added the following notes:
 - a. "Petitioner will donate the existing McDowell House located on the Site, along with a portion of the Site for the home to rest on (the home will be moved from its current location), to an organization, public or private, that will commit to repairing and renovating the house so that the structure is sound, safe, and renovated to have the appearance of being a habitable structure (the structure does not need to be habitable but at a minimum needs to be in good repair with a weather tight roof, siding and windows, be freshly painted and have a functioning front porch).
 - b. In order to give an interested organization time to gather the funds to repair and renovate the house, the Petitioner will not demolish or apply for a demolition permit to demolish the existing McDowell House located on the property for a minimum of one (1) year after the date of the approval of the Rezoning Petition. If after one (1) year an organization has not been able to gather the funds and begin the repair and renovation of the McDowell House, or demonstrate to the Petitioner the ability to renovate the McDowell House, to have the appearance of a habitable structure, the Petitioner may demolish the structure and utilize the area of the Site occupied by the home for the development of the proposed townhome community. The Petitioner will establish the following thresholds to measure and monitor the progress of the origination responsible for the rehabilitation of the McDowell House. Within six (6) months of the approval of the Petition provide documentation that the funds to rehab the home have been secured and an organization (public or private) established; begin the renovation work within eight (8) months of the approval of the Petition; and complete the renovation within 12 months of the approval of the Rezoning Petition."
17. Petitioner agreed to modify added language pertaining to the preservation of the McDowell House by providing the following note: "In order to give an interested organization time to gather the funds to repair, renovate and maintain the McDowell House (the "Home"), the Petitioner will not remove the existing Home located on the property prior to one (1) year after the date of the approval of the Rezoning Petition. The organization to preserve the Home shall be formed and funded demonstrating the ability to repair, renovate and maintain the Home within six (6) months of the approval of the Petition. If after six (6) months an organization has not come forward, the Petitioner may apply for a demolition permit to remove the Home. If after one (1) year the organization that was formed has not completed the repair and renovation of the Home to have the appearance of a habitable structure, the Petitioner may remove the structure and utilize the area of the Site proposed to be occupied by the Home for the development of the proposed townhome community. The Petitioner will enter into an agreement with the organization willing to move, repair, renovate and maintain the Home and will as part of the agreement establish thresholds to measure and monitor the progress of the organization responsible for the rehabilitation of the Home during the time frames specified above."
18. Modified "Construction Traffic, Construction Staging and Timing of Construction" Note 12.a by removing the sentences related to construction traffic and deliveries and adding the following sentence: "Petitioner will install a temporary guardrail at the termination point at the intersection of the public street and Culloden Court to eliminate access to and from the adjacent existing community. It will be removed at such time that the public street is dedicated for maintenance to the local authorities."

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2016-116 by BNA Homes, as modified.
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Motion was made by Councilmember Mayfield, seconded by Councilmember Austin, and carried unanimously that this petition is consistent with the residential land use recommended in the Southwest District Plan, but inconsistent with the recommended density based on information from the staff analysis and the public hearing, and because the petition is consistent with the residential land use recommended by the Southwest District Plan but inconsistent with the density recommended by the plan, as amended by a previous rezoning. However, the requested density increase is supported by the General Development Policies (GDPs). Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the Southwest District Plan initially recommended single family residential up to three dwelling units per acre. Approval of rezoning petition 2006-149 amended the adopted land use recommendation to allow up to six units per acre. However, the GDP (General Development Policies) support the proposed increase in density to 7.88 dwelling units per acre and the site is generally located in an area with a variety of housing types at different densities, ranging from three units per acre to 17 units per acre and the proposed rezoning also provides 37.5-foot (with fence) and 50-foot buffers that will provide a transition between the proposed development and abutting lower density single family homes and the request includes new streetscape along South Tryon Street, along with new transportation improvements to enhance street network operations.

The ordinance is recorded in full in Ordinance Book 60, at Pages 266-267.

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ITEM NO. 23: ORDINANCE NO. 8159-Z, PETITION NO. 2016-118 BY NVR HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.97 ACRES LOCATED EAST OF SHARON ROAD BETWEEN SHARON ACRES ROAD AND SHARON HILLS ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee found this petition to be consistent with the South District Plan; and consistent with the locational criteria in the General Development Policies for the proposed density based on information from the staff analysis and the public hearing, and because the plan recommends residential land uses and General Development Policies' locational criteria support the proposed density of 8.1 units per acre. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the site is located on a section of Sharon Road that is developed primarily with residential uses, and is adjacent to other property zoned and developed with townhomes and the petition limits the number of townhome units to 24 and the density to 8.1 units per acre, consistent with the General Development Policies and the proposed UR-2 (urban residential) zoning provides the flexibility in building type, lot sizes and yard requirements to allow the petitioner to develop the oddly shaped parcel with townhomes while providing a site design that is sensitive to the adjacent single family homes and the site plan commits to buffers, side yards, rear yards, and limited building heights that are compatible with the existing residential context through the following provisions: The site plan provides a 70-foot setback from the future back of curb along Sharon Road, consistent with nearby single family homes and the site plan provides a 21-foot undisturbed buffer along the rear property line. A 22-foot wide "Class C" buffer would be required under multi-family zoning. The site plan commits to a rear yard that is increased from 10 feet, as required by urban residential zoning, to 30 feet, comparable to a rear yard required under conventional single family residential zoning districts and the proposal commits to a 16.5-foot wide "Class C" buffer with a six-foot high fence along the side property line abutting single family homes, equivalent to a buffer required under multi-family zoning with the width reduced with a fence. The site plan provides a side yard that is increased from five feet, as required by urban residential zoning, to 16.5 feet, similar to the 20-foot side yard required under conventional multi-family zoning and the site plan limits the height of the proposed units to two stories not to exceed 40 feet, which is the same height allowed for single family homes. The Zoning Committee voted 5-0 to recommend approval of this petition with the following modifications:

Site and Building Design

1. Committed to removing Note 2 under "Solid Waste", the second sentence of Note 1e and the potential location for garbage/recycling shown on the site plan.

2. Provided an architectural note that addresses further variation in stoop design to minimize the length of uninterrupted fascia; two or three different stoop designs with varying architectural treatments will be utilized for individual units. Revised the rendering to show the appropriate solution.
3. Revised the rendering to accurately depict the streetscape and fence along Sharon Road.
4. Provided an updated elevation of the Sharon Road building frontage in addition to the rendering.
5. Specified that the material transitions within the woonerf will be flush in both A and B options.
6. Amended "Architectural Standards" Note 4a to prohibit vinyl siding.
7. Amended "Buffers" Note 5e to specify the fence within the buffer will be no closer than 8.25 feet from the adjoining property and that the fence will have stone columns 30 feet on center.
8. Added a note under "Buffers" committing to the installation of the fence and landscaping on the outside of the fence prior to the issuance of the first certificate of occupancy for the first building constructed on the site.
9. Added detailed elevation for the proposed buffer fence.
10. Added a typical elevation for the proposed buffer landscaping, amended the planting detail for the 16.5-foot wide buffer, increased the number of trees for every 100 feet from six to eight and removed a note stating shrubs would not be required if a fence or wall is constructed so that shrubs will be provided even with a fence or wall.

Transportation

11. Staff rescinded the request to revise the site plan to include planting strip and sidewalk along both sides of the east-west drive aisle because the petitioner is providing a sidewalk on at least one side and landscaping in a planting strip on both sides.
12. Revised the site plan to show/label future curb line (24 feet from existing centerline to back of curb) and place sidewalk in correct future location (back of sidewalk 38 feet from existing centerline). Adjusted planting strip width accordingly.
13. Staff rescinded the request to confirm with Charlotte Fire Department that the proposed access drive with recessed, parallel parking will not be an issue and to revise access drive design to accommodate fire access, if necessary because the petitioner added a note to the site plan to specify that the parallel parking may be eliminated if required by the City of Charlotte Fire Department during the land development review.

Requested Technical Revisions

Site and Building Design

14. Provided a definition of "woonerf."
15. Amended Note 4h and/or 5b so that the proposed fence height matches.
16. Amended Note 5g to specify the pedestrian motor courts will be a woonerf design.
17. Deleted the reference to "wall pak" lighting in Note 7d.

Transportation

18. Revised the site plan to add a note specifying that all transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued.

Environment

19. Committed to amending Note 6c to specify that tree protection is Tree Ordinance standard that is addressed during land development review.

Other

20. Committed to delete Note 10a related to construction hours as this cannot be required or enforced through the conditional rezoning process. The petitioner stated in writing prior to the Zoning Committee meeting that the petitioner would send the neighboring property owners a letter related to construction hours and concrete pours.

Motion was made by Councilmember Smith, seconded by Councilmember Mayfield, to approve Petition No. 2016-118 by NVR Homes, as modified.

Councilmember Smith said this site has taken on a couple of iterations, and I noticed some of the neighbors came and spoke at the hearing, and I just wanted to point out that there was a lot of give and take and work from the developer on this to get to the point we got to which actually delivered almost exactly what the neighbors had asked for except for a couple of things at the end. We are often asked if we ever vote anything down and as you are going around the dais tonight it looks like everything always goes through. This was actually started out in another form with a filed petition for a commercial use on the property that was not consistent with the neighborhood and was not something that the neighborhood was willing to embrace, and the project that is now going to go on the site was a result of some collaboration between the two parties. I just wanted that to be noted for the record.

Councilmember Kinsey said I appreciate my colleague's comments, but I'm still not comfortable with this so, I'm going to be a no on this particular petition.

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

YEAS: Councilmembers Austin, Autry, Driggs, Eiselt, Fallon, Lyles, Mayfield, Mitchell, Phipps, and Smith.

NAYS: Councilmember Kinsey.

Motion was made by Councilmember Smith, seconded by Councilmember Kinsey, and carried unanimously that this petition is consistent with the South District Plan; and consistent with the locational criteria in the General Development Policies for the proposed density based on information from the staff analysis and the public hearing, and because the plan recommends residential land uses and General Development Policies' locational criteria support the proposed density of 8.1 units per acre. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the site is located on a section of Sharon Road that is developed primarily with residential uses, and is adjacent to other property zoned and developed with townhomes and the petition limits the number of townhome units to 24 and the density to 8.1 units per acre, consistent with the General Development Policies and the proposed UR-2 (urban residential) zoning provides the flexibility in building type, lot sizes and yard requirements to allow the petitioner to develop the oddly shaped parcel with townhomes while providing a site design that is sensitive to the adjacent single family homes and the site plan commits to buffers, side yards, rear yards, and limited building heights that are compatible with the existing residential context through the following provisions: The site plan provides a 70-foot setback from the future back of curb along Sharon Road, consistent with nearby single family homes and the site plan provides a 21-foot undisturbed buffer along the rear property line. A 22-foot wide "Class C" buffer would be required under multi-family zoning. The site plan commits to a rear yard that is increased from 10 feet, as required by urban residential zoning, to 30 feet, comparable to a rear yard required under conventional single family residential zoning districts and the proposal commits to a 16.5-foot wide "Class C" buffer with a six-foot high fence along the side property line abutting single family homes, equivalent to a buffer required under multi-family zoning with the width reduced with a fence. The site plan provides a side yard that is increased from five feet, as required by urban residential zoning, to 16.5 feet, similar to the 20-foot side yard required under conventional multi-family zoning and the site plan limits the height of the proposed units to two stories not to exceed 40 feet, which is the same height allowed for single family homes.

The ordinance is recorded in full in Ordinance Book 60, at Pages 268-269.

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ITEM NO. 24: ORDINANCE NO. 8160-Z, PETITION NO. 2016-121 BY CHEN DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.39 ACRES LOCATED ONO THE NORTHWEST CORNER AT THE INTERSECTION OF PARK ROAD AND MONTFORD DRIVE FROM O-2 (OFFICE) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

The Zoning Committee found this petition to be consistent with the Park Woodlawn Area Plan based on information from the staff analysis and the public hearing, and because The plan recommends a mix of higher intensity uses (residential, office and/or retail) in a pedestrian friendly form for the area in which the site is located; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The site is located in the Park/Woodlawn Mixed Use Activity Center, which is a priority area to accommodate future growth in an urban, pedestrian-oriented development form and The proposal is consistent with the design guidelines recommended in the adopted area plan by reusing the existing building which orients to Park Road and locating parking and circulation primarily behind the building; additionally, the existing building's scale and height of 24 feet is compatible with the adjacent single family neighborhood and the site plan supports walkability by committing to retail space at the corner of

Park Road and Montford Drive, with street level entrances and outdoor dining along the street edge and the proposal also enhances the pedestrian environment by providing a 13-foot planting strip, including five feet for a future bike lane, and an eight-foot sidewalk along Park Road. Additionally, the site plan provides an eight-foot planting strip and eight-foot sidewalk along Montford Drive. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Site and Building Design

1. Committed to a minimum parking ratio for eating/drinking/ entertainment establishment uses at a rate of 1 space per 160 square feet which is more restrictive than the standard MUDD (mixed use development) requirement of 1 space per 600 square feet.
2. Amended Optional Provision 2B to specify subsections 2(a) and 2(h) of Section 9.8506 related to street walls and building entrances are requested to be opted out of.
3. Amended Optional Provision 2A requesting to opt out of screening requirements of Section 12.303 to also include Section 9.8506(2) (b) along the northern and western property lines.

Environment

4. Showed all right-of-way trees to be protected on the plan.

Transportation

5. Revised the site plan to add a note specifying all transportation improvements will be completed and approved prior to issuance of a certificate of occupancy for any new use to be located in the building on the site.

Other

6. Reoriented the site plan so that north is at top of page, matching the vicinity map.

Motion was made by Councilmember Smith, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2016-121 by Chen Development, LLC as modified.

Motion was made by Councilmember Smith, seconded by Councilmember Kinsey, and carried unanimously that this petition is consistent with the Park Woodlawn Area Plan based on information from the staff analysis and the public hearing, and because The plan recommends a mix of higher intensity uses (residential, office and/or retail) in a pedestrian friendly form for the area in which the site is located. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The site is located in the Park/Woodlawn Mixed Use Activity Center, which is a priority area to accommodate future growth in an urban, pedestrian-oriented development form and The proposal is consistent with the design guidelines recommended in the adopted area plan by reusing the existing building which orients to Park Road and locating parking and circulation primarily behind the building; additionally, the existing building's scale and height of 24 feet is compatible with the adjacent single family neighborhood and the site plan supports walkability by committing to retail space at the corner of Park Road and Montford Drive, with street level entrances and outdoor dining along the street edge and the proposal also enhances the pedestrian environment by providing a 13-foot planting strip, including five feet for a future bike lane, and an eight-foot sidewalk along Park Road. Additionally, the site plan provides an eight-foot planting strip and eight-foot sidewalk along Montford Drive.

The ordinance is recorded in full in Ordinance Book 60, at Pages 270-271.

ITEM NO. 25: ORDINANCE NO. 8161-Z, PETITION NO. 2016-122 BY FOUNDRY COMMERCIAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 17.2 ACRES LOCATED ON THE NORTH SIDE OF ED BROWN ROAD AND THE WEST SIDE OF STEELE CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL TO I-1 (LIGHT INDUSTRIAL).

The Zoning Committee found this petition to be consistent with the Steele Creek Area Plan for most of the site except for the two parcels fronting Steele Creek Road based on information from the staff analysis and the public hearing, and because the plan recommends industrial use for the majority of the site and the plan recommends residential use for the two parcels fronting Steele Creek Road.

Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the majority of the site is zoned I-2(CD) (general industrial, conditional) and had been zoned I-1 (light industrial) prior to rezoning petition 2015-033, consistent with the area plan's recommendation for industrial use and the two residential parcels zoned R-3 (single family residential) and fronting Steele Creek Road are not part of, nor do they relate to, the single family neighborhood north of the site and these residential parcels are adjacent to industrial zoning on three sides, to the west, south and east across Steele Creek Road and the adjacent industrial uses and lot frontages on Steele Creek Road are not conducive to single family residential continuing to orient to this street, and converting the residential parcels to industrial use is an appropriate change. The Zoning Committee voted 6-1 to recommend approval of this petition.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2016-122 by Foundry Commercial.

Councilmember Mayfield said I would like to say that based off of a meeting that Mayor you and I were able to attend with Congresswoman, we heard that there was a need for industrial and there was a concern from manufacturers regarding industrial land, so I am in support of this rezoning specifically because it is rezoning residential to light industrial.

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey, and carried unanimously that petition is consistent with the Steele Creek Area Plan for most of the site except for the two parcels fronting Steele Creek Road based on information from the staff analysis and the public hearing, and because the plan recommends industrial use for the majority of the site and the plan recommends residential use for the two parcels fronting Steele Creek Road. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the majority of the site is zoned I-2(CD) (general industrial, conditional) and had been zoned I-1 (light industrial) prior to rezoning petition 2015-033, consistent with the area plan's recommendation for industrial use and the two residential parcels zoned R-3 (single family residential) and fronting Steele Creek Road are not part of, nor do they relate to, the single family neighborhood north of the site and these residential parcels are adjacent to industrial zoning on three sides, to the west, south and east across Steele Creek Road and the adjacent industrial uses and lot frontages on Steele Creek Road are not conducive to single family residential continuing to orient to this street, and converting the residential parcels to industrial use is an appropriate change.

The ordinance is recorded in full in Ordinance Book 60, at Pages 272-273.

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ITEM NO. 26: ORDINANCE NO. 8162-Z PETITION NO. 2016-125 BY ECLAN & ASSOCIATES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.80 ACRES LOCATED ON THE SOUTHEAST CORNER OF TUCKASEEGEE ROAD AND MULBERRY CHURCH ROAD FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO O-1 (OFFICE).

The Zoning Committee found this petition to be consistent with the Southwest District Plan, based on information from the staff analysis and the public hearing, and because The plan recommends office and/ or industrial development for the area in which the site is located. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The proposed rezoning site is located on the corner of two thoroughfares, Tuckaseegee Road (major thoroughfare) and Mulberry Church Road (minor thoroughfare), is located along a bus route, and is across Tuckaseegee Road from a large institutional use and while the current zoning in the area is for multi-family and single family residential, the Southwest District Plan recommends office and/or industrial development for this and nearby sites due to the area's proximity to the airport and the proposed office zoning district is preferred over industrial zoning at this time, even though the plan would support industrial development on the site, because uses allowed in the office district would typically be more compatible with the nearby residential uses than those uses allowed by industrial zoning. The Zoning Committee voted 7-0 to recommend approval of this petition.

Motion was made by Councilmember Mayfield and seconded by Councilmember Mitchell to approve Petition No. 2016-125 by Eclan & Associates.

Councilmember Mayfield said this is another development where we had a lot of community conversation. There have been a couple of requests for this particular corner over the last four years for products that didn't really fit with the community desires as well, as what our plan was for the area, so I'm thankful that the petitioners made sure that they kept the community engaged in this conversation and that we were able to identify a project that would be supported. I will be supporting the Consistency Statement.

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey, and carried unanimously that this petition is consistent with the Southwest District Plan, based on information from the staff analysis and the public hearing, and because The plan recommends office and/ or industrial development for the area in which the site is located. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The proposed rezoning site is located on the corner of two thoroughfares, Tuckaseegee Road (major thoroughfare) and Mulberry Church Road (minor thoroughfare), is located along a bus route, and is across Tuckaseegee Road from a large institutional use and while the current zoning in the area is for multi-family and single family residential, the Southwest District Plan recommends office and/or industrial development for this and nearby sites due to the area's proximity to the airport and the proposed office zoning district is preferred over industrial zoning at this time, even though the plan would support industrial development on the site, because uses allowed in the office district would typically be more compatible with the nearby residential uses than those uses allowed by industrial zoning.

The ordinance is recorded in full in Ordinance Book 60, at Pages 274-275.

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HEARINGS

ITEM NO. 28: HEARING ON PETITION NO. 2016-056 BY CRESCENT COMMUNITIES, LLC AND LINCOLN HARRIS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1,378 ACRES LOCATED WEST OF I-485 AT WEST BOULEVARD GENERALLY SURROUNDED BY I-485, MT. OLIVE CHURCH ROAD, THE CATAWBA RIVER, BRACEBRIDGE COURT AND GARRISON ROAD (OUTSIDE CITY LIMITS) FROM R-3 (LLWPA) (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA), R-5 (LLWPA) (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA), R-5 (LLWCA) (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE CRITICAL AREA), R-3 (MH-O) (LLWPA) (SINGLE FAMILY RESIDENTIAL, MANUFACTURED HOME OVERLAY, LOWER LAKE WYLIE PROTECTED AREA), AND I-1 (LLWPA) (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA) TO MUDD-O (LLWPA) (MIXED USE DEVELOPMENT, OPTIONAL, LOWER LAKE WYLIE PROTECTED AREA), MUDD-O (LLWCA) (MIXED USE DEVELOPMENT, OPTIONAL, LOWER LAKE WYLIE CRITICAL AREA), MX-2 (INNOV) (LLWPA) (MIXED USE, INNOVATIVE, LOWER LAKE WYLIE PROTECTED AREA), AND MX-2 (INNOV) (LLWCA) (MIXED USE, INNOVATIVE, LOWER LAKE WYLIE CRITICAL AREA), WITH FIVE-YEAR VESTED RIGHTS.

Mayor Roberts declared the hearing open.

Ed McKinney, Interim Planning Director said Mike Davis from C-DOT and I will do kind of a combined presentation on this one. It is a little larger than our typical rezoning, so we do have sort of an enhanced presentation, really intended to give you as much perspective about it as we can within a reasonable presentation. Certainly, you can ask questions as we get into it.

You can see the geography of this; you have already mentioned the scale, it is just over 1,300 acres. The site, as you can see location wise, and I have a couple other maps that will give you some regional perspective, but you will see I-485, West Boulevard, the western edge of the airport and to

the furthest western edge is the Catawba River. Outlined in black is the 1,300 acres we are talking about, and we will take extensively about the program, the phasing and the components of this but the basic summary of the entitlement is for 8,000,000 square feet of office, 500,000 square feet of retail, 1,000 room hotel hospitality, 50 units of residential, and you can see that is broken into multifamily, single family attached and single family detached and then 200 units of continuing care facilities. That is an overview, and we will go back into that and sort of slice and dice that a few different ways, so you can see the basics of that program, but that gives you the highlights.

Let me give a little bit of context quickly, and this is important for both you to understand the kind of scale of this and you also recognize that we understand the scale of this, and you will see lots of discussion in the way this petition was organized, the way we thought through the phasing was in many ways based on the notion that this is a unique scale and required a different kind of approach. You see it is the same scale in two other places in comparison, Ballantyne and SouthPark skin to scale development here on the scale of Ballantyne. Ballantyne has an approval that is around 6,000,000 square feet of office, several hundred thousand square feet of commercial. SouthPark as it is built out today and as you know continuing to build out it is around plus or minus 5,000,000 square feet of office and obviously a little bit more of retail, but again the notion there is that the scale is as important, how we phase it, how we deal with the kind of organization and the planning for the infrastructure is important, and you will see that through our presentation how that has been organized.

Getting back to regional context just to put in a little bit of perspective, there is again the outline of property, the Catawba River, I-485; we've pulled out so you can see I-85, here is the Airport, Billy Graham Parkway and just south of this site is the Berewick and Steele Creek communities. A couple things I will touch upon and also get back to on transportation access is the context of the Airport and its growth over time, the work that has been done recently and is even underway now in terms of the strategic Airport Development Plan, and I will talk a little bit about that context. The Dixie/Berryhill Strategic Plan is kind of a foundation for this and there are also, as Mike will talk about, some pretty important regional transportation access issues that kind of guide the entitlement here. The first one and we've mentioned this before is the context of the Airport Strategic Plan both what was put in place back in the last 90's and also the work that is underway now. I won't belabor the things that have gone on in the Airport, but one of the key things that came out of that 1996 plan was the notion of thinking through the development of this western area and what was going to be at that point I-485 and the lands between that and the Catawba River. That was essentially put in place and that notion of planning for that was put in place back in the late 90's. There is again sort of diagrammatically kind of where the current River District site fits into context.

Jump to 2003, we took that and spent significant time working through what the community and the Council to figure out what that plan should be so what is the area plan, what is our long-term land use goals and expectations for this section between I-485 and the Catawba River? That vision was really based on the notion of kind of marrying the development opportunities that are around the Airport into a series of mixed use communities, looking for those to have opportunities to have expanded and more intense employment uses but then also insuring that we had development that was sensitive and transitioned to the unique environmental asset, that is the Catawba River. You see that and we will zoom in on this in moment, but there are the colored areas where you see those mixed use community along I-485 and then the lighter yellow color is that single family residential transition to the river. Again, just quickly so how you can see the context kind of how the River District site now kind of layers on top of that adopted plan back in 2003.

To put you back in the context of this specific site, what you see colored underneath is that the plan I just showed you but now we are zoomed in on just the portion that is the River District outlined in black. Again, you can see the notion that particularly here at the interchange of I-485 and along I-485 was this notion of kind of an employment mixed use land use recommendation. The notion that we would have office employment, commercial uses, industrial, research, uses that would relate to the opportunity that is driven by the Airport and office and economic development south of the Airport. It also included the notion in some areas for multifamily integrated into that with both the employment and future commercial service uses and you can see the yellow here back to the notion that that transitioned from the more intense mixed use communities would transition with single family residential as you get closer to the River. The last thing I will mention about that is the open space was also a major thinking, sort of a layer to this that was done through that area plan. The notion of having public access to the Catawba River insuring that we had a network of open space

and parks and also really taking advantage of the greenways, the creeks and river systems that were part of this kind of unique geography.

The future land use, that is the adopted land use policy for the area around the River District, now to give you a sense of what is there today from a zoning standpoint, as you can see, almost all of this is residentially zoned either R-5 or R-3. There is a small portion that is zoned industrial closer to the interstate so the by right rezoning there is essentially primary single-family residential with some industrial use. Two other things I will mention there is these two critical and protected overlays for the Lower Lake Wylie. Those are important things that kind of guide the intensity that development can occur on portions of this site, and those two things remain.

Now what is the proposal; this sort of summarizes again the same scale, the basic proposal of the rezoning is to take that land and break it into two major components, the area highlighted in the orange color is the mixed use zone of this that is utilizing the MUDD or mixed use district design guidelines to essentially be the base zoning for that with some options and some additional standards that I will talk about. That covers the employment mixed-use portion of this then the residential portions are the yellow areas. That is using a mixed-use residential category that we have that allows for the kind of innovative approaches that would deal with the kind of topography and the kind of single family clustering that would allow the single family development to occur within the context of the kind of sensitive areas to the river. There is a lot you will see in your analysis there is a lot of complicated layers to the rezoning but the simplified version of this is really two categories; the mixed-use district around the kind of employment and town center portions of this and a single family district that deals with primarily the residential single-family components. Just to highlight those two overlays the critical and protected area overlays remain, so those standard still apply and again the petitioner is asking for vested rights for five-years for this petition.

Let me talk a little bit about how the zoning is broken down; we have these two basic categories, but this process has also worked to define within those categories districts. Those districts are important just because of the scale of this; it allows us to do a couple of things; one is sort of defining the intent. As you can see here, these five districts are sort of different; there is employment district that is centered toward the interchange of I-485. There is what is called a gateway district, which is where the extension of West Boulevard would be; and what is called the transitional district that sort of bridges that transition between that employment and the single family; a town center district with the intent there of having a mixed use, retail town center component of the community and then the residential districts. There is an intent to each of those districts and the guides and standards that we have in place in the entitlement; there is also some parameters about the intensity of mix of use. We talked about that overall entitlement with those uses; we've also broken that down by districts, and there is only so much you can do within each district. I won't go through the details of this, but it just gives you a summary of that, so that within each district there is a prescribed mix of use and the maximum number of uses you can have it sort of helps us manage the development as it occurs over time and puts it where it was intended to be from the overall master plan perspective and then guides, essentially insuring that we get the kind of mix and intensity that is really part of the vision of this plan, particularly known as the town center, that we insure that in the middle of this community we get the opportunity for retail that is serving the residential around it within a mix of use of office and residential. It is an important part of that overall entitlement to break that down by district.

I won't go into the details of the standards, but for each of those districts, as you may have seen in the submittal, there is sort of a design sheet, the technical sheet and some standards that go with it so the intent of what we are trying to do; the scale of use is important and then the specifics of how the development will occur are different, so we've insured that each district has been calibrated with the kind of character that we want to create. For each of those standards, we talk about what the permitted uses are; what are the optional provisions they are asking for, describes the design intent, talks specifically about connectivity and access as there are some portion of this that are in some districts above and beyond what the subdivision ordinance requires. It was important for us to do that particularly in the town center. There are some things about building orientation and street frontage that were different so all of those things got calibrated into the districts in a way that allows us to then regulate the development over time specific to those unique characteristics.

A couple thing that I'm going to transition to Mike to kind of talk through what is a very important part of this, the transportation part, but let me highlight a few other broader commitments that are sort of above and beyond and are a part of the notion of what we potentially gain out of this through the master plan approach. From an environment standpoint the notion of water quality, the notion of tree save, the notion of how we deal with open space was really important to the area plan and obviously

to the long-term development of this site so there are some very unique things about increased buffers that deal with the creek systems and the stream systems that are there now that are above and beyond. There are some enhanced erosion control measures that are in place that insure that the highest standards are being met in terms of the erosion control practices. The tree save is a unique kind of opportunity here to take what was required and essentially locate it from a master plan standpoint in the most strategic location to protect the uniqueness of the natural environment, so there are some unique things that we did to insure that we got tree save really in the most valuable locations. The open space part of it, while not more than would really be required over time, it was done in a way it was master planned, so in lieu of it incrementally being done and achieving that open space, we can actually achieve the same amount but do it in a way that protects all the major creek systems and insures that we get an open space system connects to that we wouldn't really be able to get to out of an incremental non-master plan approach. The same goes for Parks and Recreation, so there is a commitment to reserve 20 acres of active park space that would be integrated into the neighborhoods. The commitment is to reserve those sites for a period of time that allows them to coordinate with Park and Rec to acquire those lands. There is a dedication of a greenway corridor along the Beaver Dam Creek Greenway and then some incorporation of some design features both along Dixie River and West Boulevard to create a system of greenway and pedestrian connections.

Two other key commitments, schools and we talked a lot about in other zonings about the kind of impact of schools and this one obviously is a significant one. A lot of work has been done by CMS to kind of think through what the long-term needs are out here. The conclusion to that is over time two additional sites of 15 to 25 acres would be needed, yet to be determined from CMS in terms of what type of schools those would be. The petitioner is committed to including those and working with CMS to time them in a way to alignment them with their funding for acquisition. The last thing I will mention is the workforce housing; there is a Phase I commitment to the development that insures a commitment to 85 units. That is for the first implementation of the 850 units; it is about 10% of that first phase. It is defined as workforce housing, so that is 80% of AMI or less and to be held for a period of ten-years. On additional phases or the phases beyond Phase I there is a commitment to what was described in the petition as a diligent and good faith effort to implement an 8% on the remainder of the site and I will let the petitioner talk more about how that would work. The notion is that there is a Phase I commitment specifically understanding what they can do in that first phase and then a longer term commitment for 8% over the build out of the project over a period of time.

The last thing and I won't go into this in detail, but this sort of T's up really the foundation of the transportation work that Mike is going to talk about which is this program has also been broken into phases; there are three basic phases, each with parameters on the maximums that can occur by use. That totals to the sort of summary that I showed you in the first slide. You can see again here the notion of that first phase is about 12% to 20% of that overall program. Phase II is defined as another 25% to 37% and then Phase III is about the other half of the development, so I just wanted to give you a sense of how the basic phases have been laid out and the notion that we've taken that program and kind of broken it down both in a phasing standpoint and a district standpoint. I will turn it over to Mike to kind of jump into the regional transportation context and the infrastructure that is going to be in place to make this work.

Mayor Roberts said I can't tell from the coloring which phase is which.

Mr. McKinney said I apologize; that is a good point I forgot to make. The phasing, I just simply put the zoning plan up there to actually remind me to say something that I didn't say. The phasing is actually is really tied to the infrastructure, not to the geography. So, it is really an important point that Mike will make that this phasing is really about making sure that there is infrastructure, and transportation in particular, is in place before you can do that amount of development. It allows them some flexibility in terms of the geography of it, but it allows us the true commitment to making sure that we've got the infrastructure in place to make the phasing work.

Mike Davis, Deputy Transportation Director said as Ed mentioned you have to sort of think about this rezoning in a different scale so I wanted to start from the perspective of how to put this into a regional context, so sort of using that same imagery that is our rezoning, and so I would start from the 2030 Transit Corridor System Plan and take it for what it is today which is in terms of how it affects this area, which would be an extension of the Gold Line for rapid transit option out basically to the , and that is as far as that goes. I wanted you to be able to see that in relationship to River District. The CRTPO Thoroughfare Plan is another really important piece of the puzzle, from a transportation

perspective, and what I want to start for orientation is just to point out I-485, which is the eastern edge of this rezoning separating it from the Airport area and the northern end being I-85, which is another important piece of the transportation picture here. If you can see that line that cuts up through the River District area that was just animated; that is an extension of Dixie River Road, that has long been on the Thoroughfare Plan as a major thoroughfare and then it is supplemented by another street called Garrison Road, which will be an extension and improvement to an existing street that is out there today but doesn't yet connect with Dixie River Road. Importantly, also on the Thoroughfare Plan there has been a vision for a street which would one day cross the Catawba River in the past that has been known as the Garden Parkway. That was a specific form of a project that is no longer on table, but what remains on the Thoroughfare Plan is ultimately important from a transportation perspective is the idea that you would have an additional river crossing in between Wilkinson Boulevard and NC-49 to the south. So, with that facility when that one day would occur becomes very important to consider then how it connects into the Billy Graham Parkway on the eastern end. As Ed mentioned earlier from the land use perspective and the work that has been going on with the Airport Area Strategic Development Plan, we expect to see a lot of changes over time on the southern end of the Airport and certainly would want to preserve opportunities to predict expansion of the Norfolk/Southern Intermodal Rail Yard, shown in red, so all of that puts a real emphasis on that blue box, as both an area where the City has a lot of interest in design in terms of transportation facilities. It is also an important east/west connection for the River District into the rest of the City.

So, then how all of that sort of comes down to the scale of River District, let me first describe what this does in terms of raw numbers. From a trip generation standpoint, most of the land out here being zoned R-3 if you were to see that built over time as mostly single family you would expect to see around 46,000 trips per day under that level of entitlement. In terms of what is now proposed with this rezoning it is on the scale about 120,000 vehicle trips per day. You have heard me talk on other rezonings about the importance of having well organized activity centers as a part of our transportation strategy, so what I would say to you is that proposal effectively begins to define a new mixed use activity center. The reason that is important from a transportation perspective is, as we consider how and where growth will occur in the future, we need locations that can serve certain types of trip making within well-organized centers that mix different kinds of uses where those trips can be served over shorter distances. The devil, as always, is in the details, and that gets down to design and network. Just from the standpoint of what that means in terms of the existing infrastructure, what is shown there is the heavy black lines again for orientation is I-485 and where West Boulevard essentially T's into it from the west. I showed you these lines a minute ago, but again this is Dixie River Road, Garrison Road and West Boulevard. That is all that was really proposed at the Thoroughfare Plan scale, historically. For us to then evaluate how will this work if you were to up the stakes from the forty plus thousand to the 120,000 or so that I just mentioned, we use a tool that is used by CRTPO, the Metrolina Regional Travel Demand Model, it is the same tool we use for long-range forecasting, it is the basis for how we prioritize capital projects over long-term. It is the same one we use to determine how we compete for big projects like freeway widening and things like that. The rezoning is on a scale where we feel like it moves the needle, where you would begin to understand the impact on the scale of other Regional Travel Demand Model. What it is trying to do is predict those future daily traffic volumes so we can understand what the difference is between what we have with current entitlements, versus what is proposed and that model itself contains information about future population and employment, and that is obviously what is a big part of what is proposed to change with the entitlements.

The River District petition proposes enough housing and office that again it warrants the use of that tool, and one point I would want to make about it is, this is not the tool that you would want to use to design facilities. It is really meant to gage what is the impact of a development so you can provide that basic vision for infrastructure. So, now to take you back to this map and describe what the changes look like, the first thing I would say is there is a whole lot more thoroughfare network. If you remember the dash lines I just showed you; this is basically constitutes the revised thoroughfare network, so that is a system of mostly what would be major thoroughfares and then another major conclusion out of that regional work is the need for additional interchange access. You can't really get past the first phase of this development before you need a solution for the existing West Boulevard/I-485 interchange, so this plan accounts for that by proposing modifications to I-485 in terms of its interchange access. Some people have suggested this is kind of like the thinking around Prosperity Village; if that is a way to sort of think about how you can distribute traffic through an expanded footprint of an interchange. That is kind of the idea. The other thing about how this network is put together is that it was designed at its inception to protect for the implementation of a

future project that could cross the river. It does not actually propose the construction of the bridge across the river; it just protects and implements portions of that alignment.

Ed mentioned how this work is to be phased, so I want to sort of step you through what that would look like. That first phase, I won't read out all the numbers, but I will kind of calibrate it around office as a good benchmark, so the first phase of development would be for 1,000,000 square feet of office and what the other numbers of hotel/retail and residential describe. So, if you want to watch the line work on the map basically what that does is it requires the extension of West Boulevard. First of all, it requires numerous improvements to the existing West Boulevard, but it also calls for the extension of West Boulevard out to the existing Dixie River Road and then also extensions and improvements to those alignments, again, sort of the line work depicted on the map. Then as the second phase comes on line that is the next 3,000,000 square feet of office. This is a good time to pause and point out, you can't go to Phase II without the additional transportation network I'm about to describe. What you basically start to see is the implementation of this expanded interchange concept, the interchange ramp work around it and some arterial connectivity to leverage how that interchange can provide access, and on the southern end of this you would see where those extensions of West Boulevard and Garrison to create more local circulation and more opportunities to disburse that traffic. Importantly, this is also a state where we recognize that additional capacity will be needed east/west. It kind of runs off the map, but where I popped up that arrow on the right of that map is to suggest that more capacity will be needed on that West Boulevard alignment and that is a commitment that we expect on the final plan. Lastly Phase III, what it is doing is proposing these green lines; this is where you get the full build out, 8,000,000 square feet of office and the remainder of the uses so it would create the missing components of that future river crossing facility, again without the actual bridge but with the solutions in place for how it would cross over I-485 and then fill in those sort of missing components that connect in with the remainder of the thoroughfare network.

There are a lot of details we could get to below what I just described, but I would say the most important are these. One, each phase that I just described and I just walked through three of them, every one of them has the ability to be subdivided into smaller phases. What that will require of the petitioner is they do more traffic impact study work. The idea being that as you say progress past a certain phase rather than jump from 1,000,000 square feet of office to four million, there could be the option to go to two million square feet, and of those improvements we described, there could be a proposal for portions of that roadway network to be implemented on the front end of that phase and some of them deferred towards the back end of that phase. It requires staff review and approval for that to work. All street designs will be in accordance with the Urban Street Design Guidelines, so that is the part of this that gives us our complete streets approach. It will feature a variety of different types of roadway designs that are based on the context that they are serving. Ed mentioned the different districts, so you will see a different set of tools how they do it, how do we accommodate bicycles, how we accommodate pedestrians, the dimensions of all those things and how they come together.

The interchange design that I showed you is preliminary. Before it gets into the stage of implementation, it will require approval by the North Carolina DOT and the Federal Highway Administration. That is a process that takes at least a year, sometimes two years to get through that process. So, the petitioner and C-DOT have had conversations with NC-DOT to begin that undertaking and have some received some feedback that we are on good path. It will take more technical work to see some design details through and get to that ultimate approval. Maybe one other point to make about that is there is language in the zoning petition that allows for as the exact design of that interchange gets modified or detailed through that study process that we can make those changes accordingly. The adopted modifications to some of the thoroughfare alignments require approval by the CRPTO; that is in keeping with how we've always handled thoroughfare plan modifications.

Lastly, one of the things I didn't give to you graphically but it is really important to understand is that I just showed you the scale of the thoroughfares, the arterial network. As with all activity centers, what will make this work is a robust local network of local streets. There is a major creek through the middle of this site, Beaver Dam Creek, and there are commitments in the rezoning that insure that that will be bridged in the right locations and that around that you will see a local street network that is supportive of the intensity of the development, and I would say is beyond what you would normally be required of just the subdivision ordinance on its own. I'm sure that are lots of questions, but that is the end of my presentation.

Mr. McKinney said let me quickly wrap it up in terms of our recommendations. The plan proposed petition implements essentially what is the adopted land use policy, the Dixie/Berryhill Strategic Plan for this area so it is consistent with that plan. The rationale for our recommendation is really built on the notion that it is implementing that plan that has been put in place and has been really the foundation for a lot of infrastructure work in this area. The other notion, which is these other commitments I mentioned, is the scale of this master plan and the implementation of it allow us and affords us the opportunity to do the things that Mike talked about, which is really to think through the phasing and the infrastructure of this in a very thoughtful way to get commitments on workforce housing, schools, parks and open space, additional environmental commitments all of which are afforded through the scale and unique kind of opportunity of the master plan of this. It is not only for us that implements the plan but it gives us a unique opportunity that wouldn't be afforded to us otherwise. The last thing I want to mention is, you have only seen a picture or a very small snippet of the details of this; there still some more that we are working through so there are some outstanding issues. We do recommend approval, but there is a fair amount of detail that we are finalizing now in the phasing that Mike just talked about, in terms of the transportation. There are some additional commitments we are working on with CATS for example on the Transit Center commitment and the town center. There is some additional open space commitments we are looking for and some details about how we are going to do some of those things and a little bit of discussion about we are approaching the tree save from an environmental standpoint. Those are the high level things and a number of smaller technical details but again we recommend approval, and we are working through those issues today.

Jeff Brown, 100 North Tryon Street said I am very pleased to be here assisting Crescent Communities and Lincoln Harris on this rezoning. Tracy Dodson, of Lincoln Harris; and Bryan Leary and Crayton Call, of Crescent are here and the whole team, and I have to say this is a big assignment, and I know you all are looking at big binders, and there is a lot here. We do that a lot as an opportunity, because we think to be able to do this master plan, to be able to provide for transportation improvements along the way, to deal with the parks, to deal with schools, to deal with workforce housing in a comprehensive fashion, we think is a tremendous benefit for this area that the City has been looking at investing in and seeking for opportunity. We've really been at this a while, and we've done it with a lot of stakeholders, and I will list a few; in addition to the Planning and C-DOT, NC-DOT, Land Use and Environmental Services, Rob Phocas and the Sustainability Group, Neighborhood Development, Park and Rec, CMS, Fire and Police, Airport and Transit, Town of Belmont, others in Gaston County, Berewick Neighborhood, the old Berryhill Neighborhood, Steele Creek. A lot has gone into this, and we appreciate your patience and absorbing, and I realize in a public hearing environment we really appreciate and applaud the staff for their presentation, both C-DOT and Mr. McKinney. They provide a tremendous detail. We are hamstrung by 10 minutes, and what we want to do a little bit more is to give you the flavor of some of the people that we've been touching and that have been a part of this. We are pleased they are here supporting this opportunity.

It is a unique master plan opportunity; two of the leading southeast leading developers coming together. It requires a lot of the ability for them to master plan it, so they can count on it. They can bank on it. Overtime transportation and otherwise, but they can devote the time and energy necessary to be able to deal with a project of this nature. The goal of the River District is to create a mixed-use, inclusive community that embraces nature, preservation areas and open spaces in its neighborhoods, towns and in the employment districts. It will not only provide for opportunity for the acreage we've talked about but also the area. Mr. McKinney mentioned that Planning has been going on for years, the Dixie/Berryhill Plan, Airport Plan, Transportation Plan and you CIP and all those things. So, as opposed to the River District necessarily being the beginning of this, in many respects it is a fulfilment of the work and the vision that the Council has been laying out, an opportunity to create this master plan community that also provides for civic uses, schools, parks, workforce housing, and its preferred to a parcel by parcel approach. It will allow the accelerated annexation of this end; this is an opportunity economic development, not just to provide for the needs of this area, but to provide for the needs across the community and we hope as you see in the packet that you will see some of that material as well. We understand it is critical for this community to provide not only for what is here, provide for jobs, the Airport and otherwise but also for the entire community.

I'm not going to go into the presentation in detail; I'm going to really focus a good bit with Dale Stewart, in connection with the environmental features, because that is a key bedrock of the plan. I will highlight a few of the community benefits that we've listed. As I mentioned, it is a comprehensive plan. We talk about 40% will be preserved; yes it is 1,400 acres, a little bit less but

550 of that is not going to be developed. We are talking about water quality plans and the inclusive housing to address workforce and affordable housing. Mr. McKinney went over some of those numbers earlier, and we are happy to talk further in dialogue about how we plan to implement that. One of the players that have been talked to a lot about workforce and affordable will be talking in a few minutes. We've talked to the Police, and I'm not sure of anybody we haven't talked to. We've been talking to a lot of folks. Let me turn it over to Dale Stewart who is going to focus on the environmental nature and we will also have some other speakers.

Dale Stewart, 223 North Graham Street said I have one minute for two years' worth of plan for the environmental plan that we've done on this project. I will read this quickly, but I want you to know this is from our heart as a team. The environmental vision for the River District was not conceived in a vacuum rather it was a bold idea to view the natural characteristics of the land as an opportunity, rather than a problem or a constraint. First, acknowledging the context of this areas sensitivity from its proximity to the Catawba River, its coves and its tributaries and the need to protect them, especially Brown's Cove, Beaver Dam Creek Water Shed, and Little Paw Creek Cove. Second, we wanted to listen to the land; what does that mean? It means that we spend a lot of time doing natural resource inventory. We went on the site; we studied the site, the identification of steep slopes, the classification of forest and habitat, wetlands determination and assessment of endangered species, archeological and cultural resources. Third and most importantly, it was about engaging key stakeholders like Sam Perkins, our River Keeper, Kim LeNeave, one of the key land owners and home owners in Brown's Cove that we worked with many years ago when we were doing the Charlotte Premium Outlets Project and more importantly with City and County Water protection staff like Rusty Rozzelle, our County Water Quality Management Program Manager; Jay Wilson, who manages our erosion control in work sessions in which we were looking at ideas and the kind of commitments that were going to be most important in terms of our environmental protection. Such environmental protection commitments alluded to previously by Mr. McKinney such as enhanced erosion control measures, funding of surveys, water quality testing and monitoring, increased buffers. All of these commitments that are in our rezoning exceed the current ordinance requirements under which by right development could occur on this site today. What does that mean for us? It means that we created a land use pattern which respects the natural environment and recognizes the opportunity to integrate natural features and open space amenities as the primary organizing element of this community.

Mr. Brown said I will turn it over to our remaining speakers. Mike Davis did such a great job on the transportation. The quick punctuation mark is, this is an opportunity to provide for transportation planning, as the development occurs as opposed to often our catching up and trying to add the transportation catch up to the development. It is also an opportunity to provide for the annexation opportunity and economic development. I will end with this slide; I comment it to you. It is an opportunity to create incredible tax base that will always support the needs here but beyond the community.

Dionne Nelson, 511 East Boulevard said I just wanted to come down and share that we have been in conversation with the petitioner for several months now, to understand the affordability commitment that they are including as a part of this rezoning. We've worked intensely to make sure that what they are proposing is achievable. We believe that it is. We've focused particularly on Phase I and have agreed to partner with them to deliver the Phase I units and continually work with them in the future phases to achieve the affordability commitment, and we have agreed to begin working on the Phase I planning as early as the beginning of 2017, so that we can deliver constructed units in the early phases of residential delivery rather than on the tail end.

Sam Perkins, 715 North Church Street said I can tell you that I'm dealing with about five different developments in our five thousand square mile basin right now, and this is one that I can truly say have set a bar, a bar that I hope becomes the standard with the outreach that has been performed. I think a lot of that was built off the success that was seen with the Tanager Outlet, with a lot of the same people and a lot of the same provisions and that gives me confidence. Our concerns are very focused on water quality, Lake Wylie has had a lot of projects that have not been done right and water quality is a result and a lot of those coves have issues. The proof will be in the pudding, and I do want to encourage strong enforcement for many developments from the City, but I don't think this is one where resources are going to be needed. I do appreciate the outreach from Land Design, Crescent, Lincoln Harris, with the citizens, ourselves, and Rusty Roselle. I do have confidence in this project; if you have any specific questions please let me know.

Kim LeNeave said I have lived on Brown's Cove for over 25-years, and I have been up before you, and I've spent a lot of time with Dale Stewart, and my preference would be probably to not have development, but with the River District, what they have provided is a holistic approach I feel much more comfortable with. I've spent hours with Dale Stewart and the protection, and I think that we've seen with the Tanager Project that Land Design kept their word, the developer kept their word and we saw a huge improvement with what they did do. I would rather them be developing than someone else.

Sue Friday, 8700 Dixie Drive said I've lived in the woods of Dixie/Berryhill for 37 years now, not always quietly. I share boundaries with the Crescent property, but my property is not part of it, my 30-acres. This is a little bit awkward; I'm not against, it but when I talk to the Clerk, I have three points I wanted you to hear and there was no way you were going to hear it with the other group. I will make them very quickly and be through. Years ago, I worked on this plan, and we looked forward to see something better than airport development in our area, and I feel like this is something that addresses that. I want to make three points; one being is the handout I gave you. The thoroughfare plan north of Sadler Road, which is the bottom black line that I hand colored in, was not on the original plan. I have now seen updated maps, and it is dashed in so I appreciate that, but at the same time this thoroughfare plan has been surveyed. It's been flagged, and it's been approved, and it goes to a corner of my property whether I wanted to or not. So, it is there and now that I'm older I'm seeing some advantages of it being there. The blue dash line is just because I didn't redo the map and that was one of the original versions, but I save paper. What I would like for you to do is to make sure that the thoroughfare plan is implemented thoroughly, that it becomes an integral part of the whole area, because Berryhill/Dixie is a lot larger than just this, and there are huge areas that are not a part of it. For example, there are three parcels between Sadler Road and Mount Olive Church Road that total 105 acres; mine is 30. The only development on there is my house and my barn, so there is a lot of land out there, and whatever you do and whatever decisions you make have to be a part of - I'm asking you to protect the interest of the entire area, not just this.

Second, we have been pretty well defined by the airport through the years, even though now we don't have overflights, and I would like for the emphasis to be more on Lake Wylie or the river as it is called here, which will help to change the image here. Park land, we are as close to downtown as SouthPark; park land with boat ramps, canoe access, kayak access, bike paths, all of this is so critical and so much of it is part of this plan, but again it has to be monitored. We would ask that you see that it happens, but finally and the third point is I have worked with Mike Davis at C-DOT and Alberto Gonzales with the Planning Department; both have spent a tremendous amount of time with me explaining this and have listened, and I appreciate that, and I wanted you to know it. The third person I worked with was Crayton Call from Crescent, and he came out on the most miserably hot day of the summer and walked the property line with me, and we discussed issues that I had, and I feel confident that he has resolved. Thank you very much, I appreciate it.

Roger Diedrich, 10128 Vanguard Parkway, Huntersville said I'm speaking for the Central Piedmont Group of the Sierra Club. As noted in my message on Friday, the Sierra Club is opposed to the rezoning of the River District. I request that my Friday message be entered into the hearing record and rather repeating those remarks I will expand on some of the critical points. In general, we are opposed on the basis of the environmental harm of the project and the weakness of the public participation in the planning.

Charlotte's Long Range Plan has identified growth corridors that generally surround routes where transit exists or is planned. I just saw a report this morning, the Institute for Transportation & Development Policy is ranking cities on percent of people near transit, or PNT. The rating acknowledges that there is value in establishing accessibility in our communities, if not with mixed use density, then with quality transit. Your corridors are consistent with the that concept, but to allow a new activity center that is no where near the growth corridor is not. The Rezoning Transportation Report for the River District mentions this in passing, as if all that is needed to create an activity center is for the developer to ask for it. That is not good planning.

Yes, the primary problem of the proposal is the location, and my remarks elaborate on how that will impose auto trips, emissions and costs on the region, but there are other considerations. To allow the creation of a new large activity center outside of the planned growth area is promoting sprawl at a time when people, especially young professionals are seeking lifestyles in close-in urban locations. I'm sure the applicants will object, that claiming their mix of uses and a fair treatment of green space that would disqualify the River District as sprawl. I submit that what they would build is an "Edge

City” as described in Joel Garreau’s book by that name. An Edge City is urban growth in the fringe of development that purports to contain the critical elements of a city, but it cannot compete, especially if it is poorly connected to the core. The primary example of such development given by Garreau was Tyson’s Corner in Virginia outside the beltway, and I lived within two miles of Tyson Corners for many years before moving to the Charlotte area. It was a nightmare of congestion largely because of its near total dependence on automobile and its job/residence imbalance. Garreau identified criteria for the Edge City and they match almost exactly what you have in the River District. This is a 1980’s concept that you are now attempting to start all over again. Do you want to invite a mini-city that is not connected to the Uptown culture that you have worked so hard to create? An Edge City is an artificial construct, crafted by parties expert in physical construction. It will have no history and no soul.

This proposal comes to you during a period of growth, but the region has an abundance of better locations for growth. Airport planners have identified several closer and superior infill locations. Anywhere along transit routes approximate to disadvantaged neighborhoods should be prioritized for investment. If the River District is built, you can be sure there will be clamor for infrastructure of all kinds for its tenants and residents.

Fairfax County contains Tyson’s finally corrected it with a metrorail extension with four stations and added many more residents and urban features about two years ago at many billions of dollars of costs. The first step they took was to ask the citizens and business leaders for their vision for the location. They created an advisory task force of citizens, planners and developers, held workshops, charrettes, conducted surveys and took testimony at every opportunity over a five-year period before finally approving a massive detailed plan.

The citizens of Charlotte deserve at least as much voice in how we grow, and we plead with you to open up the planning and hear what business and citizens would prefer, after being shown what this development would mean as well as other options for the future of Charlotte. I repeat my recommendations that I sent to you; I guess I don’t need to read them all, but I would urge you to at least scale it back or in some way delay it, and secondly for sure, let’s have more public dialogue on how we grow our region.

Mr. Brown said we appreciate Mr. Diedrich’s service to the community with the Sierra Club and others, and we just respectfully disagree on his two points. One, about environmental harm. In fact, a key underpinning of this is evidenced by the people at the podium tonight and the many, many months, frankly longer than that, work to adhere to the environmental standards I think has been demonstrated and we really encourage you to look at that in a very serious way. The activity and the planning, frankly we are consistent with the Dixie/Berryhill Plan. A portion of the town center that is not consistent is in fact a very type of integrated uses with transit planning and use of the creeks and multi-modal that the community is seeking to be a part of. We just don’t believe it is disconnected; we’ve got an Airport, and there is an opportunity to provide a wonderful opportunity to support a variety of different uses with the planning to take place over time. As to the process, we’ve had numerous outreach to communities; I’ve mentioned neighborhoods, large meetings held where 175 to 200 people would come to meetings. So, we’ve been at this for a while and we have, we feel like, done a very good job of reaching out to the community as represented by the neighborhoods that we’ve talked to. If they didn’t feel included, I think a lot of them would be here tonight. We appreciate the comments, but we feel like we’ve done a good job, and we really encourage Council to allow us to move forward and to implement this exciting vision.

Councilmember Drigg said this is obviously a huge undertaking, and I think the fact that we are able to do it in a coordinated fashion, rather than piecemeal holds great potential. I’m a little curious about how from a funding standpoint it will all unfold. I assume the City, for example, is going to need to invest in infrastructure. We will also have the prospect of future tax receipts. Have we actually done any modeling to kind of estimate the impact, the capital needs, the operating expense impact, what police and fire services are needed there and line that up against the tax receipts? I ask that specifically, because I assume these events will progress along time lines; it is a 30-year project, so we need to know what happens when and how we line up the projected receipts with the outlays.

Mr. McKinney said the short answer to that is the level of detail you are talking about has not occurred, but as you can probably see in the Department comments you have in your analysis has been extensive work that we’ve done with all the Departments affected: CATS, Police, Fire; we’ve already mentioned schools and open space. All of those are on kind of different timeframes as you

described. For example, things like Police and Fire, they've already anticipated, as you can see in your analysis, the kinds of needs they would need at buildout, but we can't determine exactly what that buildout year is today. The notion is as the phasing works and as voluntary annexation occurs on this, we will have the opportunity to then understand more specifically the impacts and the needs that the Police and Fire, Charlotte Water, for example, would need over time and then allow that to be part of their own capital planning process to insure that as tax receipts come in through that phasing, we have the accountability to plan for the kind of public infrastructure we need, particularly related to those kinds of services. On the transportation cycle, I would like to talk a little bit more about that, but one of the key parts of this is that it is all contingent on that infrastructure being in place regardless, of who funds it that being in place before the phasing can occur. I think we've talked about capital investment and community investment opportunities to fund parts of this to partner with the developer, but certainly the key part of the entitlement piece of this is to insure that we don't move to any phase until we insure that we've got that infrastructure in place regardless of the funding source.

Mr. Davis said I don't have a whole lot more to add to that, other than I would just point out that Phase I that is proposed really is in keeping with the Plan CIP expenditures that are here, and so a way to think about that is the City will continue to make choices about how we invest through the CIP. I think one of those considerations will be whether or not those are investments that can further unlock more growth because without those there is one or two things that will happen. Either those entitlements won't get activated or private sector funding could come to the table to implement portions of that network to continue that growth. It will be a community choice on how we invest going forward.

Mr. Driggs said my point too is we are depending the private developers and they are depending on us, right? We all need to move together along a timeline, and the question is are there any contractual commitments by either of the parties to uphold their end of the bargain?

Mr. McKinney said the key part of this really hinges on the transportation infrastructure and what we've worked for and Mike has described is to insure that the phasing of this entitlement is tied, hard wired to having that infrastructure in place. That is the key part of how we are regulating the development over time and the phasing of it. Again, that phasing is silent to who funds it and allows us and the petitioner to define what we believe is the right kind of partnership, sometimes private and some it potentially, based on Council's decision, could be a partnership in terms of public funding.

Ron Kimble, Interim City Manager said a key ingredient also was back in 2012 during the formation of your Community Investment Plan, we targeted this area with \$43 million worth overtime over your four bond cycles, the \$43 million for adding road infrastructure with the goal of using that to leverage private investment in a way that is integrated, in a way that is master planned, in a way that comes forward in a better way than having these come piecemeal to you. So, the first part of that really is the \$16.25 million that we talked about last Monday at your Council Meeting, which helps to jumpstart the road network and the thoroughfare planning that would go forth in this area. There are, in future bond cycles, additional monies that would be allocated as part of that \$43 million to help with the road infrastructure and the thoroughfare planning in this area. The private sector would also come to the table by building some of the roads in the network as well so it really does become a true public/private partnership and some of it being provided through bonds and road construction that way, but can also be done in partnership with the private sector.

Mr. Driggs said I recognize that there is \$266 million in estimated City tax receipts, so I just like, maybe offline, to take a closer look at what commitments we might be making and when they occur.

Councilmember Lyles said as you are looking at this, how do we address? I think the first one, I heard you say affordable housing of the 10% in Phase I, and for how many years would that housing remain affordable for workforce housing, which I believe is at 80%, right?

Mr. McKinney said correct, it is 80% or less of AMI, and the commitment that is in the petition now is to hold that for a 30-year period.

Ms. Lyles said the second point that I wanted to make, we've gotten letters about parks and school land preservation but police and fire services, a number of how do we operate City services efficient, effectively? What does it require for us to serve I can't remember the 460,000 residential units and the commercial space? I would like to see a little bit more detail around what that means and how that

looks. I think it goes both with the capacity to do and the ability to finance or it may coincide with Mr. Driggs' question about modeling our tax revenues and what happens. I'm really intrigued by the comment from the Sierra Club on the edge city and what cities are building. I'm not familiar with that work, but what I saw us calculate were the number of trips, and I'm just really thinking, how are we going to do this with transit? If every one of those trips is in a car, we've failed I think our investment in our mass transit system. That connectivity for work and where everyone lives, it is not the number of jobs inside the district. So, when we do this I hear us talking about the thoroughfares and the exits and entrances off of I-485, I have not heard anything more than a transit center in some phase. I really think we need just as much thinking around mass transit, as we do with thoroughfares today and that map of what we expect, because I look at this as, can this be a community that everyone is proud of in the next 10 to 15 years? I don't think we that we want to have cars as our overall intent.

The final things that I would need, as we go forward, is I'm not quite sure how we align our planning, our decision making, as well as the implementation by the developer, so I don't have a timeline. I know we say Phase I, and I've heard 2017; what decisions do we make to get there? When do we make those decisions? What commitments to them have? It is really a decision that I'm not even sure; ordinarily, we would have something like this and it would come back on our next agenda in November, but I don't think that I will be prepared to do that. If you think I can get prepared, I would like to see that happen, but if that is the requirement for every decision around the 1,400 acres or so, we are going to really spend some more time looking at what this means. In the follow-up, let's talk about the timeframe, the process for decision making, what is really required for us to raise our hands, and how it works with what we are committing to do to make this a success.

I also want to say Sue Friday is one of the people that made our airport a better place, and I want to thank you for coming down tonight. She stood up for people in this community when the airport was growing, without a lot of consideration, and I don't think that many people think about you that way, but you are one of those women that made history, because you stood up and you spoke up so thank you very much Sue.

Councilmember Fallon said you said that infrastructure has to be in place in order to start this. I have waited for police and fire sites in the south and in the north for years. Are they going to take precedent over what we can't afford now?

Mr. McKinney said the issue and it was mentioned earlier in the question about Police and Fire, so I want to say a couple things about that. In your analysis there is both the Police and Fire Department have looked at specifically the development program and the build out of this and estimated the kind of facilities that they would need and the kind of staff that they would need to service this area, at build out. The question now is when do we implement that, when do we plan for the funding. There is not a definitive answer for that now, simply because those needs don't exist today, so we've got to work with over time, work with the phasing of this to plan for the capital investment that would have to be made for those facilities. We have a clear picture of what those needs are now.

Ms. Fallon said you are not answering me Ed.

Mr. McKinney said simply stated, there is not a specific commitment for this petitioner to provide those facilities, simply because that need really exist into the future and is really required to be done through the capital investment planning of both the Police and Fire Departments. The financial part of this is back to the notion that as we annex pieces and phase of this, it goes back to Mr. Driggs' question; there is a financial return on the tax of this that is the bottom line for how we fund that.

Ms. Fallon said that is after it is built, not before it is built.

Mr. McKinney said it is a little bit of a chicken and egg, and certainly it is an open question, but the notion is that we have a sense of what that need is now over time and the notion is we would get that through the tax returns as annexation occurs and the funding is available to plan for those facilities as they are needed.

Ms. Fallon said Mike I have a question for you. You said there a whole bunch of attendant little roads that would have to be built; who is going to pay for them?

Mr. Davis said those typically and what I expect would happen here would be private sector investment. Traditionally, the City and the State have funded things at the thoroughfare level, and traditionally developers pay for local street connectivity.

Ms. Fallon said how long with that take?

Mr. Davis said that will happen exactly in tandem with the development that is localized, so whereas I described to you the thoroughfare network that comes on in varied prescribed pieces, this subdivision process and the creation of the local street network happens as individual parcels come online and get created.

Councilmember Autry said question for the petitioner, the thought of all that is going to have to happen with this property for this development just tears at my core, but I understand what the necessity is. I'd be real interested to hear about the environmental considerations, and maybe Mr. Perkins is the better person to respond to that, but what kind of best management practices? where are those plans coming from? How are you working in tandem with Mr. Perkins and the River Keeper to make sure that we minimize the environmental impact to the Catawba River?

Mr. Brown said I will let Dale Stewart go into more detail, but I will emphasize that as it relates to the environmental aspects that the amount of environmental planning for the Beaver Dam Creek and the other tributaries that have gone into this for many, many months has been pretty darn significant, and as we practice over time we got commitments to deal with efforts well beyond standard Post Construction Control Ordinance procedures, which is I think the reason Mr. Perkins feels so comfortable, but let me let Dale go into more specifics.

Mr. Stewart said part of the evolution of our environmental strategy has not just been where are we going to have greenways, where we are going to have open space, but what is going to be the teeth in this petition that ties the development, whether it is Crescent and Lincoln Harris or some future developer; what is going to tie them to making sure that we are protecting, not only Beaver Dam Creek, but the river and the other tributaries? Part of that is fundamentally, first of all recognizing that even though we have buffers today, watershed supplied buffers, we have PCCO buffers, we have SWIM buffers, some of these are overlapping. One of the things we wanted to do was look at those critical areas where we maybe we needed to expand those buffers. The other thing is, what we know is that the most peril that occurs is during construction so one of the things that we have learned over time is that there are ways to improve that performance, and there are also ways that we can monitor that performance. I think one of the experiences we had in this very basin, the Brown's Cove basin, is that we implemented what we called enhanced erosion control measures, and we also implemented what we call real time monitoring. What we did is we implemented more aggressive designs in those erosion control measures, the sequencing of the erosion control, the implementation of elements that could help, for example, improve the settling in the settlement basins with polyacrylamide, if that is a term you've heard. The other thing is we have agreed to fund those monitoring devices, exactly what was installed with Charlotte Premium Outlets, so that during that construction period, real time monitoring of what is going on in that stream is being fed back to LOUISA, our water quality management program, and this is one of those things that we've worked with Rusty and his folks on saying what are those elements that are most important and with Sam, the buffers, the monitoring, the enhanced erosion control. All of those things come together in our opinion to put the teeth in this so that long-term, not just the first phase, not just the second phase but long-term and part of that is also discovering what the existing conditions are. Part of this is creating a base level by going out and looking at the coves, doing methobetric surveys, testing the water, looking at the macroinvergent. All of that is a commitment in this rezoning petition.

Mr. Brown said Mr. Autry as we mentioned it is a lot to cover, but in the introductory slides, there is just under 700 acres or more that will actually be developed of the larger amount because of the areas in the buffers and the protections. Also as you saw on the slides in terms of how it will be developed, the residential properties that are closer to the river area will be more in the least of the developed areas, so we are also working the land in addition to the types of constraints that Dale has talked about. We are delighted to go into all of the many documents that deal with all of these engineering aspects, and we appreciate the opportunity to do that. It is important; it is in a sensitive area.

Mr. Autry said about workforce housing, I'll shift gears. We just got the staff analysis this morning, so I certainly appreciate that the 80% of AMI, 85 units in Phase I, great look forward to that. The petitioner will use diligent good faith efforts to provide affordable workforce housing in connection

with Phase II and future phases. It is contemplated that 8% of housing for Phase II and future phases will be income restricted for households earning 80% or less of the area median income for a period of not less than 30-years. Can you tell me what is meant by diligent good faith efforts; whenever we understand that the commitment for 30-years of that housing, how do we end up 20-years from now when this is all built out, how do we end up with 8% of that?

Mr. Brown said I first would say is that as a race to future phases there are a number of years where we will have an opportunity to dig in on those details further. In terms of the good faith efforts we are talking about, that gives us an opportunity to also create more places that give us the change to have a better opportunity for the tax credit housing and the other types of support vehicles that we have. The commitment means that we will be obligated to look at land here and also the opportunity to plan through designing, so we are not going to have a "not in my backyard problem," because we actually will control the land as we move forward. In addition as it relates to that, what it is really saying is we have an obligation to work with individuals like Dionne Nelson, like the Housing Partnership and others to insure that we get those tax credits to insure that we get to that percentage. I will also mention that 8% is actually over a larger [inaudible], because we are dealing with the rental units that would be the income restricted, so that number could likely go much higher. That is 8% of all of the housing in that phase, not just 8% of the rental, so it is a floor number. So, the challenge is as we look out over the period of time we've got to work with the other housing providers to insure that we can know where it is going to be and when it going to be delivered. We are happy to have further conversations with you on that.

Mr. Autry said one last point; I see that you are anticipating 45,000 of the 120,000 trips are captured internally. I believe we've discussed sometime in the past about how people will move around within the development. Is it always going to require someone to get into a motorized vehicle like a car and making that trip or what other means would you have?

Mr. Brown said it is challenging, and there is a lot to cover; I would look with you because when you look at the material, particularly at their environmental picture, you will see the use of the creeks. The commitments we have are to insure extreme multimodal. Not only do we have an overland trail that will be part of the picture, we also are talking about trails within the expanded Dixie River and West Boulevard, talking about trails within the greenway sections. So, we are looking at multimodal paths, biking to insure that people are getting to and from within the district. We feel like the current measurements that are really more auto focused aren't going to reflect the ability to master plan and create those trails as we go along, rather than playing catch-up on. The other thing I mentioned, those numbers are big numbers; those are over a long period of time. That is a 20 to 25-year build where we are keeping the transportation keeping pace, so we are actually planning for that now, and we have the governors on our development, meaning we cannot move forward to the next phases unless we've been able to prove transportation adequacy. The amount of the development notes dealing with those types of transportation adequacy levels are more than I've seen in any type of petition by multiple.

Councilmember Eiselt said with regards to the planning process, does it make sense at this point in the process, we know that we are going to have to plan for Fire, Police, for libraries, for schools, so is it all part of the process where the City, the County and the schools would look at even options on land so that we could secure pricing of parcels of land at a favorable price right now, knowing that as you build out you service the areas you build out at least you've got a piece of land at a reduced price to what it will be once this starts to build out?

Mr. McKinney said the petitioner can amplify some of this, but with those kinds of civic infrastructure that we need they are on different timeframes, for example, what you see in this commitment is some very specific things. The schools and parks for example are some very specific acreages and some very specific terms that say within a particular period of time those sites will be reserved and the petitioner will be working very diligently with CMS immediately to begin to identify those sites to do just what you said, which is let's get them identified, secure them and get them purchased by CMS at a time in advance of the kind of development that will occur out there. Issues like that we can be very specific about. Transportation is another example but then there are others, because it goes back to the Police and Fire kind of issues that are really are required to think through as we annex and think through the facilities that we need for the development as it occurs, not unlike what we do today under voluntary annexation. We evaluate, as we get annexation petitions, the needs that we would have given the development that would occur. Essentially, we would do the same thing over time and as those phases become part of the phased annexation over time.

Mr. Brown said I may be able to amplify just a little bit; we actually have prepared and had circulated both to the City staff, the County staff to Parks and Rec to Charlotte Mecklenburg Schools a draft memorandum of understanding that really amplifies upon the zoning commitments, the types of things you are talking about, but in the zoning commitments themselves, for example on schools, we have reserved and have committed to reserve two 15 to 25-acre areas for two potential school sites. Those are land that we have actually reserved in the rezoning. We don't know exactly where it will be, but both of these will be in the residential district or the town center type district. We've actually stated in this draft memorandum that has been circulated to CMS as an example, that that land would be reserved for a period of time to give them plenty of time for their planning, and it would also be reserved at a discount so that the land purchase would be only at 80% of fair market value at that time. There would not only be the ability for CMS to plan, which they really have and to know that land is there but also the ability to provide for that land at a discount, in addition to potentially co-locating facilities with Parks and Rec. There has been a lot of that type detail, and we will be happy to amplify and talk further about.

Ms. Eiselt said does the discount only apply to schools or can we look at that for libraries?

Mr. Brown said we have committed with the Park to be able to provide for two park areas, one within the residential district and one within the employment transitional and the gateway district. Those two particular areas would be in the neighborhood of about 10-acres for the park land, two particular sites that have also been reserved land for 80% of the fair market value of the price. We have had discussions with the County, also starting discussions about how the tax base may be leveraged in order to be able to pay for those land [inaudible] We are already starting out with reserving the land at a discount, and insuring that is available which a lot of times that is not happening. That is one of the benefits of the master plan. The same thing goes for Police and Fire; we don't know the spot yet for Fire and Police, but we have discussed the Fire and Police with Chief [inaudible] and others to say we are ready to talk to you about that when the time comes. Frankly, it is hard for them given the greenfield nature of this to be able to even begin to say what their needs would be, but a full commitment is in that memorandum of understanding draft to engage with the Fire and Police on an ongoing basis.

Councilmember Smith said as I looked through your product mix as a real estate broker and looking at the retirement only 200 units. I think that needs to go up. That is a critical need that has come within the community, and I think you guys have an opportunity to fill that void right here. We are reaching such a rapid pace on that. The traffic counts, you are looking at 120,000 and we had 27,000 trips with the Colony site, and it is about a quarter of those trips, just for context. You all know I'm not a big fan of incentives and tend not to vote for incentives, but often view processes like this that we can have economic development, and I look at the potential here in comparison to Ballantyne and SouthPark to give the west side a huge economic lift, and do it in an intensity that is close to equaling overall development, but on about four or five times the acreage, which I think is pretty impressive. If we look at the success Ballantyne had over the years MetLife, SPX, and Premiere Health Care. Lending Tree was homegrown; they started out there is a few offices and ended up taking I think two buildings. I just think we have an opportunity here, if done right, that this could be a huge economic boom for the entire City but really over on the west side, and there are some hesitations. I want to make sure we get the balance of the road and infrastructure and the infrastructure such as Police and Fire that are going to be needed, but this stands to be a project that can really take off and be a really good thing and allow us to bring more big business here and jobs throughout the community.

Councilmember Phipps said a lot has been said, and I hope not to delve back into it, but as far as the environmental impact analysis goes, is there a requirement that the economic impact analysis be reviewed by a third party? I noticed you all performed one, and already we've got some disagreement in terms of the environmental impact. Is there any kind of requirement to have inasmuch as the scale and scope of development for this type project is huge, is that something that is going to be reviewed by an outside party or is this sufficient that it would be something that is done internal?

Mr. Stewart said it has a lot to do with and in many cases where the funding comes from. As we all know, if there is public money involved in infrastructure, there is always going to be an environmental document that is part of that process. So, if we are building major thoroughfares or building major roads, if there is state dollars, if there is local dollars there is always going to be an assessment of the environmental impacts. As we build roads in this community, if we are having an

environmental impact such as stream crossings or wetlands crossings, there is going to be permitting required for that. In some instances, it is federal permitting with a core of engineers, in other instances it is state permitting, so there is always going to be that over reaching arching permitting process with all kinds of infrastructure. I hope that answers your questions, but there is always that in the background.

Mr. Phipps said but there is no requirement to have the environmental impact analysis reviewed by a third party; there is no blanket requirement that that be done?

Mr. Stewart said I'm not aware of that.

Mr. Brown said the only thing I would amplify on is that the very expansive and stringent and already tested in many instances, the Tanager Project environmental conditions we are putting on the zoning will clearly be reviewed during the process by LOUISA, and we were unable to have Rusty Rozzelle here tonight, but he has provided his core for this project and his group and others will be reviewing those very detailed parts of the picture as we move forward that go well beyond Post Construction Control Ordinance provisions.

Mr. Phipps said did I understand you to say that 500 of the 1,400 acres will not be developed, so that is like 30% of the site will not be developed.

Mr. Stewart said actually, what we are saying in the petition is that 40% of the site will remain as open space, so it is 40% of the 1,377, which I think is actually greater than 500 acres.

Mr. Phipps said someone mentioned accelerated annexation, what does that mean? If we were to approve these 1,400 acres, would the entire 1,400 acres be accelerated for annexation?

Mr. Brown said I may be the guilty party on the terms, but what I intended by that is that currently, this property is owned by a lot of different parcel owners. Crescent Communities owns a good portion and Lincoln Harris through joint ventures and otherwise, so we are going to be able to provide for annexation over time in a much more efficient manner than if you did not have the master plan where you would have piecemeal types of annexation. That by its very nature allows us to move forward more briskly on an accelerated pace, than if you just were simply providing for improvements to Dixie River Road and Garrison. Without the ability to do this master plan I think you would be in a slower voluntary annexation mode by a significant measure.

Mr. Kimble said I think by the way state laws changed about four years ago on annexation laws, the best way to get lands to come in the future is through petitions for voluntary annexation, and I think it will be accelerated under this form rather than waiting until it might meet some standards that are very stringent with the law change that occurred about four years ago. I think this is going to be more the norm, as we grow our boundaries in the future; it will have to be done in concert with the petitions for voluntary annexation. They would bring it in as the road network was expanded and would allow that to take shape and take pace with the amount of development and in response for those road networks being provided and the road monies, they would then petition for voluntary annexation of all the development that occurs in the 1,377 acres in a phased basis, but getting it through petition for voluntary annexation would be the strongest way to have the tax base expand for the City.

Mr. Phipps said my final comment is related to Mr. Driggs concern; it looks like a lot of the infrastructure improvements are going to be front loaded inasmuch as this is a master plan community; I guess you all have been working on it for a couple of years. I'm wondering, how much would it take even for the City to come up with at least a blue print to start? What does our master plan look like; I know you mentioned several bond cycles that monies will be in. We are looking at revenues coming in from development, but I would be interested to see, how are we integrating their plan with ours and what does it mean in terms of build out and how we are going to get there? I would like to see something like that to get me more comfortable with this whole sale one time petition.

Mr. Kimble said the simple answer would be that the \$16.25 million that you have on your November 8, 2016 bond vote is a great jump start for Phase I for Crescent and Lincoln Harris.

Mr. Phipps said I would like to see that more or less formalized and crystalized in some sort of narrative format to give us some perspective.

Councilmember Mayfield said starting with the statements, when we developed the Charlotte Premium Outlets the conversation started beginning in 2012; that was the largest development out in the Steele Creek area but when you look at the PCO for the environmental piece what was created then was something that we hadn't done in the City before. You have water actually running cleaner, which is probably why we have not heard anything from the residents in the coves in the five plus years that the Outlets have been built, so that part I feel very comfortable with regarding the developers and what we are going to do environmental wise. Mr. Davis, I have a question as was mentioned earlier regarding the Dixie/Berryhill thoroughfare alignment. How close to that alignment are we staying with this project or have we veered from the alignment?

Mr. Davis said mostly what this rezoning petition does is plan additional thoroughfare segments put on top of the existing thoroughfare network. The West Boulevard alignment shifts a little bit as it tries to set up a good grid of network streets; it tries to align itself with the topography so that is an alignment change east/west. The Dixie River and Garrison alignments are substantially the same as they were on the existing thoroughfare plan, so those three alignments that are highlighted there are mainly unchanged. Superimposed on that are additional thoroughfare segments that have never been on the plan before.

Ms. Mayfield said what I would ask is that we are presented with the top layer, because as a community if the community worked to come up with a thoroughfare alignment and now what we are saying is we are superimposing but we are not adjusting the original thoroughfare, if there are changes, if there is realignment then we need to make sure that we are getting out in front of the community, because they spent months having these conversations to agree with and come up with a plan that we are now superseding. It would be helpful to have the overlay of exactly what we are talking about now versus what was approved by the community to make sure that they are aware of any changes. I also have a follow-up question regarding; the concern that I have is us moving forward with all the phases opposed to each phase, one, two, and three having a separate conversation, because we have already seen a financial decline. We've also seen communities, unfortunately due to 2008 to 2011, that were undeveloped, partially developed. What triggers are going to kick in as this development moves, because this is a 20 plus year development. I'm not going to be around here by the time; I'm not going to speak for my colleagues. They might have found a fountain that I don't know about. I'm not going to be around here by the time this thing is completed so I need to know that we've done everything on the front end to insure what if any triggers are in place to insure to the best of our ability that we are not stuck with a partially developed community.

Mr. McKinney said the two primary ones are the notion of the transportation phasing that we talked about so insuring that as every phase comes in we've got the transportation infrastructure there to make it work, so it is important to do that. The other trigger that I talked about was this notion of breaking the site down into districts, and so it got programmatic requirements within each of those districts to insure that as this develops out we are achieving the whole of each of those districts as it move forward. Yes, it is a large site that is going to develop over a long period of time. The balance that we are trying to strike here is the notion that the master plan benefits the ability to think through the road infrastructure, to think through the environmental infrastructure, to think through the facilities that we are going to need. All of those are benefits we get out of looking at it at scale. To do that, we have to give confidence in the entitlement and the commitments they are making are tied to that entitlement. We have to do that in a way that gives them confidence on that little over 1,300 acres; phasing and making sure there are lots and levies for them to move forward and different phases are really tied to really key infrastructure improvements are really the strongest way we are going to do that. It will change, as Mike already described. We've embedded in this the notion that we can sub-phase, we can kind of work through to understand and adapt as things change and as funding opportunities on our side become apparent and how the phasing of this will be affected by those things but we are careful and have spent a lot of time thinking through what is the long-term build out that we are going to need from a transportation standpoint, how to we tie that the phasing of development and make sure that they can't move forward until those piece of infrastructure are in place.

Ms. Mayfield said I'm going to ask that we look to identify simple language that says what you just said, because I'm concerned as the District Representative, even though overall I appreciate and love the idea of the project, my responsibility is making sure that the community is protected. If there are

triggers then I would like for us to have clear language that explain this is what happens so the community can see to the best of our ability we have full and total confidence today, we have no control over what happens in the next three years financial wise. We need to make sure the language is clear when we are having conversation with the community and let them know this is what a trigger is, and this is how that trigger is impacted. I believe that would be helpful, not only for me, but for my colleagues. The City Manager mentioned the \$16.25 million to be targeted of that being triggered. We've been having conversations now for a year and a half regarding the CIP in the Steele Creek area; what, if any, projects that have been identified and supported by the community in relationship with the meeting with staff will not be completed if we move forward with this one or does this complete ahead of time the projects that the community has already identified?

Mr. Davis said the first part of that response is that there isn't anything about the zoning itself that creates an obligation upon the City to invest anything. Clearly with the CIP that was mentioned that creates the West Boulevard Extension, unlocks Phase I and that CIP programming is already in place, not because of the rezoning, but because that CIP decision has already been made through the budget process. So, what I would say about going forward is, any other public sector investments planned in this area will go through the normal budget process in terms of how it will compete and be prioritized against other needs in the community. But as it relates to community needs that have already been identified, what I will say in terms of having reviewed comments made, not just through River District, but also through Airport Area Strategic Development Plan work, because there are some sort of on the ground needs already in this area that will be specifically addressed through this rezoning proposal, and I can detail that in a follow-up report if you like.

Ms. Mayfield said that detail would be helpful, because again what I don't want to see is- we've had community input; we created opportunities to have community engagement, and when it is all said and done after the community has donated x-number of hours to be a part of these discussions and then when the time comes to allocate the funds if we identify other projects outside of the projects that the community has worked on, that is going to cause a challenge. I want to insure that as we move forward, of which to me it makes perfect sense to line up projects that as development is coming to line our projects up, but not to the detriment of a project not being completed in order to fix this. If it is part of the plan then it will be a lot easier to present that and say, this is why we are moving forward opposed to this is the plan that the community supports, but this is the plan that we are going with. We've had those conversations unfortunately far too many times in the community. Now is the time for us to do something very different. As my colleague Mr. Smith said, if it is done right that makes a big difference, so we have the opportunity to have real conversation, because none of us have seen this before. If we are going to do it, we need to make sure to the best of our ability and that Council, staff and developers, and I appreciate the fact that you all have been very open to a lot of the questions and suggestions that have been made up to this point, but I also said a long time ago I'm going to always ask for more, because at the end of the day, my ultimate goal is to make sure that the community is protected to the best of our ability.

I have a question for our petitioner; I noticed that we do have in the first phase that the affordable is tied to COs; I was wondering is there any thought in including that language in Phase II and III, future phases to insure the development of the workforce housing?

Mr. Brown said we do in fact have in the future phases a statement that talks about before we can go more, I believe it is 1,000 units, actually it is before we can add another 2,000 units to the overall development plan, we have to be in the process of developing in connection with the workforce housing goal. There is actually some wording in the second phase along those lines.

Mr. Mayfield said the only other piece that I would add is that I appreciate the fact that we are having this conversation at the very beginning; that we are talking about creating a true diverse community. A lot of the conversation that I heard tonight is really around the aesthetic, especially with live, work, play, walkability, accessibility and having public transportation, because it is not just a piece of who doesn't have a vehicle. Millennials today don't want a vehicle. A lot of our young people and some of our older people don't want a vehicle; they like that ability of using public transportation. I just returned from vacation, and I took public transportation everywhere I needed to go; it wasn't a consideration of renting a car to get from point A to point B, so you have a lot of people looking at that. The fact that we even agree to have a real conversation around workforce and diverse housing on the front end I want to personally tell you all, thank you for that, but staff, I look forward to seeing the response to the questions that came today and thank you for noting that you do have language for phases two, three and four to insure that we get as close to or surpass the goal.

Mr. Brown said one of the real advantages of the master plan is to be able to have this very discussion. If it comes in 20 acres, 10 acre we are not even able to have the discussion and the same applies to some of the other conversations we've had tonight. For Lincoln Harris and Crescent to be at the table they need to be able to know that the master plan entitlements are there. We have a governor on how fast it can be done to keep up with transportation adequacy and other things so I think it is a real opportunity and wonderful we think on this side of town.

Councilmember Kinsey said this is a huge project, and I understand the importance of a master plan. I understand what it can do, but I certainly would rather eat this elephant, one bite at a time, and I really wish that we could break it down and not have this massive rezoning that we have. I don't need an answer Mr. McKinney; I'm simply stating the way I feel right now, and I totally agree with Ms. Lyles, don't expect us to come back and vote on this in a month. We've got about this much material over the week-end, and there is no way that we can really digest this. I'm hoping that we are not going to be pushed or rushed into this, because it is too important a project to do, and there are an awful lot of questions that need answering, and we don't even have time tonight to go through everything. I hope we can get some answers; there is much about the plan that I like but it is a monster, and I want to make sure that as Ms. Mayfield and Mr. Smith said we've got to do it right, and we shouldn't be rushing into it.

Mr. Driggs said a quick comment, over the term of this proposal the population of Charlotte is expected to grow by more than 50%, so what we are really talking about here is the opportunity to manage a chunk of that growth in sort of a coherent fashion instead of piecemeal. I think that opportunity to think big and to work together and to achieve some of the ULI type of goals and other objectives that we've been defining is a positive, so I look forward to that. At the same time as I noted at the beginning and I think I heard reflected in the comments that a number of my colleagues made, 30-years is a long time, and those are rough seas out there, so we are going to want to be comfortable that we have a very robust plan, that we have some ability to work into that, what can happen in terms of maybe a recession or financial difficulty on the part of one of the major developers, because those are the things that we know can happen. What I'm looking for really is a very simple sheet that says there are the events that we are expecting; this is who pays for them and then we look at our piece of that, and we see how that ties in with the tax receipts that we expect or whatever. I just find it hard from a business standpoint to respond to this, and we could go ahead and do the zoning, sure; it doesn't cost anything, and if it doesn't work out we could zone it different, but I really think that we ought to be more constructive and we ought to look at this as embarking together on a great adventure and to me some of the pieces that we need to do that are missing.

The last thing I wanted to say was, I thought I heard the word Gold Line and that always make me sit up. Do we have a new portion of the Gold Line that is included in our plans for connectivity?

Mr. Davis said I would ask John Muth from CATS, to make sure I didn't misspeak.

John Muth, Deputy Director for Development, Transit Department said the rapid transit for the west corridor has I guess changed over the years; back in early 2000/2002 we talked about bus rapid transit then in the 2004/2006 timeframe we talked about possibly a streetcar extension out towards the Airport and some of that had to do with the state's concerns about maybe giving up a lane on Wilkinson Boulevard or the ability to put light rail out there. Of course, this was all back in 2006 before we opened the Blue Line and we've seen how successful ridership has been; now we've justified another light rail project extension up to the University. Our intent is to restudy the west corridor, hopefully fairly soon, and we would plan to look at light rail out toward the Airport and beyond possibly into this proposed development or even beyond over to Gaston County.

Mr. Driggs said in terms of Gold Line, we've already got a Phase three which I think is expected to cost about \$230 million and represent six miles and that doesn't go there right, so is this Phase IV?

Mr. Muth said I guess it was envisioned for the west corridor; I mean the streetcar project that we've talked about typically has been from Beatties Ford Road up near Rosa Parks Place, down Beatties Ford, Trade Street, Elizabeth and out to Central Avenue to the Eastland Mall site. In our system plan, that is going to talk about the streetcar and then the west corridor is a separate, unfunded, potential streetcar extension out toward west of the airport, but I'm saying is John Lewis has been talking a lot about wanting to update or refresh our transit corridor system plan, and we would intend to take a fresh look at the west corridor. Again, we believe we have the funds where we can do an initial study

similar to what we've just done on the Silver Line and look at the potential for a light rail corridor from Matthews through center city and out to the airport. Of course, the construction of that is not funded in our current financial plan.

Mr. Driggs said we do have the prospect of cash receipts and therefore it is possible that we can anticipate being able to fund that, but that just gets me back to my point; I would need to see more of a business plan to know how that fits.

Mayor Roberts said I want to respond real quick on that because I think transit is incredibly important, and I think someone else mentioned that. I know the Sierra Club mentioned that, and if we truly think there is a corridor or an option that connects this that would be some kind of rail I would like to hear little more specifics about that. I know it is going to be a different Gold Line; if there is light rail it is going to have a different color. Don't think streetcar. I think it is important and the Sierra Club example of Tyson's Corner; those who have been to Washington understands what that means. This is the time to be looking at it, before it is built out, before we have to move stuff around, when we can still get right-of-way pretty easily, and I would like to have some sense of urgency or a timeline of when that planning might be able to happen that would coordinate with this. I think we make a huge mistake if we go ahead and approve this and get it all built and then realize that we need to have it connected by rail, because that is going to be a huge part of trying to avoid the challenges of sprawl and trying to get people to be able to get where they need to go.

Mr. Muth said our intent is to talk to you at the next MTC meeting about again accelerating a study of the west corridor and downtown that we would like to get started early next spring, so we would have plenty of opportunity to work with the project proponents on potential alignments. We would certainly intend to get out to the airport and then look at options for maybe getting down into this development, possibly setting up a future crossing of the river and then also looking at alignments that would continue out Wilkinson Boulevard and beyond to Gaston County.

Mayor Roberts said I think it is very urgent.

Ms. Fallon said are we talking about light rail on rails, or are we talking about a fancy bus going down the highway when you talk about that light rail?

Mr. Muth said when I'm talking about light rail I'm talking about what we already have on the existing Blue Line and that we are constructing out to the University.

Ms. Fallon said so it is light rail.

Mr. Muth said yes.

Ms. Mayfield said just thinking about as we move forward and we are going to be doing the study for the west corridor, we also have to think about the fact that we know the Secretary of Transportation is having conversations about highways, streets and roads that have split up communities and that impact. When we are talking about the fact that West Boulevard is going to be realigned, right now could take West Boulevard and go directly from Old Steele Creek Road, make a right on West Boulevard and drive straight out and connect into Charlotte Premium Outlet, Berewick, the neighborhoods. That is going to be eliminated because of the parallel runway at the airport. West Boulevard is going to be realigned, and if we are looking to accelerate that study we need to really look at how do we keep the community connected. If you go back and you think about the true impact of a realigned West Boulevard and what that would be and at the same time we are talking about building yet a whole new community, what the impact will be regarding that connectivity, and again, I am stressing the fact that we must do something different from what we've done previously. Just because in 1999 or 2000, we came up with a plan and said this is the direction we should go; 2016 is a new world; 2017 is going to be even a newer world compared to what we've gone through this year as far as growth. If the study is going to be accelerated, we need to have as many of the right community partners at that table as possible to really look at the true impact, because I've said it before from this dais, we have to look at the role that we are playing as government when we approve zoning requests, when we are looking at realignments, when we are looking at investment. We have to look at the role that we are playing that is causing dysfunction in our communities and that is creating distressed neighborhoods. There is a role that we play in this that we must take the time to truly research and invest before just saying this is direction we are going to go in without truly looking at what is the impact on the communities because impact/intent, two different things. That impact is very different on the ground than what the intent on paper was going to be. If we are going

to talk about accelerating that discussion then let's please be considerate and cognizant of who is going to be impacted by it, not just who is going to make money off of it.

Mr. Kimble said I would simply say that we would like to applaud City Council, because you have the Airport Strategic Development Plan that is in the works; you have River One District, you have the west corridor study that Mr. Muth just talked about. You are integrating all of your transportation and planning, and it is coming together pretty quickly because of the economic cycle that we are in and this opportunity presents itself and we are trying to do the planning with you as fast as we can and you've approved funding in the past to make sure that we can do the Airport Strategic Development Plan that will talk about not splitting neighborhood and trying to find the proper road connections providing for transit, providing for greenways, for bicycles, for pedestrians, for mixed use, and it is hard, but you are doing a pretty good job of getting out there at the same time with the studies that are all going to have to come together at the end in order to provide for the transportation options that marry up with the development that is occurring on the west side of Charlotte. You are allocating funds pretty quickly in order to get those studies done and you did it also with your Community Investment Plan when you put \$43 million in road improvements out west of I-485 to provide for some much needed thoroughfares, but it is not just thoroughfares it is transit, bicycle, pedestrian, mixed use, not always getting in a car, being able to get around without always getting in a car for a trip within the district.

Mr. Phipps said I do think we have to remember, and I do believe this is the first time this is precedent setting that we've ever considered I guess around this dais in one petition for so many acres, almost 1,400 acres if I'm not mistaken. Have we ever done anything like this before?

Mr. McKinney said I think the closest example was Ballantyne, I mentioned earlier, in the mid 90's. I don't have the exact numbers, but it was a similar scale and similar size.

Mr. Phipps said as everybody has stated, we've got to move carefully on this one inasmuch as it is spread over 30-years.

Ms. Kinsey said I was sitting around this dais when we did Ballantyne; I was on the County Commission, and I remember it very clearly. It was a huge rezoning, but at those days, it was in the County, so the County did it but yes.

Mayor Roberts said before we close I want to mention two things that we talked a little bit about; I would hope in light of what we recently expressed to the community in terms of workforce and affordable housing 8% is great; 10% is better, and I think again we need a range of options, not just workforce, but also places for hourly workers who are really working some of those lower wage jobs. I hope we can stretch, and we made a commitment to the community to really work on affordable housing and to really have that range of option; 8% is great; 10% is better. I know we can't require it, but I'm just saying. The last thing, I've heard some questions about five-year vested rights is that usual, or do we usually do three years?

Mr. McKinney said for a conditional plan it is typical to have two-years vested rights; actually what they are asking for is five which would be an additional three on tops of what you get through a conditional rezoning.

Mayor Roberts said the reason is just the size, the phasing?

Mr. McKinney said I don't want to portray their rationale, but I think the notion is given the scale of this some assurance about having that entitlement and sort of guaranteed over that period of time is important to them.

Mr. Smith said I just want to mention that unlike some other instances of workforce housing in SouthPark where it has been done ad hoc by private sector developers, they are actually partnering with Laurel Street, who specializes in this, and I would argue under a scenario like that 8% may be better than 10% if you are doing a private sector person that doesn't know how to manage it, doesn't know how to build it, and I think this strategic partnership there is a first that I'm aware of in the development, and this is something we talked about with REBIC Apartment Association and Julie Porter, the importance of bring in the stakeholders that actually understand that arena and having them participate. Instead of saying 8% is not enough I would tip the cap off for trying to do it the right way.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2016-097 BY SIMONINI SARATOGA FOXCROFT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.32 ACRES LOCATED ON THE EAST SIDE OF SHARON LANE BETWEEN PROVIDENCE ROAD AND HEATHMOOR LANE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL CONDITIONAL).

Mayor Roberts declared the hearing open.

Laura Harmon, Assistant Planning Director said this is the subject property outlined in black and it is five parcels located southwest of Providence Road on Sharon Lane and between Sharon Lane and St. Gabriel's Catholic Church. The request is to go from R-3 to UR-2(CD) and to build 31 single-family attached units on the property. I want to zoom in on the property a little bit more and point out that the site is unique in a couple of ways, one being between the church and school and Sharon Lane, but also you can see these are very parcels in comparison to other single family parcels along this section of Sharon Lane and in the surrounding area which makes it a rather unique site for being able to do something a little bit different but maintaining the residential single family character along the Sharon Lane frontage. Looking at the site here and in context, it is abutting actually the Cotswold mixed use activity center; Cotswold Mall is just off the top of the screen on the upper right hand corner. You can see the existing zoning with the multifamily, office, business zoning in the area along Sharon Amity and this being the site here. The church, although it is a different use, it is actually zoned for single family. The adopted future land use recognizes the single family and the institutional uses abutting and then the commercial district across Sharon Amity.

The request for the site is for 31 single family attached dwellings at a lower density than we typically see for single family attached, 4.9 units per acre. The structures would be two-story, not to exceed 40-feet; development could occur in up to two phases providing a 100-foot setback along Sharon Lane and also providing a 24-foot planting strip with room for a future bike lane and a six-foot sidewalk. As we at the site and go into a little bit more detail, you will see that they have provided building elevations that give the character of the development that could occur here and they also went as far as to talk about how they would handle waste management, that being through roll-out containers collected by a private contractor. These are the elevations and the ones that are probably the most important are those along Sharon Lane so the lower left hand corner shows the elevation of the structures facing Sharon Lane, and you can see the design is to give the appearance of being individual single-family multiple homes, and you can see they are attached in the middle. This is a side elevation along the Sharon Lane frontage, again getting that appearance of single family homes to try to fit into the context in which they are located.

The proposed residential land use is consistent with the South District Plan, which governs this and the surrounding sites and as you all know when we are looking at greater density our first consideration is the General Development Policies which do support a greater density on this particular site. Staff is supporting this. There are a number of factors, one being approximate to the Cotswold mixed-use activity center and abutting the large institutional use. We really think this site provides a transition between that more intense area and the established single family. We think they have done a good job of designing to fit into the predominantly single-family detached neighborhood context with that large setback on Sharon Lane that is consistent with what is out there now providing side and rear yards that are fairly typical of what you would find on single-family detached lots and those architectural commitments resembling single-family homes along Sharon Lane and as well as limiting the height to two stories and not to exceed 40-feet. Staff is recommending approval of the petition upon the resolution of some outstanding issues which we expect to be able to work through the petitioner's team.

Jeff Brown, 100 North Tryon Street said I appreciate the opportunity to assist Simonini Homes. We appreciate the staff's efforts and C-DOT's efforts in support of this rezoning for the proposed 31 single-family attached homes. We do think it is appropriate in scale as the staff has indicated in a location close to Providence Road backed up by St. Gabriel's School and Church. We think it is an

opportunity for residents in the area to move to a smaller home and still stay in the area in which they have been accustomed and that is the simply business plan and what we think is an appropriate approach. Before highlighting the rezonings a little bit more and then allowing folks who are in support to speak, I do want to briefly highlight efforts with the area and the residents. Each of you know around this dais that rezoning requests like this and even with community planned support and staff support can create strong opinions. This rezoning may not have gotten off on the best foot earlier in the early conversations with some of the residents next door. The petitioner sort of understands that and wants to do all we can to keep working with the community. I believe we've worked very hard for several months to make sure that the community understands what is being requested, the 31 single family attached homes. We are willing to sit down and work with folks on this. We are pleased that a number of residents who are here in support, who initially opposed the proposal. We do feel like there has been some information that has gotten out that has perhaps suggested this would result in a shopping center on Sharon Lane or further a precedent on Sharon Lane, and we just don't think that is really the case, and we hope that the Council will consider that.

I'm going to go to this particular slide. As evidence of that, we've got a 6.32 acre site that has large lots and we believe that this site is very different from other properties along Sharon Lane. First it is only 560 feet to Providence Road; second it is wrapped with the St. Gabriel Church and School. These are very deep lots; if you look at the other lots along Sharon Lane you only get down in this area once you start getting some relatively deep lots. Respectfully, those have single-family homes in the rear; there are no institutional uses and they are far from the Providence Road and the activity center, so we are really talking about a different animal here in terms of the worry about hopping over. We also note that the Heathmoor edge here, with the residences, they also we think provides a natural boundary so the property would not continue to be up-zoned in other parts of the area.

This is the GDPs and again we've seen GDPs that support eight to the acre or six to the acre but we are asking for roughly five to the acre. What is being proposed is single family attached product. The staff has talked about it, in a residential scale limited to two stories, with tree preservations and other efforts. This is an example the staff has highlighted, a 45-foot setback distance from the homes along Heathmoor Lane that is consistent with the setback that the Heathmoor Community has with regard to the edge. We are also talking about efforts to try to save trees right along the boundary within a 12-foot area and also providing for a 25-foot buffer. We are also looking at preserving the streetscape along Sharon Lane. We have 100-foot setback along Sharon Lane in which we will be able to have the sidewalks meander through the trees, save as many of those trees as possible. That is our commitment, and we are working hard to do just that.

I will tell you one of the questions that have been raised is, can you do this on this site? There are some private restrictions that folks have asked about; I'm not handling those myself on the legal work, but there is a title insurance commitment that is in place that would allow the development with hearing to the 100-foot restriction that is along Sharon Lane, and with the project we have the one lot by way of the duplex attached product. Our folks may disagree with that, but we've got title insurance coverage and we are confident in that approach.

We have been working with the community to try to provide for community good; we don't believe this is a significant change in the zoning. We are talking about [inaudible] duplexes here; we do think it is an appropriate location, but the developer has been working with the Sharon Lane residents to try to provide sidewalks. We've had discussions with C-DOT to take what is a flush to the curb sidewalk and try to create more of a ten-foot strip, five-foot planting strip, five-foot sidewalk to deal with safety along this area, and we believe that is something that has been well received Sharon Lane residents. Also to fund speed radar signs, there are times of the day in the peak traffic where traffic is not moving as fast here, but there are a lot of times during the day when people are moving pretty quickly, so the residents that live on Sharon Lane have said can you help us with some of the traffic safety aspects.

I'm not going to go into the elevations; staff has already reviewed those, other than the residential scale, but other projects that Simonini Homes has done trying to appeal to the move down buyer. Again we will talk about Stormwater, Post Construction Control Ordinance will be adhered to and in fact we believe the stormwater will be improved. We've spent a lot of time in Q and A describing what we are proposing to do but the bottom line is we have an ability to work with the church, to be able to have the stormwater piped across the church's property. Right now, it is surface drainage that often moves toward the Heathmoor community. I will turn this over to Steven Mills who will be speaking in favor, and we appreciate Steve being here tonight.

Steven Mills, 1940 Sharon Lane said I live right across the street from this development; I was cautiously optimistic when it came in front of us originally, and working with the developers and their attorneys, I feel pretty confident with where they are going and what they have conceded and worked with us as a community to do. The safety aspect was our most important and the fact that they are including on their own dime to change the look of the sidewalks and get it off of the streets. It is an extremely dangerous area; people don't abide by the 35 MPH speed limit and there are a lot of young kids. I frequently walk up and down that street with my children, and I am cautious and nervous doing that. They are also going to include some speed radars which will hopefully slow down some folks. I am in favor of this, and I appreciate their partnership.

Claudia Steiger, 1927 Sharon Lane said I am one of the residents of the parcels that is being developed. My husband Paul and I think this is an excellent opportunity to make the transition between the busy intersection of Providence Road and Sharon Amity and the large homes on Sharon Lane. It joins all of these properties together into a single neighborhood; it promotes walkability. Our sidewalks right now are on the curb; this sidewalk will meander, and we can enjoy and take advantage of the restaurants at the corner. It serves this growing demographic of aging boomers. We love our Harris-Teeter discount, but we are not ready for assisted living. Housing and neighborhoods are a long-term commitment; our home at 1927 Sharon Lane was built in 1937, and we would hope that the next generation of homes built on this property might be a part of a vibrant neighborhood, one designed for the changing cityscape of Charlotte and the changing demographics of the 21st century.

Hope Parrott, 1901 Sharon Lane said our home at 1901 Sharon Lane is the last home or the home closest to St. Gabriel Catholic Church. We have been in that home for 28-years, raised our two daughters there and honestly we have natured that property and loved it, and we still love it and our plan is to live there when this is done if this is approved because are planning to select a cottage, one of the 31 and stay right there. I will tell you that we've watched our corner change so much in 28-years. St. Gabriel Catholic Church was there when we moved, but the school was built several years after we moved. We've watched Providence Methodist Church across the street grow in size and scope and parking lots, and that is all wonderful. We have these two wonderful churches with big congregations right next door and then we watched Rosewood go up across the cattycorner, high rise condominium, and it is beautiful but it did change that corner and then the office, retail and restaurants on the fourth corner. We really feel like we are already urban, and we are loving it, and we want to stay right there. I will tell you that we would never have agreed to be part of this had we thought it would be anything but a wonderful place to live out the next 20-years of our lives, and we also have a very personal interest in that our daughter, son-in-law, and three grandchildren live right down the street, and we would never have gotten involved in anything that would lower their property value or their neighbors. We just feel like this is going to be great for all of this end of Sharon Lane, which is already a very different place that we love.

Christa Lineberger, 1916 Sharon Lane said my family and I have lived directly across from the petitioned area for 10-years. We love the tree lined avenue of single family homes set back from the road. We never imagined multifamily condominiums here. Sharon Lane has always been buffered by the two churches from the multiuse development on the corner, but as you can see, this crosses the line. The penetration of UR-2 into R-3 is a bad idea for our neighborhood for numerous reasons. You have heard the developer's attorney speak about the misinformation about this including business use. We know this is a conditional rezoning, and it is residential only; however, we would be blind to the fact that once UR-2 is allowed it is here to stay. The next project seeking rezoning will use the commercial aspect of this zoning. I have provided the UR-2 definition; please read it and think. I think you will agree this zoning does not belong or adhere to neighborhoods like Foxcroft. UR-2 does not belong next to R-3; there is ample room on this site to build 18 smaller homes for the empty nester market, without changing the zoning. An objective of UR-2 is to maximize open space. This proposed open space on this site plan is 29%; this means 71% of the site will be covered by hard imperious surfaces of buildings and driveways. How does that maximize open space? In contrast, R-3 zoning mandates 65% of the open space be preserved; this difference cannot be ignored. Why would we intentionally reduce the amount of open green space by half? The developer claims that 15% tree save as a positive, but let's be frank, that is an 85% loss. Look at these lots; 85% is significant loss of vegetation by any standard. Once building permits are issued, it is well known that the tree ordinance cannot be enforced. Grading and construction on the steep site along will kill most of them. Two phases of construction occurring over four years is risky. Three homes will be demolished to build 16 condos, leaving two single family homes alone. What is there is an economic

downturn or bankruptcy? We would be staring at an unfinished project like the Simonini development on Churchill Road, with unsold property. When we met with Zoning in May they showed us the precedent where UR-2 had been utilized on the zoning map. Unfortunately, UR-2 was allowed to occur outside of the urban core for which it was established. That does not justify its use again and again. Our corridor is clearly intended to be single family only; changing the primary zoning designation from R-3 would pave the way for future development. It is like kudzu; once it is allowed to take over, the landscape is forever changed. This will be an open invitation to developers and a precedent. When the next rezoning is introduced, my neighbors will have more difficulty opposing it than we do now. This is how zoning works, and I think you get that. The City has no plans for Sharon Lane to receive any road improvements like crosswalks, bike lanes, medians, or buffered sidewalks that are a part of a mixed-use area. It is a four-lane thoroughfare that carries heavy traffic. It has back of curb sidewalks less than three feet wide. It is dangerous and took the life of a Myers Park High School student in 2012 as he rode his bike on the sidewalk. He was forced into the street after colliding with a trash can. It was absolutely tragic and heartbreaking. The City needs to be proactive and address pedestrian and vehicular safety on our street before an irreversible mistake like UR-2 is made. Our City and tax dollars have established numerous guidelines for smart thoughtfully planned growth. This Council should not allow developers to become the planners and chart the growth of Charlotte. You have the power to stop the rampant disregard for our neighborhoods or determine if they are for sale to the highest bidder. Approval of this petition profits a select few at the expense and inconvenience of many. I respectfully ask that you maintain the integrity of our single family neighborhood and deny this rezoning.

Diedrich Oglesbee, 2938 Heathmoor Lane said I am representing the Homeowners Association of Heathmoor Lane, and I want to be very clear in regards to one point, and it is our HOA has no issue with our neighbors wanting to develop their property. Our only request that they do so based upon the current R-3 and they do it based upon the deed restrictions that have been in place for over 75 years. Our primary concern is what they are proposing; it is condominiums, and these condominiums are not consistent to the single-family homes in our neighborhood and on our street. Additionally, we have concerns in regards to stormwater drainage. There is about a 22-foot from the top of Sharon Lane to the bottom of Heathmoor Lane which is adjacent to St. Gabriel's Church, and we are currently having some issues with stormwater as it stands right now. I believe my neighbor, Ms. Bridget Ann Hampton has sent you a letter along with some pictures identifying some of those issues, and it is my understanding as well that St. Gabriel's Church, specifically Father Frank has written you all a letter addressing those concerns as well. My wife Regan and I bought our home on Heathmoor Lane about 2011, and before we did we did our due diligence. This was the single largest investment that either of us had made; we wanted to know what we were getting into. We pulled up a map up and down Sharon Lane as well as the surrounding area and everything was zoned for R-3, so we knew what we were getting into. We were getting into three houses per acres and we were fine with that. That is how Heathmoor Lane was created. We also looked at the deed restriction that has been in 75-years, and you can read it, and its intent is that condominiums, townhomes and apartments would not be built on Sharon Lane, let alone in our backyard.

This developer, in my opinion, seems to have work around on a lot of things going from R-3 to UR-2, and Christa already gave that definition. That definition does not make sense for a street that is 100% single family residences. We brought up the deed restriction issue when we had some community meetings with the attorney and the developer. The first developer said well we've got some work around on that and the last community meeting the attorney said, well I haven't read the deed restrictions on this. Really, you are going to get involved in this type of project and you haven't read the deed restrictions? The developer's work around on this in regards to the deed restrictions is that they are going to sell these units, let's be clear, as deeded condominiums. It is not townhomes; it is not single family residences, and that is their attempt to get around from the deed restriction. Christa and I are sort of outsiders here; this isn't our cup of tea. We are not lawyers and whatnot; we are not used to coming down here, but to be frank with you being involved in this process for the last 18-months, it sort of left a bad taste in my mouth.

It seems like there has been a tremendous shift in power and say and it has been shifted away from the neighborhoods, away from the communities and in favor of the developers and their wallets. To be frank with you, this developer hasn't been honest with us from the get go. There has been renderings of an architect being used that is not involved, and this is what they are using to promote their project. They've also done renderings of views from the top of Sharon Lane, that are pretty much impossible for them to do if you know the slope and you know the tree saves that they are trying to do, those are inaccurate. What is most disappointing to me and what has caused the most

angst on our street is that we've been threatened at times. We've had the developer call us and threaten my neighbors; they've used profanity towards us. They've told us what a miserable experience that they will make for us if they don't get the UR-2 designation and they are forced to build R-3. They've told us that they will make the development as painful as possible for us for the next four years, that we will not like the end result, that they will clear-cut every last tree that they can. I know they have a rebuttal, and I would love to hear them comment on that and apologize to my neighbors on my street. In closing, I am optimistic tonight; we have a large group of support here tonight. We've had over 500 people sign a petition within the past week, and we are all asking you to reject this, and I'm optimistic. I'm very optimistic, because I feel like being involved with this recently I followed this a little bit more closely, but you all have already set the precedent this summer. There was a very similar project that was put forth to you guys as a petition on Wendover Road; City Planning gave it their blessing, just as they gave the blessing for this project, but you all unanimously opposed it, and you did so for two main reasons as stated by Council. Primary reason number one, it was not in the public's best interest. More importantly, the townhomes in this situation were not consistent with the neighborhood, and that is exactly what we have here, and that is why we are asking you to reject this, and we appreciate your time tonight.

In rebuttal Mr. Brown said we appreciate Mr. Oglesbee and Ms. Lineberger's comments. The rezoning did not get off on the right foot; I said that earlier. We've worked very hard over the past number of months to have meetings and work as hard as we can to address it, and I will respond. The two comments I think Mr. Oglesbee mentioned were correct; what is in the public interest, what is appropriate for the public interest that is the principle item here. We believe moving from the three to the acre to five to the acre to allow duplex cottage homes in this location with the school wrapping it near Providence Road is in the public's interest. It allows a different type of housing option to take place. There are a lot of other issues talked about, the deed restrictions. I have not been running the title work; I've read the deed restrictions, and there is title insurance on the project. I commented earlier that I was not the title attorney, not that I've not read the restrictions. Stormwater – we are delighted to sit down and describe why this is going to be better in that regard. As it related to the UR designation, UR-2 urban residential in this location is not unprecedented, your Planning staff agrees and we have expressly conditioned the plan to what we are proposing. We appreciate change is frustrating, we appreciate the fact that there is a petition that has been done, frankly it is frustrating, because I think some of that we've had a lot of them call and say we thought there was going to be commercial on this location. We've seen some e-mails that suggests there was going to be commercial, but I'm not trying to blame anybody, but what we want to do is be able to sit down with the community and continue our dialogue and do our very best to address things like we have with some of the folks on the Sharon Lane side. We appreciate the opportunity to be here; I'd like to think that the folks at this dais know that we strive to work hard with communities and we look forward to continuing to try to do that.

Councilmember Smith said I don't have any questions, because I'm very familiar with the project but just have a statement. When I started analyzing rezoning petitions, I began with simple questions. First, what is the existing land use? Two, is it still highest and best use? Three, is the existing use still viable? Four, this is an important one; if we deny the petition have we effectively condemned the landowners parcel meaning is the proposed use effectively the only thing left for the site? I think the answer to question number four is no. You know 4.9 per acre is not overly dense, and I think we approved something earlier tonight in my district that was more dense than that, but I am concerned about the raw number of units. The 31 units along Sharon Lane that is sort of the transformation of a single family into a multi-family district so my reticence is in the fact that Sharon Lane is a residential street. I think the stormwater and a lot of the other issues, I have faith that those can worked through. My hang up is maintaining the character of Sharon Lane.

Councilmember Eiselt said why are you requesting UR-2 versus R-5?

Mr. Harmon said R-5 would not allow an attached product type like what they are requesting. So to go to the townhome product type you have to go to another district.

Ms. Eiselt said okay, if this is being done in phases, is that right that the plan is that this would be built out in phases?

Mr. Brown said not unlike most developments, it will be two phases to the project an orderly two phases, that is correct.

Ms. Eiselt said so if Phase I doesn't sell very well then Phase II they could use it for business or office purpose?

Mr. Brown said not at all, categorically not.

Ms. Eiselt said so UR-2 is strictly residential, but it really just accommodates townhouse.

Ms. Harmon said for this conditional rezoning only 31 townhomes, that is correct.

Ms. Eiselt said I too would also tag onto what Mr. Smith said; I'm worried about the traffic there. As we are building out SouthPark, that has been a concern of mine that we are pushing traffic out to Park Road and Providence Road, and there are certain residential streets that are going to the brunt of that, and that is one of my biggest concerns at the moment. That is one of those roads that at 5:00 p.m. you don't touch.

Mr. Brown said I will be happy to address the question on traffic, if you want to ask one.

Ms. Eiselt said it is just a comment; the traffic on that road does concern me.

Mr. Brown said I think C-DOT's memo in your packet talks about the comparison to the by right zoning, versus the proposed zoning, and there will be 10 total trips per day and the reason for that is the nature of the move down buyer they are talking about in the condominium/duplex model versus the single family. I appreciate that, but I think what we are actually providing is new sidewalks that would not occur otherwise.

Ms. Eiselt said by right, they would not occur.

Mr. Brown said on the other side of the street.

Councilmember Kinsey said I'm not sure what you just said, but let me make my statement and you can clarify if you need to. I agree that I'm concerned this will change the character of Sharon Lane, and I differ with you; I would not call these cottages. They are attached townhomes, and I don't consider those cottages. I'm pretty sure we need to understand that the sidewalk being built would just be in front of these proposed. Are you going to build it all the way down to Sharon?

Mr. Brown said I will be happy to clarify that; we have been working with the Sharon Lane residents on the other side.

Ms. Kinsey said no, no, no, no, I'm not saying that. Are you building it all the way down to Sharon Road?

Mr. Brown said our proposal, which would require the consent of the residents, but we've been working with them, would be to allow us to take it from the Methodist Church and go as far as we call all the way to Phoenix, which is the next main street over, is what we are proposing to do, to take the current flush to the street dangerous sidewalk condition and improve it. It would require the consent of the residents. What we showed earlier was there have been a couple residents who weren't so sure as they approached Phoenix that they wanted us to do that, but we've not an express note that we are proposing to put on the zoning plan to seek to try to provide for those sidewalks. You are right Ms. Kinsey, it would not take you all the way to Sharon Road on Sharon Lane, but it would be a substantial improvement to those residents that live there that would allow them to be able to access, so it is an improvement that we are not so sure is going to be coming without this petition.

Ms. Kinsey said I certainly understand that, and I appreciate the gesture, but you really can't say you are building sidewalks; you can say you are building them, but they are not going anywhere. They may go to Phoenix, but you've got the rest of that down to Sharon Road, so let's make sure we understand where the sidewalks are going.

Mr. Brown said I appreciate that, but they would allow the residents that live on Sharon Lane a safer condition.

Mr. Kinsey said Jeff I understand that; it does make it safer, but we are just going to differ on that, because it sounded to me if you didn't know better that you were going to do all of this. Part of this you have to do as far as your development is concerned, but I just think this is the first domino, and I

really am concerned about protecting Sharon Lane; it is a beautiful street, and I don't see that this contributes much to the character of the neighborhood. So, I'm not there yet.

Councilmember Austin said I too kind of echo Ms. Kinsey's concern about this particular encroachment into the neighborhood, but I thought something was interesting here. The residents wanted us to abide by the deed restriction of 75-years. I have a concern, and I want you to understand where I'm coming from. When I read the deed restriction, which I'm sure is not enforceable, number one says the property shall be used for residential purposes only and shall be occupied and owned by people of the white race only. Were you guys sure that you wanted to put that in your packet? I'm just asking, explain.

Mr. Oglesbee said I did not know that was going to be in there.

Mr. Austin said it probably wasn't a good idea.

Councilmember Lyles said well it wasn't a good idea, it is very much one of the things we have to look at as systemic racism in this community. I actually lived not too far from this location, and for a number of years not only were African Americans but Jewish people were not allowed and the restriction when I purchased my house, which is no longer enforceable, said whites and Jewish people were not allowed to buy in the neighborhood. We need to face up to some of the reality that these are the issues that we've been talking about for affordable housing and the opportunity to buy a house and how wealth was built by acquisition that was very restricted to one race of people at the time, so I don't know when this was done, I guess 1950's. I'm just trying to point out the connection between what we are trying to do and why we are having to do it.

Mr. Austin said absolutely, but I guess I'm just trying to point out that somebody in the audience thought this was a good idea.

Ms. Steiger said may I speak; I want to apologize that that is in there. I'm partially responsible. We felt important that the deed restriction covenant that we are speaking directly to were included and that you saw that. I was horrified when I closed on my house, and we were sitting in the closing and saw that as a deed restriction. We know it is not enforceable; we know there is federal law that prohibits that from being enforceable, and I really want to apologize that it is even in there, because that was not our intent by any means, and I hope you accept my apology that it is.

Councilmember Driggs said I was pretty stunned when I saw that little piece of unhappy American history there. What I wanted to know was from Council, are the deed restrictions relevant to our land use decision? It is unfortunate that any of this was included because the fact is it is not pertinent. That is a contractual issue that has to be worked out to a civil process perhaps, but it is not germane for us, so the thing shouldn't have been in there in the first place, but it certainly does raise some eyebrows to see that in our package.

Councilmember Fallon said I passed it down, because you know I found it very offensive that you could come and say somebody strong armed you and cursed at you but you would leave that in there; that you would come with that in there, that you didn't think it was wrong to bring it in with you or have it taken out. My deed in New York had similar; I had it taken out.

Councilmember Phipps said the base density now for the City of Charlotte is it four dwelling units per acre?

Ms. Harmon said it is four units per acre; when the South District Plan was written, it was in some areas still three units per acre, but we would be looking at any site being four units per acre at this point in time. It would require a rezoning though to go from three units per acre to four.

Mr. Phipps said as far as the site goes, it looks like there is only one way in and one way out to Sharon Lane. I guess that was the best that could be done in terms of egress to the property and a second entrance wasn't feasible for some reason on that parcel. Is that correct?

Mr. Brown said we could have the engineer or the developer talk a little bit further. There are five existing driveways now; there is a single driveway for each of the existing five homes. We are consolidating, and we actually think that is a safer condition. The 31 homes that we are talking about in this location, with subdivision and otherwise, would not be an undue number of cars that would be

using a single entrance. You can maybe check with C-DOT on that as well. We actually think we are helping the situation by taking out some of the existing driveways.

Kelsey Anderson, Transportation said the street network that is here right now is just private driveways that go into the site. Our subdivision ordinance didn't require any public streets or connectivity of this site abuts single family residential and institutional uses.

Ms. Lyles said earlier tonight, we had a decision I think in Mr. Phipps District and we talked about how, since that hearing occurred, the petitioner and the community got together. This is very, very divisive obviously, I can tell. I would hope that at some point before this comes back to us that everyone has fully participated in the process to make a decision about what might work and retain the character that we want in our community, particularly in that area as it applies to that residential street. This is something that we will always take responsibility and we will raise our hands at some point but I would hope that there would be some opportunity for you guys to talk. There is nothing worse than having a neighborhood divided and there is nothing worse than having people resent what is going on across their street. I would appreciate that effort if you can, and I guess it leaves it to Mr. Smith to do that.

Mr. Smith said I just want to say one more thing in closing; this has been a strange petition tonight and is sort of reflective of how strange this process has been. I've met with some of the neighbors, haven't met with all the neighbors and in fact some of the neighbors didn't want to meet with me for a little while. I don't think it is fair, and I want to make sure people around the dais don't assign any negative character traits to these guys for bringing in the deed; they have got questions, and they have had issues with not all of the petitioner, but a portion of the petitioner in particular in which they have felt they have not been given truthful statements and they were trying to build a narrative in their mind. I don't want us to walk away from the dais with assigning negative characteristics to them. Again, this has been a strange petition, I admit that, but I don't want anybody to walk away and get away from our land use decision on this based on that portion of the segment. This is one and maybe there will still be more dialogue, but this is one that a lot of passion has been exhibited on all sides, and I don't want the two folks that presented; they don't do this for a living, and they are not down here on a regular basis. I just don't want them to have any negative attributes assigned to them or get away from the base land use decision because of that.

Motion was made by Councilmember Smith, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.
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ITEM NO. 30: HEARING ON PETITION NO. 2016-113 BY ZOM DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.679 ACRES LOCATED ON THE EAST SIDE OF BARCLAY DOWNS DRIVE BETWEEN CARNEGIE BOULEVARD AND BULFINCH ROAD FROM O-1 (OFFICE) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

Mayor Roberts declared the hearing open.

Laura Harmon, Assistant Planning Director said this is a request for a rezoning from O-1 office district to MUDD-O mixed use development optional district for the property located on Barclay Downs Drive abutting the SouthPark Mall site. It is located within the SouthPark mixed-use activity center a priority area for more urban pedestrian oriented development. As you look at the existing zoning for this site and the surrounding area, you can see that the mall is zoned largely CC or commercial center. We have a number of properties in the area that have been rezoned to MUDD, typically in the striped pattern and then we have a lot of what is really legacy office zoning the purple. This is an area that is transitioning both from a development perspective and from a zoning perspective.

As you look at the adopted future land use from the SouthPark Area Plan you see the Mall as being retail but a mixture of uses, residential, office and retail surrounding the Mall site. When the plan was developed this was largely an office district with the exception of the Mall site and the plan did call for incorporation and addition of a residential into the mix of uses for the SouthPark area. With respect to the specific proposal, this is Barclay Downs Drive and the building fronts on Barclay

Downs with ground floor active uses, typically retail along Barclay Downs and Bullfinch Road. The request is for 226 multifamily units and 15,000 square feet of non-residential uses, that being retail, eating, drinking and entertainment establishments and personal services with a structured parking area covered by a building in one location and then a parking deck serving the rest of the site. The maximum building height being requested is six stories, not 96-feet. The petitioner is proposing a number of pedestrian improvements particularly along Barclay Downs both abutting the site and then actually the possibility of supporting improvements in the Barclay Downs Neighborhood, probably on Barclay Downs as well. They have an extensive setback, 27-feet along Barclay Downs with a 15-foot planting strip and 12-foot sidewalk, which is a really generous sidewalk. In addition with this proposal are building design commitments and elevations and renderings and four optional provisions related to signage and recessed doorways. This is the Barclay Downs elevation with the ground floor activity. This is the rear elevation which abuts the parking lot and orients toward the parking lot for the mall and side elevations at the bottom of your screen.

This is much more helpful in showing you the intent of this development and the architectural character proposed for this particular rezoning showing again the building along Barclay Downs Drive. With respect to plan consistency, this is consistent with the SouthPark Small Area Plan which recommends adding multifamily residential to areas zoned for office and retail so the multifamily portion is consistent. The retail component is technically inconsistent with the plan which did not necessarily in the adopted portion of the plan anticipate retail on the ground floor. Staff is supporting this, and we think that really for this area the transition as the plan called for more of a shopping district and business environment to that town center with a mix of uses that this is a good mixture and a good site design for this particularly as it is designed to be very pedestrian oriented and more compact in form. Again, the retail uses are not actually shown in the plan, but they are consistent with some policy text that encourages and recommends mixed use buildings, mixing high-density residential with non-residential uses, and we've seen a number of rezonings that you have approved since then with this type of mixture. We also think that there are some really positive pedestrian improvements at intersections along the frontage along Barclay Downs and also see consistency in general, although there are some details we still need to work out, but consistency with the Urban Land Institute Study for the SouthPark area for that multiuse trail along the frontage of the site on Barclay Downs. Staff is recommending approval of the petition once a few site plan issues are resolved and we have dealt with some technical revisions.

Jeff Brown, 100 North Tryon Street said I am sorry that there is this session of three cases where you have to listen to my voice late in the evening, but thank you for your patience. I am pleased to be here and have had a chance to speak with many of you on the ZOM Carolinas project here called the Hazel in SouthPark. We appreciate the opportunity to speak to you on this, and we thank the staff and C-DOT for their efforts in recommending approval and also pleased that C-DOT, through a series of studies on traffic, has determined and is comfortable with the transportation work that we've done. We are especially appreciative of the efforts of many of the SouthPark resident leaders who have worked on this matter for a number of months diligently, and they are here to speak in support of the project. Those from Barclay Downs, Deering Oaks and the Picardy Neighborhoods, if they are still here we thank them for being here. Their letter of support is in our packet and frankly, they are very supportive in terms of the efforts of our development and client, and we are pleased to be helping with Darryl Hemminger. Darryl used to be with Crosland in this community; used to be with Laurel Street and has taken over ZOM Carolinas, and I know he is excited to be doing a project back here in Charlotte.

Let me amplify a little bit on what Ms. Harmon talked about. It is important to remember what we are talking about here. We are talking about a location that is in the heart of SouthPark. It is not on the edge; sometimes projects come where you are next to the residential edge, but this is across from a pretty significant scale of uses, including next door to the Mall. If you looked at this, we talked about the ULI, the staff has talked about this creates opportunity to support a lot of the ingredients of the ULI Plan. Again, resident leaders like Hilary Larsen have been a part of that effort, and I believe will be speaking in favor in a few minutes. I want to give you a little context to the entrance to the Mall from Carnegie and also from Bullfinch, the two streets that border the site. As you can see the trees there, a lot of those trees along the edge will be preserved. This is more surrounding context of the Mall. I'm going to go into the detail of the site plan, because Ms. Harmon did a good job talking about that but I do want to emphasize a number of features. They don't look very big on this site plan, but they are a good size features that provide for activity and interest along Barclay Downs.

Design Concept – One of the things that we feel the residents are very appreciative of in our discussions early on was the raising of the design bar of this project, and I think they feel very strongly that is a very positive ingredient, that you can see in this location. In addition, there is another architectural piece, and this is the rear portion that would be more toward the SouthPark Mall. Some have asked is the parking deck going to be facing it; no, we are talking about residential units facing back on the mall, and this area is the portion that is parking, but as you can see, will have high quality treatments.

I want to talk about the other aspects of the projects that we are dealing with. In the recent discussions since the plans that were submitted that the staff has been commenting on, which as you know they comment on plans submitted 30-days before the zoning, we've actually worked to reduce the number of units from 266 units to 246, and we've also committed to specifically lowering the allowed building heights and specifying those heights. We are taking the height down along Barclay Downs, and it cannot exceed 82 feet, along Bullfinch 76-feet, Carnegie Boulevard 90-feet and the mall elevation is 84-feet versus the height limit of reduction that was originally in there of 96-feet. We are specifying the heights on four sides, so you can get a greater agree of commitment from the developer in terms of the height in addition to the reduction of the units.

This is some of the area where are trying to do further commitments since the plan was submitted to make commitments as to whether these spaces are fully public in nature and the types of features. I want to talk a little bit about transportation. We've asked you to talk to Mike Davis and others regarding any questions they have. They have a lot of traffic study work; we understand the mall, Simon and those representatives are opposed to the petition. One of the issues they have raised is traffic. We've got a lot of work to do with the Saturday numbers being rerun, things about nature, and we are confident of where those issues have landed from the standpoint of your technical review by C-DOT. These are the improvements we are proposing to make at the corners of Carnegie, Barclay Downs, some new visuals to really specify those improvements. The sidewalks of Barclay Downs, those of you who have been around this dais know that Barclay Downs Drive carries a lot of cars, and this is an opportunity for the developer to provide for a community benefit, committing to place \$225,000 into a fund to help jumpstart meaningful sidewalks on Barclay Downs.

Hilary Larsen, 3015 Clarendon Road said I want to first just take 10 seconds of minutes to say on behalf of the taxpayers, I've been here since 5:30, thank you for the work you do for the City. It has been an interesting evening. I am Chairman of the Barclay Downs Rezoning Committee; our neighborhood is about 500 homes, immediately north of the project. For the past four months, we have worked with the developer to make sure that resident's concerns were addressed to the proper fashion. We've met with City Planning, and C-DOT. We've talked to Simon Properties several times about the project and their opposition. We've also talked to other mixed-use developers to ask them questions about our architectural material. I know more about ephes; if you to know more about what that means you can come see afterwards, than I ever wanted to know. Based on our findings, we ask and the developer made several major changes to this project since we started four-months ago, that we think at the end of the day makes a project that we are really proud of and something that we can support. For that reason there are four things I would like to share with you as we wrap up. We first off think this is a really well designed architectural project, one that we are in short supply of in Charlotte. Two, we think the project will take what is now really a back door entrance to the mall and to the Office Park and really turn into something that will be a gateway into our residential area. Third, we think the plaza improvements are really important, and they are part of the ULI recommendation, and we can then use this to make other projects similar in the SouthPark area. We can't bring the park back to SouthPark per se, but we can do in small incremental ways. Lastly, we think the sidewalk improvement fund that they are contributing towards is not going to get the entire street done, but it gets a start and maybe puts us up the ladder on the future CNIP6 and that is something that our community has been trying to get for several years now with our Councilmen's help, so thank you.

Wilna Eury, 3040 Eastham Lane, said I don't have much to say after Ms. Larson said it. We are in support; it will be a great access for the community, and I think we are all looking forward to a great project that ZOM and Daryl are going to be building. So, we are behind it, and we hope to move forward and get it done faster and sooner.

Mr. Brown said we really appreciate Ms. Eury and Ms. Larsen as well as James East of the Deering Oaks Neighborhood. Early in the process we did reach out to representatives of Simon Properties, owner of the mall, and we certainly respect the critical importance of the mall to SouthPark. We are little bit surprised with the opposition that we have tonight but folks view the same set of facts

sometimes differently. We respectfully just disagree with the position that this development on our part is too intense and creates concerns for visibility or traffic, and again we think we have provide some information, some additional photographs. We've provided some comparison charts of some other projects in similar centers. This is the SouthPark Center; we are talking about significant office, retail all around us so we don't believe that the scale of this project is out of kilter with other projects around this community, including the Crescent Community on Morehead or other communities similar to that. We would say that, in terms of open space, open space should not just be measured by whether there is grass, but also what is the active open space? We think, as the staff has indicated, places to go and be active as part of the SouthPark ULI Plan is something that is important to believe. We would finally say that frankly a lot of this has been looked at extremely intently by Ms. Larsen and others in the community who are very knowledgeable and very sophisticated, and the fact that we have the community's support, not just for the sidewalks on Barclay Downs but for the architectural raising of the bar for the open space that is active and for these ingredients, we think is a testament that this is very positive. We are certainly happy to continue working with the mall and frankly, we would like to work with the mall to see if we can get the sidewalks we are going to be extending further into the mall as we go forward.

Christopher Kouri, 227 West Trade Street said I want to introduce some folks who are here with me. Steve Blakely is a Traffic Engineer; Jay DeVaney is my partner; and Mr. Randy Thomas is the General Manager of SouthPark Mall. I wanted to take about five to six minutes to express to you our position in connection with this project and then have an opportunity to answer some questions together with you all.

We are here representing SouthPark and its owner, SouthPark Limited Partnership. SouthPark Mall, as you know, is the engine, the heart of the popular area in Charlotte we all know so well. The mall is a 1.6 million square foot complex that employs more than 3,000 people, pays approximately \$6.5 million in property tax annually, and collectively it along with its tenants, contributes over \$40 million annually in sales tax. The mall is the owner, operator, and maintainer of the 6.5 acres Symphony Park that is enjoyed by thousands of Charlotteans annually. The mall runs, maintains and manages this facility at a cost of over \$400,000 annually for public benefit. SouthPark is the abutting owner of the subject 2.6 acre property we are discussing today. The site in question sits contiguously within the same roadway as SouthPark, immediately next to the mall parking lot on the Reed's Grocery, Dick's Sporting Goods, and Neiman Marcus side of the mall. We are here today in opposition of this project, because we believe it is detrimental to the mall. Beyond our own interest, we also believe this is not in the best interest of the overall SouthPark area, and moving forward on this development misses an opportunity for a better development at that location that fits into a healthier plan for the SouthPark area overall.

Before I get into the substance of our concerns, I want to dispel a notion that SouthPark or any of its owners is a frustrated bidder for this site. In a nutshell, the mall did not pursue this site; the sites owner approached the mall unsolicited and asked if they wanted to buy the property. Discussions never led to an agreement, then the owner engaged Cushman Wakefield in a full marketing effort to sell the property. The mall and its owners received the information, but the circumstances were unchanged for the most part and SouthPark never made an offer during this competitive process. When the ZOM Plan emerged SouthPark shared concerns about the project; they never heard back. The next notice of the project was in connection with the petition for rezoning.

I want to give you a brief look at the problems and challenges of this project. The current building on this site is 39,000 square feet; the proposed development will be over 400,000 square feet including the six-story parking deck. That is one-quarter of the entire mall itself stacked up on six floors on top of 2.5 acres. It is nearly entirely impervious space; it will have 99 apartment units per acre, none will be affordable or workforce housing. Traffic will increase by over 2,600 cars per day, in an area that already experiences grid lock at the holidays and on other special occasions. It is in close proximity to two other enormous developments at SouthPark, the Colony Project and the Sharon United Methodist Project. The full impact of which is yet to be known, but all indications are we had inadequate infrastructure to sustain with high quality. The building itself will essentially be a six-story wall blocking off the mall from Barclay Downs Drive. It will be exceedingly dense and intense and reliant on motorized transportation. It has no green space or park space except for newly proposed demenimous hardscape at the street corners. The lack of collaboration with the mall so far will result in a missed opportunity for increased connectivity. We call to your attention specifically that the additional traffic on Bullfinch Road at Barclay Downs Drive will further cripple the Bullfinch approach that traffic engineers already classify at a level of service F, which is the worst. We

recognize that inevitably residents and guests to this development will park at the mall, using its limited space that mall tenants pay for. We urge the Council to hit the pause button and take a wait and see how the other developments work out. Let's insist upon a new development at this site that is consistent with the ULI Study, and we commend the Council to recognize that sidewalks for Barclay Downs, while extremely important, should not dictate approval of an otherwise unwise project. We can get sidewalks with a good development; we don't have to take a bad deal. The mall is not opposed to development at this site; they are developers themselves. They just want one that is not detrimental to the mall and to the area entirely. We can find a better way. Division in work that you, our City Council, have embarked upon for SouthPark is commendable. You have recognized by your time, attention and City resources how important it is to develop the area wisely. You invested in the ULI Study, and this site is the perfect test case to begin implementing a more deliberate and thoughtful way forward.

Jay DeVaney, 701 Green Valley Road, Greensboro said we do want to note; I think Mr. Kouri may have missed, the ULI Study did promote workforce housing. This would contain none. As Mr. Hemminger has referred to this, this is a top of the line development, and it will be high end rental at the top of the market. There is no workforce housing component for this project. Furthermore, when Mr. Brown says we would love more inner-play with the mall, we did not receive any of the information that came in tonight about revisions to the plan, and to the extent that we do not know what has been submitted to you, but to the extent that there have been diagrams and charts submitted that contain information about the component of the public domain portion of this project, those little cutouts along Barclay Downs. They represent what is contained in the Residences at SouthPark or the mall itself. They are misrepresenting to you the facts. They do not contain the sidewalks in the Residences; the site at the Residences is 5.64 acres, not 3.7 as they took into consideration in their determination of units per acre. The units per acre at The Residences are 36; whereas, this is 99 units per acre proposed. We also would like you to understand that the Mall itself contains many, many, many square feet of public realm spaces that were not computed in their graphs or charts.

I don't think the statement that they were surprised about the opposition of the mall is anything but disingenuous, because the mall told them that this project to the mall from its standpoint was too dense and generated too much traffic on a very small site. We would like to see a better project; we would welcome working with the developer on a better project but the few changes that were made here tonight to reduce the units from 266 to 246 is not really a major change in this kind of project, nor was it communicated at all to the owners of the mall, nor were they involved in the process.

In rebuttal Mr. Brown said the first thing I want to do is, I just want to say that I'm sure this is a bad deal; we think it is a pretty darn good deal, and to suggest respectfully, that the residence who have come here tonight have worked for months to try to view this project, evaluate this project, that it is basically that they just got some sidewalks and that is all they care about, I just think was not really respectful to the many months of effort that the residents of Barclay Downs, Deering Oaks, Picardy and others did. We in fact did reach out; Mr. Hemminger did reach out even before filing to the mall, but there is a disagreement on whether it is a good thing for the Mall; we think it is a good thing for the community. We are happy to continue our conversation with them. In terms of blocking off the mall, frankly we believe this project when you look at other projects that are similar in the areas of this nature, when you consider solar, share and square, it is 99 units per acre and Allure is 102 units per acre. Crescent Dilworth is even over 100 and this is 92 units to the acre. I think we've got a situation where there is a case being made against this that frankly we think with your professional staff, we think with the community and with the other comparisons that this project is in keeping with the vision of SouthPark, and we feel strongly that is the case and will not set negative precedence. We've worked very hard with the community; we've worked very hard with the staff to present a superior project that we do think is in keeping with the ULI. We are delighted to keep talking to the Mall in terms of the communication of the plan. We have had them at several meetings, there has been an additional conversation, there has been additional outreach, and we are happy to have further conversations with them, but it has been clear to us that they do not support this project. So, we are trying to do our very best to move forward, and we are moving forward with a strong community blessing and your professional staff. We are happy to answer any questions.

Councilmember Smith said I just have a statement and may have a question. First Ms. Eury, they are here for every meeting, and it was so much fun to see you come down and speak tonight. These are two citizens extraordinary, and it was great to see you come down, because they come to every meeting and they are really, really well educated citizens. I want to address a couple of points; one is it is very, very interesting. Mr. DeVaney, who I think is from Greensboro or Winston. I found it very

interesting that you mentioned the ULI Study when your client was the only stakeholder in the SouthPark area not to participate in it. Nucor, Coke Consolidated, National Gypsum, who aren't developers, participated in it. Lincoln/Harris, who have been before us tonight participated in it, and in fact, Metropolitan Life, across the way who is doing a nursing home, participated in it. I found that to be a little disingenuous and really got in my craw. Secondly, that sidewalk, that is the most important thing in my district moving forward. It is incredibly important. It bifurcates my neighborhood; it leads 100 plus children to school. It leads more than 100 plus children to a neighborhood swim club, and right now with 11,000 plus cars per day coming down Barclay Downs, only getting worse, it is dangerous. I'm afraid to let my children ride their bicycles down that way and if we want ride our bikes to see their grandmother that is our only choice to go down that sidewalk, so that sidewalk is incredibly important to this community, and I don't think it should be taken in any other context than that. The neighbors have worked very hard, and the Zoning Committee in Barclay Downs is incredibly well versed. I was on it when it started, and it started ironically with a petition in which they opposed that Mr. Brown was the petitioner's agent for it, and they have worked on Sharon Methodist. They have worked on the Colony site. It is a very sophisticated group; Urban Planners, Architects, Attorneys, it is not just folks that are saying not in my back yard, and they are looking for actual good projects. This project is the public/private collaboration we are often craving, and it is going to move Barclay Downs Drive up the chain for a sidewalk that is critical to that community.

I wanted to state that; that is more than just a sidewalk. It is a transportation network that is going to allow Barclay Downs residents to get up to the mall. It is going to allow them to take shared vision and what the ULI Study was promoting, and yes the petitioner reached out to the community and say here is a need I see, and the neighbors said this is a need we see as well. I do want to have something noted, and I saw Doug here earlier and he left; it is not traffic. We do have an issue in the creek behind the swim club, that originates up close to the project and runs back through the neighborhood, and I don't think this individual or isolated piece of development should bear the brunt of that restoration, but with the CNIP that we got, there are some pretty large scale flooding that occurs coming through there, and as SouthPark develops and we approve zonings, I think the City needs to figure out a way to fund that, because I've sent pictures to Stormwater and different folks, and it gets really bad. I want that in the record, and I want to make sure as we are moving forward and as we are looking at CNIP dollars, that we figure out a way for that to get met. Sorry for elevated frustrations, but this is one that has been worked pretty hard, and it struck a little bit cord.

Councilmember Phipps said there are two statements in the Staff Analysis that I am particularly interested in. One is under the proposed request details; it says basically that I guess the petitioner commits to using good faith efforts to coordinate with the adjacent property owner for the provision of pedestrian connection from the site to the abutting mall property and mall pedestrian network. Given what we've heard in terms of the communication with the mall and the petitioner, how would such a good faith effort be measured, because it seems to me there seems to be too passive an approach to insure pedestrian connectivity? Also, the comment under transportation considerations; the statements reads this petition does not provide commitments requested to insure the enhanced pedestrian and shared use paths along Barclay Downs as envisioned by C-DOT. I'm wondering how do these two comments correlate, because it seems to me it is a disconnect between the whole connectivity sidewalks. I can understand the Barclay Downs \$175,000 commitment for sidewalks, but other than that, how do we reconcile the connectivity pedestrian safety in those two statements?

Mr. Brown said I'm happy to address one of those Mr. Phipps; in terms of the project as it relates to the connectivity in the sidewalks and the good faith efforts, we can't control moving the sidewalk from our boundary into the mall. We would like to be able to see if there is a way for the sidewalks along Bullfinch and Carnegie to continue; we are going to be installing new sidewalks to have those continue into the mall and perhaps connect. We also proposed, the residents sought from us, is there a way mid-block to provide a connection through the site, through the parking field at the back of the site and then connect into the mall parking lot on that location. We had set our plan up to be able to do just that. The reason it is good faith is, we can't connect, and we can't complete that connection without the consent of the mall, so that was the first issue. We are all in to try to make sidewalks go beyond our boundary and also to create a mid-block connection that would go through the site and have another way for pedestrians to move from Barclay Downs to get to the mall proper, but we have not been able and will be happy to talk further about whether we can do that, but we can't categorically commit to that, because we cannot ultimately make the connection. Right now there is a very tall hedge that doesn't allow that connection. That is response to one of your items.

The other, is as it relates to other sidewalk commitments, I think Mike Davis will talk about that; the petition that was proposed, we've been talking about doing that since filing the petition. We are in fact I believe going to be able to make more of these pedestrian improvements. We've had conversations with the Carnegie Association on those four corners, and they've been positive, but we haven't gotten final written sign off from them for us to do those improvements on the corners, and we are in the process of getting that, and that is the reason for some of the questions you've asked.

Mike Davis, Deputy Transportation Director said the part I would add to that in terms of that transportation summary is written, what that is really referring to us, is an outstanding issue is that the basic forum that is created in terms of the wide shared use path in front of the building on Barclay Downs is good, but there are some commitments that we think are necessary to insure that space is not infringed upon with other things like doors that swing open or how sidewalk dining and things like that are treated. The reason that is important is because we envision that that could be part of a bigger ring of almost acting like a recreational facility around the broader SouthPark campus. It is important both from a streetscape perspective but also for how it is going to fit into a larger shared use path.

Mr. Brown said we are happy to work on those technical aspects as well.

Councilmember Fallon said what would like to see there instead?

Mr. Kouri said I think first and foremost, a development that is less dense; maybe a third to a half of the size they are proposing, that has more open space that is better collaborated with the mall. That right there would be a tremendous improvement, and if I may just take a second. I want to respond to a couple of things that Mr. Smith said, which I very much appreciate all those comments, but I'm sure you are not suggesting that we should ignore the ULI Study, and in fact, I would bet that the bargain that was made with SouthPark years ago when they did the Residences and in connection with that set aside open space of 6.5 acres for Symphony Park, probably inspired a lot of the vision that you want to see today and the way we develop in that area. The ULI Study, while we didn't participate in that financially, I'm sure we don't want to cut off our nose to spite our face and not adhere to it.

Mr. Smith said we didn't ask a question. You didn't participate in it as a stakeholder when there was 75 people from the community that were coming in offering feedback on how to grow the area.

Mr. Kouri said because of your emphasis, you've got SouthPark plugged in, the participating in the SouthPark Coalition. They are going to be contributing to that, and obviously, we want to develop according to the ULI Study, not ignore it. The other observation I would make; you emphasize how important those sidewalks are. That is exactly the point we are making. We agree but we shouldn't have to enter into a development deal that may not be in our best interest to get public good that we otherwise need. If we need infrastructure sidewalks over in Barclay Downs, let's figure out a way to do it, and if it is so valuable to these folks that they are willing to do improvements a half mile from their development, I'm certain that the next developer will also willing to do the sidewalk improvements. You have the control, and you can drive the deal that you want that fits your vision; you've already set the course. You want it developed like ULI, and you can do it.

Councilmember Lyles said I know that I should have asked for this earlier. Can you do a map generally of the SouthPark area with what we've approved and the number of units and what is pending or petitions submitted so that we can actually see the physical map of what is being asked for and what is currently under rezoning? That would be very helpful for me.

Ms. Harmon said we will be glad to do that.

Councilmember Eiselt said going back to the ULI Study; I believe that the ULI Study called for more green space, and maybe Mr. Kimble can correct me on that but more green space. They sort of criticized SouthPark a little bit that it was developed in chunks and nothing connected to each other. What bothers me about this building is that it is one big chunk; it doesn't have the opportunity to pass through or go into the Mall or that you have to go all the way around it. It is a big building, but if the mall really wants to talk about being partners in the area and being part of the ULI vision then let's talk about how many employees you have that could really benefit from some affordable housing. How many thousands of people work at SouthPark Mall who it would be great to be able to walk to work and be in there, so instead of reducing it by 20 units, why not look at the density allowance to

put those back but have affordable units. Did you consider affordable units and using the density bonus, because this is a very dense project?

Mr. Brown said I will ask Darryl Hemminger to address the affordable housing component for this particular site.

Darryl Hemminger, 4208 Six Forks Road, Raleigh said the last part of your question was, you said this is a very dense product. The numbers don't bear that out; the fact of the matter is, this is less dense than most other comparable apartment projects. Solace, Sharon Square is well over 100; the Crescent property near ours is a difficult property to use, because it has a wetland on it, so the total acreage makes that calculation slightly different, but if you take another Crescent property, Crescent Dilworth they have significantly more units per acre. If you look at the Residences, the mall has taken issue with the way that we calculated that, and there is certainly room for interpretation as to how that is calculated but a simple unit per acre calculation and comparing us to The Residences is patently unfair. It is patently misleading at the onset. Those units are over 1,500 square feet per unit average, which are the biggest units in this market place. When comparing those to a regular project, you are going to get less density, but that doesn't mean you are going to get less mass. It is an unfair comparison for sure, but even if you take that out of the comparison and you compared this project only to other five-story on top of a podium apartment project, which is a very typical formula, ours is less dense than the average. You could ask your Planning staff to do an analysis for you, and I'm quite certain I know that the results of that will be.

The second thing as to affordable housing, I worked in affordable housing, and I'm a believer in affordable housing. I understand affordable housing and the structures and the financial structure necessary to make affordable housing work. The fact of the matter is that at this location, at these land prices and this construction price and my operating expenses for this apartment project, these would be the most expensive on site affordable housing components that we could imagine. When I think about these projects, just by way of example, just using some rough numbers, if this project cost me \$300,000 per unit to build and develop on this site because of the land price, the construction costs, everything else \$300,000 per unit. If I reduce the rents on this project down to 80%, it is entirely likely that that will become a non-revenue unit, essentially adds nothing to the bottom line. The unit that adds nothing to the bottom line that cost me \$300,000 costs \$300,000. Nobody who is in affordable housing believes it is smart to solve our affordable housing problem by building units that costs \$300,000 apiece. That is a crazy way to try and solve that problem. As I sat and thought about this, I said that doesn't make sense. How do we solve the problem? The fact of the matter is as a company and as a person, we understand the problem; we'd like to be a part of the solution not part of the problem. When I used to work in affordable housing what we were always looking for was gap financing. It is the difference between what we can borrow, what we can afford to pay and what it actually costs, and we looked at all sorts of different ways to fill that gap. The Charlotte Housing Trust Fund is a big source of that gap funding, private sources; we look for ways to fill that gap. What I looked at was could I structure a partnership with somebody who does affordable housing day in and day out, make a contribution to make a private partnership, fund a contribution for that developer to use as gap funding to make a project happen. That is what Dionne, with Laurel Street Residential, who is standing to my left, that's what Dionne and I have. We haven't completed the agreement, but we've outlined the terms of it, and we've spoken with the City about it. We are confident that as part of this development, we will structure that, and we think it is a great model program to help begin to solve the problem of affordable housing.

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

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Mayor Roberts said we've got to do a quick time check here; we have one more petition that has speakers for and against. We have a Text Amendment and then we have three more petitions that have speakers only in favor of the petition. Our rules are that we try to end around 10:00 p.m. It is 10:15 p.m. If we do the petition that has speakers for and against, that is going to be at least another half of an hour. Item No. 32 is opposed, and there are five more after that that are faster, but we can also put those on November 21, 2016.

Motion was made by Councilmember Austin, seconded by Councilmember Smith, to adjourn the meeting.

Ron Kimble, Interim City Manager said we would like to have a conversation about which Council Meeting you add those two, is that correct?

Keith MacVean, 100 North Tryon Street said the Haven Campus Communities, which is the next petition, was deferred a couple of times, because it is student housing. They are time sensitive, and we've already delayed to try to work on issues for two months getting to this hearing. If you could allow us to proceed this month that would be much appreciated.

Mayor Roberts said we have two questions, what day are we going to refer to and then are we going to allow one more petition to be heard tonight because it has been deferred before, and it is time sensitive. The speakers against are still here; I'm inclined to let one more, but we need six votes.

Laura Harmon, Assistant Planning Director said from a staff perspective we are committed to keeping the cases on schedule for a November decision, regardless of whether you hear them tonight or at a later date.

Mayor Roberts said if we heard them the November 21, 2016, we could decide them the same night?

Ms. Harmon said No, and I'm sorry, and maybe I missed the discussion about the 21st; if you heard them at the previous week, we would bring them back for a decision on the 21st.

Mr. Kimble said your choices are three: November 7, 2016; November 14, 2016; and November 21, 2016, but the 14th is your Business Meeting. The 7th is your Workshop that starts at 4:00 p.m.

Councilmember Lyles said so we had already decided to have our Workshop start at 4:00 o'clock and the Citizens' Hearing at 6:00 o'clock, and what we would do if we heard it on that night would be five cases for hearings, one with people opposed, so half hour and the others would be another half hour maybe.

Mayor Roberts said that are actually six left; one is a Text Amendment.

Ms. Lyles said so, let's say those are 10 minutes each, and it is just a staff presentation, so a half an hour. I think we could do it in an hour on that Monday, so we would go until 7:00 p.m. and then if we add it to the Business Agenda, I have no idea how many more, but I'm sure there is a lot longer time we would be there a lot longer for the Business Agenda to do it.

Councilmember Mayfield said I'm just trying to get clarification about what we are talking about since it is 10:20 p.m. already. Are we going to move forward and listen to the next one and then we can go into detail to have this conversation afterwards, to be respectful of time? It has been postponed multiple times, and they are on a timeline and because those who are also speaking against are here and have stayed through are we in agreement that we are going to hear this last one?

Mayor Roberts said if you want to make a motion to hear one more tonight and then to defer the remaining five to whatever date we are talking about, maybe November 7, 2016, so we won't delay those. We could do that.

Substitute motion was made by Councilmember Mayfield and seconded by Councilmember Phipps to hold the hearing on Petition Number 2016-087 by Haven Campus Communities tonight and continue the following petitions to November 7, 2016 at 4:00 p.m.: Petition Number 2015-106 by The Gold District of Charlotte, Inc.; Petition Number 2016-110 by Three Publicans, LLC; Petition Number 2015-037 by Dominick Ristaino; Petition Number 2016-127 by Steele Creek (1997), LLC; and Petition Number 2016-129 by Greenway Residential Development.

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

YEAS: Councilmembers Austin, Driggs, Eiselt, Kinsey, Lyles, Mayfield, Mitchell, Phipps and Smith.

NAYS: Councilmember Autry.

Councilmember Autry said this is the last case we are going to hear this evening, so everyone else can understand that it is dinner time is that correct?

Mayor Roberts said if you are here for Items 33, 34, 35, 36, and 37, you will not be heard tonight. They will be heard on November 7, 2016.

Councilmember Driggs said with apologies from all of us.

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ITEM NO. 32: HEARING ON PETITION NO. 2016-087 BY HAVEN CAMPUS COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.83 ACRES LOCATED ON THE SOUTH SIDE OF UNIVERSITY CITY BOULEVARD BETWEEN SUTHER ROAD AND JOHN KIRK DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL), O-1(CD) (OFFICE, CONDITIONAL), AND INST (INSTITUTIONAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) WITH FIVE YEAR VESTED RIGHTS.

Mayor Roberts declared the hearing open.

Laura Harmon, Assistant Planning Director said this is a 6.83 acre parcel located on University City Boulevard between Suther Road and John Kirk Drive. This is the property with the black background, University City Boulevard, Suther and this is across the street from the University of North Carolina at Charlotte. The request is to rezone from R-3 single family, O-1(CD) an office, conditional district and institutional to MUDD-O, mixed-use development optional, and they are requesting five-year vested rights. The current development on this site is office, multifamily and single family back on Sandburg cul-de-sac that parallels University City Boulevard. You can see the current zoning is a mixture of zoning district, as I mentioned, and this straddles two area plans; a portion of it is in the University City Area Plan, but the majority of it actually which you approved within the last couple of years, and a small portion is within the Northeast Area Plan. The University City Area Plan calls for residential at 22 units per acre and the Northeast Area Plan calls for that portion to be single family at four units per acre reflecting the housing that is there.

Looking specifically at the proposal, this is a request for 349 multifamily units and a single building at a density of 51 units per acre. The heights requested are four and five stories along University City Boulevard, four stories along Suther Road and the new proposed public street on the northeast corner of the site and three stories along Sandburg Avenue. The request will add a new public street along the northeast edge; it will provide a 10-foot multi-use trail along University City Boulevard and is requesting one optional provision for a small amount of parking between the building and Suther Road in this location.

These are elevations; you can see the upper left hand corner is along University City Boulevard, as is the upper right hand corner. The lower left hand corner shows the courtyard of the building along University City Boulevard and the lower right hand corner the townhome style units along Sandburg Avenue. The proposed residential use is consistent with the University City Area Plan, although the density more than doubles what the plan called for, which was 22 units per acre. For the portion that is in the Northeast District Plan, the petition is consistent from a residential perspective but does not meet the criteria set forth in the general development policies for consideration of an increase above 17 units per acre.

Staff is not supporting this petition; we are concerned about the density. We are concerned about the portion of the building that fronts University City Boulevard exceeding the typical block length of 600 feet along that street by approximately 200 feet. I will show you that in a little bit more detail in a minute, as well as wanting to really set up for some new street connectivity between University City Boulevard and Old Concord Road. As you are looking at the site, you all had a previous rezoning where you set up for a street connection to connect through to University City Boulevard. What this petition is proposing is a street connection that is offset from that previous connection and would not allow the connection, which we would like to see. Instead, we have requested a street in this location on the site to better align and allow a more direct connection between University City Boulevard and Old Concord Road. In light of that again, we are not supporting this in its current

form, and we do have outstanding issues related to land use, particularly that density, the street network, some site and building design details and requested technical revisions.

Keith MacVean, 100 North Tryon Street said that you for giving us a little extra time tonight to have this hearing; we appreciate that greatly. We have been working with the staff, University City Partners, as well as the neighbors, on trying to find a solution or a plan proposal that everyone could embrace. I think as a result of all the meetings we've had with both the neighbors, the staff, and UCP, we filed this petition in March and deferred it a number of times. We've had great meetings; we've had great input, and as a result of that input, we believe we now have a better plan than where we started. That better plan is part of the reason why University City Partners were able to write us a very strong letter of support and part of the mission of University City Partners is to oversee growth and development in the University area. They look at these petitions closely that are in their area, and here are some excerpts from their letter of support. It meets the majority of the University City Area Plan Design Guidelines, will provide housing that is right across from the University, walkable to the University. We've been very willing to work with UCP to make sure what we propose met those design guidelines and met their vision for the area, and we believe we've done that, and the letter shows that. It creates a development that is sustainable in design and contributes to the community building efforts of the area. That is what we've been able to accomplish in our efforts with UCP. We've also made a lot of changes to address neighborhoods concerns, both with where a road could be connected through the site, where units access the site, the scale of the development at the rear of the site. We transitioned from a four-story building to a three-story building, and we believe that does make the transition to the neighborhood that still allows purpose to build student housing to serve the University.

Some additional highlights again that the University City Partners pointed out, this is University City Boulevard here at the top, Suther here and Sandburg at the bottom and again a development that adheres to the Niner Choice Program that the University developed and that is a program the University developed for offsite student housing that would make sure if it has certain features of student housing that would make it safe for their students. This site does that and goes actually beyond the recommendations of the Niner Choice Program. It incorporates a large open space along University City Boulevard, a public open space for not only the residents of this residential community but other residents of the area that could enjoy a break from a busy day. There will be open space areas, trees, and seating areas, swings I think will be part of that open space area. Lower building heights on Sandburg Avenue, as I mentioned, a three-story building here versus four or five which are proposed along University City Boulevard. It incorporates adequate parking for students and guests and an effort to save large trees along University City Boulevard, with a meandering 10-foot multiuse, which is again part of the vision for the area.

Ms. Harmon mentioned the road; we are building a public street as part of this site. We are not required to build a public street, but we are providing a public street. We understand there is a need for connectivity breaking up the block lengths; we have put the public street here. Putting the public street in the middle of the site breaks the site into two pieces and creates security issues for the residential community. It now requires students to park in the parking deck go out of the building, across public street and then back into the residential community. We feel this is a good way to address connectivity, and we can show that in a future map. This road will eventually extend to Margie Ann Drive and then the road that Ms. Harmon pointed out coming from Old Concord Road will also extend to Margie Ann Drive, breaking up the block width. At some point in time if development occurs here, Sandburg could also be extended across this site and then creating more road network.

Quickly on Haven Communities based out of Atlanta, they are focused on development and manager the ownership of a high quality student purpose built housing communities; they deliver products that meet demands and exceed the standards of students and parents, as well as the educational institutions that they serve. Examples here of other communities where, they have built student housing, an example of one that just opened this year by Haven in Lubbock, Texas for Texas Tech University, very similar in terms of the proposal that we are proposing tonight.

UNCC today has 28,000 students and about 6,000 on site beds. It is projected to grow to over 32,000 students by 2018. There are 6,000 beds on campus; there is another 6,900 or 7,000 purpose built student housing units around the university. There is a gap there of about 15,000 students that are looking for housing and need housing. It is a growing university that needs housing; this is an opportunity to provide that housing at a location that is at the front door of the university, in keeping

with the vision that the University City Partners has for the area, and also making an appropriate transition to the neighborhood from our perspective. The Niner Choice Programs; something again UNCC developed, Haven takes it very seriously. They have examined it, and you can see that they have looked at all the recommendations; they exceed the recommendations of the Niner Choice Program. That is how safety and student safety is very important to them; they've developed an app that each student has, that rents a unit or room from Haven, that allows them to monitor whose is coming in and going, allows students if they don't want somebody to come to the development, they don't buzz them in, because they can see on their phone who is at the front door, and if they don't want that person visiting they just don't let them in.

Again, a site across from the University, we are 480 feet from Robinson Hall. That is probably closer than even some of the onsite student housing is to the actual academic part of the University. This is our site, 6.8 acres, 349 purpose built student housing that only rent to students. If you are not a student, you cannot rent a unit or a room at this location. Building entrances in the building are oriented toward the university; it is not oriented toward the neighborhood. One of the changes that we've made and are introducing tonight, we originally had entrances to the units from Sandburg; those were eliminated. It is still a townhome look, but there are no entrances to the street. We also removed on-street parking from Sandburg, something when we met with the residents they felt would create an incentive for students to really be hanging out in the neighborhood and bringing some bad side effects to the neighborhood that they had experienced from student housing. We took those entrances off, we took the parking off the entrances are oriented towards the University where the student's activity really needs to focus. We've increased the setback along Sandburg from 16-feet here up to 75-feet here to create a larger setback to the rest of the neighborhood and again three-story limit on the residential portion of Sandburg. We've revised the elevations; what Ms. Harmon showed you tonight is actually changed by this elevation. Working with UCP they wanted more brick, more masonry and Haven did that, added more stone accents, added a stone base, added planters, emphasized the entrance. This is the large open space that faces University City Boulevard and again you can see the stone based brick, stone accents, changed window designs. This is one of the secondary entrances facing University City Boulevard. This is the revised Sandburg elevation, three-story, townhome style but not individual entrances to the units, again, trying to focus the student activity toward the campus and not toward the neighborhood. We have worked with the neighborhood. We've reached out to them, and they have been very accommodating with their time and their willingness to work with us. We've done numerous changes to accommodate their concerns in terms of on-street parking, the scale of the building, residential access to the back of the buildings, so those changes have been made.

We feel this is an appropriate use in an appropriate location. Land use plans and zoning don't always recognize this special type of student housing. The Zoning Ordinance doesn't recognize it and treats it as multifamily. The land use plans tend to treat it in the same way. If this use is not here what is the right use for this site? At 22 units to the acre you are probably looking at garden style apartments; is that really in keeping with the long-term sustainable vision for this part of University City Boulevard right across from the University. If you don't built it here, there is still that demand, that 15,000 plus number of students that need housing. It will be further away; they will have to use their cars. This location lets them park their car, go to school five to six days a week and never really move it. Again, we feel this is an appropriate location for this type of this type of specialty housing.

Meg Morgan, 9001 Nottoway Drive said I am President of the College Downs Community Association, and for 25-years, I lived in College Downs across from UNC-Charlotte, the oldest neighborhood in this immediate area. Many of the houses were built in the early 1960's or the early 1970's. The neighborhood is the home to many university faculty and staff, and it is the home of Miss Bonnie Cone, who was the founder of UNC-Charlotte. She died in 2003, but her house still stands on Sandburg, right near where this development is going to be. The members of our board have met with the Haven several times since May, and we have agreed on some things, but we do not agree with the development plans on two major issues. The first issue is the developer's rejection of the deed covenant that controls the building requirements for this area of College Downs. Theron Hobbs is right behind me, and he will address the deed covenant and how the Haven violates them. The second issue is the density of the Haven, an issue addressed at the City Council Zoning Report, with which we agree. As you know, the current density includes 349 apartments, housing almost 900 students. The structure would be five-stories on Suther Road and University City Boulevard. This density violates the University City Area Plan, and it violates my neighbor's sense of privacy, safety, and security. We would be much more open to this development if it followed the suggestions of the

University City Area Plan that allows 22 dwelling units per acre, not 51. This map up here doesn't really show you that on the other side of Suther begins College Downs with people living there, many of whom have lived there for many years, so it is not like this development is two or three blocks away from the neighborhood, it is right next to the neighborhood.

Finally, College Downs has felt the impact of the University's enormous growth over the last decade. We have about 28,000 students there. I taught at the University for 30-years almost, so I know a little bit about this. About 25% of the houses in our neighborhood are rented to students. Many rentals exceed the maximum number of legal residents, so at the present time what is happening is students are coming into the neighborhood. They are renting houses from landlords, and they are living in our neighborhoods. Weekend nights, especially on football weekends, are especially active party nights. Party goes shout; we've been woken up in the middle of the night. They drink alcohol, and they take drugs. They urinate on lawns; one of my neighbors has been a witness to that. They throw beer cans and food refuse on lawns; they run naked, which we have seen, or half naked, which we've also seen, up and down our street, and they fight with other partiers. It is a really interesting neighborhood on some weekend nights. They probably drive home drunk, which is a big worry to me. A few weeks ago, someone knocked down about 12 mailboxes in the neighborhood, most on our main street, Bonnie Lane. This behavior has driven many families from their homes. We have very few families with children living in College Downs these days. Those of us who choose to stay try very hard to discourage this behavior by calling the Police and notifying landlords. I actually notified a landlord a few weeks ago; he wrote to his student tenants, and they actually wrote a letter of apology to me. I love students, by the way. I taught them for many years, so it is not that.

Nine hundred additional students living at the Haven may exacerbate these problems, and I've put the word may in because I can't make any absolute predictions, but it might be slightly stronger than may, if you think about it. Many residents have lived here for 50 plus years when the most common landscape was farms with tall silos. We want to keep our neighborhood safe and friendly even towards students, but we think this increase density will have harmful effects, especially on neighbors living on Sandburg and near Suther. Theron Hobbs, a member of our Board of Directors will address the issue of the violation of the deed covenants and possible repercussions from that violation. Thank you for staying an extra couple of minutes to hear our issues about the Haven.

Theron Hobbs, Sr. 9233 Sandburg Avenue said we may run out of time, but we will submit the rest of our comments in writing if we need to. Thank you for allowing us this opportunity to voice our opposition to this proposed Haven Campus Communities Project. I'm a resident of College Downs Community; I live on Sandburg Avenue right across from where Bonnie Cone used to live, a street that stands to be directly impacted by this project. I'm a Board Member of the College Downs Community Association; I'm also the Senior Pastor of Cross Point Worship Center, which is a part of this wonderful community, located across the street from UNC-Charlotte. I'm here with Dr. Meg Morgan who represents the residents of the College Downs Community who seek to preserve and protect our deed covenants and the integrity of our community who oppose this project. Just for clarification, it is not next to College Downs Community; this is actually sitting on College Downs Community, and I'll explain that in a moment. This proposal violates the integrity of our community as it relates to the size and scope of it. To compare in contrast with the recent project which has had a direct negative impact on our community, the Circle Apartments located on University City Boulevard across from UNC-Charlotte houses 586 beds, while the Haven Project is proposing almost 900 beds. Unlike the Circle Apartments, who built on land that was previously occupied by apartments, the Haven is proposing a plan that actually intrudes into our neighborhood, demolishing existing homes and directly violates deed covenants that were written and put in place for the purpose of protecting our neighborhood against such an intrusion. I only had one copy, but you can pass it around and see the deed covenants that are in place.

This attempt for such a plan on these specific lots is not the first to occur for our community. There was a similar plan drawn up several years ago, and because of the deed covenants in place that project actually failed. It has always been our understanding that deed covenants are the Bible for land usage, regardless of zoning, and the deed covenant supersedes zoning, and violating the covenants is illegal. With this understanding our hope is that City Council, being made fully aware of these deed covenants, will deny this petition for rezoning. The decoration of restrictions or the deed covenants Part C-1 under Land Use and Building Type states no lot shall be used except for residential purposes, no building shall be erected, altered, placed or permitted to remain on any lot, other than one detached single-family dwelling, not to exceed two and one-half stories in height and a private garage for not more than three cars. Furthermore, these covenants are to run with the land

and be binding on all parties and persons claiming under them for a period of 30-years from the date these covenants are recorded after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by the majority of the then owns of the lots has been recorded, agreeing to change said covenants in whole or in part. Tonight we represent the majority of these homeowners, who are against this project. This project is proposing the change of land usage of seven residential lots in our neighborhood, tearing down existing homes actually intruding into our existing neighborhood on Sandburg Avenue, where I live to erect a massive, and that is the word that the Planning Board used, who recommended not to approve this project. It is a massive four and five-story complex. Also, staff has noted that the density of this project is more than double the recommendation for this site. It is abrupt and intrusive and our residents are very much against this proposal.

As Pastor of the church, when we built there, I understood and respected the deed covenants and legally obtained necessary approval from the community for the use of our property for church and church related purposes, before I even purchased the property. Our community is asking you as Councilmembers to recognize these deed covenants as well.

In rebuttal Mr. MacVean said he petitioner is aware of the covenants, and we have been working with the title company regarding the covenants themselves. We do have word from our title attorney working on that that indicates that they have a commitment from a title company without exception regarding the deed restrictions. Part of the reason for that, these restrictions have been in place, as Mr. Hobbs mentioned, since 1962; they have not been enforced. There are numerous uses that aren't single family. There is an architectural review part of that covenant that also has not been enforced, so we are not sure that they can be enforced at this point, because they have not. I want to point out two things; we do have frontage on Sandburg, but Sandburg also runs to the west of Suther, and the majority of the College Downs Neighborhood is actually in that area. There is a portion of the neighborhood that is on this part of Sandburg and even to the Planning Department's perspective, and part of the reason we changed the building on this portion of Sandburg was they both see that these eight lots this side of Suther are isolated from the majority of the neighborhood. They are surrounded by residential; part of our site is already developed with multifamily and office and a daycare. There are homes on this site as well but surrounding this site is all multifamily. This is an ideal spot. It is very close proximity to the University; we have tried to make a change in the scale of the building, oriented all of the activity, including access to the parking deck off a new public street. The students accessing the deck never have to go through the neighborhood. If we try to implement the recommendation for connectivity the staff has asked, we would actually be connecting the cul-de-sac at Sandburg to the parking deck then bringing the students through the neighborhood to access the development. We think that is a bad change.

Councilmember Driggs said I would like to point out again that it is not the role of Council to resolve deed restriction issues, so if there are disputes about that, they need to be sorted out in the courts. We are here to look at land use, and I think this is a very interesting study in contrast the University City Partners and the staff positions. My interpretation would be that we are looking at the staff properly applying our zoning principles and the rules that we normally play by, and University City Partners looking at the special circumstances in that area. My question to staff is, what would you approve there? Are we anywhere close, or is it something that requires tweaking? It felt like your objections were generally fundamental.

Ms. Harmon said our primary objection was the street location, a concern about that, but I think also the density being to the extent that it is above what the plan called for also gave us concern. The staff has been coordinating with University City Partners, and we've found a lot of commonality also on what we are looking for. There are some things that we would like adjusted. We have heard clearly, I think that the petitioner's agent has been very clear about the street the location and their concerns about being able to do that. We feel like it was important to bring that to you, because that is adopted Council policy.

Mr. Driggs said right, but there isn't a conversation going on right now that feels like it is going to lead to a coming together, or do you think you can solve this?

Ms. Harmon said it would probably take a more significant change then I think the petitioner feels like they would be able to make.

Councilmember Phipps said I certainly do appreciate all the effort that has gone into the Haven, the petitioners and the community in trying to resolve certain issues, and they have had significant

discussions and made some adjustments. I guess the main problem I have with this particular petition is that we've spent a lot of work in formulating and approving the University City Area Plan, and it was just last year that the plan was approved. I think I'm amenable in most cases, even a slight deviation from the plan I may can accept, but I think with this I see in its current state right now that it is such a broad deviation, that it is going to be difficult for me at this time to support it. I'm hoping between now and the time that this petition is finally voted on,] and I'm encourage by the fact that my request for a reduction in the density in talking to Mr. MacVean, I don't know if he would like to elaborate on it, but my request for a reduction in the level of density has met with some success, and I would like for him to describe what that is. That seems to be moving in a more favorable direction on this project than otherwise was the case, maybe a week ago.

Mr. MacVean said I appreciate you asking that question. Haven Communities, as we discussed last week, is now looking at alternative plans that does look at reducing density. One of the things to keep in mind in density, in meeting with the University they've mentioned the Haven Campus and strongly encouraged them to do more one bedroom units. There is a higher percentage of one bedroom units than they normally would build, and so that tends to move the density up in terms of 349 units because a number of units are just one bedroom per unit versus three or four or two bedroom units. We will look at density; Haven is looking at alternative plans working with Kitchen and Associates, who is the architect, at revising the building to lower the number of units, and we will work on doing that between now and the Zoning Committee and between now and when we come back in November.

Mr. Phipps said another point also that I need some resolution on is the connectivity issue with regards to the street, because the prior petition that I worked hard, the area in and around the University is ground zero for student housing or so called student housing in Charlotte. We are inundated with student housing projects and even some are still interested in additional projects. I think they use the University's numbers, their growth projections as proxies to encourage additional building, but inasmuch as we have a host of student housing complexes, we also have a host of apartment and single family residences being used for student housing too. We are gurgling in this type product, so I need to make sure that the duplex student housing project that was right around the corner on Old Concord Road that we had agreed to a connectivity provision. We ought to get together with staff to see if we can find a zigzag approach to make that connection. I understand that we don't want to divide the project particularly in half, but I still think there should be a way to make that connectivity work, because otherwise you are coming in with this project being the scope and scale that it is, it is affecting even another project that we've approved around the street. That gives me some heartburn also. The questions I have for staff is, there is another student housing project with 600 students in it that used to be former Circle Project. Then there is another one maybe a mile down the road, U-House, another big project. Would those two student housing projects be permitted under this University City Plan as it is written today?

Ms. Harmon said yes and no; not in the form that they are, so yes at a lesser intensity we would probably have the same kind of comments we are having on this case, because we have evolved in our thinking and learned things from those projects.

Mr. Phipps said another point I wanted to raise because they mentioned that our plans do not really adequately address student housing type projects, and in the comments from Charlotte Mecklenburg Schools, they talk about this particular complex would generate 128 students, but I want to know how could that be inasmuch as it is supposed to just a student housing project, not a regular apartment complex with families? How are we measuring that comment when this is a student housing only complex?

Ms. Harmon said from a zoning perspective it is an issue that we cannot regulate who is living there and it is from our perspective a multi-family project, and we are hearing from the petitioner, and we understand it is likely to be built as student housing, and yes in that case obviously those numbers no longer make sense.

Mr. Phipps said there have been a lot of comments that this is a right site and it is. This is a good site right across the street from the University, but that is a given. Why can't the project be built in such a way as to conform with the plan that is only a year old, and I always admonish people that come before me to be consistent with the plan. I'm interested, because I know the people around the dais and the discussions we've had, if this particular project was coming in our neighborhood with the kind of density that is proposed, there wouldn't be much discussion in that regard. I would hope that

my colleagues around the dais in this late hour I know that they would give this petition due consideration and thought, and I'm hopeful that in the ensuing weeks that we get to the point that we decide, that we will be able to meet with the community, discuss the reduction in density and how we might could make it better to a way that we could get – because something is going to be. This site is just too desirable site. Something is going to be there. I think we have other student housing developers that are looking at this very situation to make a play and ones which I think would be less dense and less intrusive to the community. I tell you they are in the audience here right now and are looking.

Mr. MacVean said we will work on the connectivity issues; we think our solution does provide connectivity that the staff wants, breaks up blocks.

Mr. Phipps said one of the other things I want to bring up, it seems to me that you could have built this project a mile away from the school, but inasmuch as it is across the street from the school, why do we have so much parking when it is within walking distance?

Brian Miller, Haven Campus Communities said to answer your questions directly about parking, typically in student housing you do one to one bed to parking space ratio to keep the residents out from parking in the neighborhood, in this instance specifically. In our many meetings with the neighborhood, parking was a big concern of theirs; they didn't want our students parking on the streets and running naked down the streets and that sort of thing so we wanted to make sure we had enough parking. We kept all of our amenities within the apartments. There are no balconies; there are only access points to and from the buildings, so we listened to a lot of what the neighborhood had to say, and we've incorporated that into the building. You had a question earlier about the connectivity, just to be clear, if you tried to get to a 600-foot block, you move it 200-feet down, you are going directly through an affordable housing apartment community that is to our south. There is really not a good way to do the connectivity that they are looking for, and I think this is why we have the butting of the heads with University City Partners, who have been a champion for us on this project, and staff respectfully is sort of sticking to their guns on what it speaks to within the zoning or the community plan. Specifically, the 22 units per acre is quite low when you consider student housing, and as a point of fact, the Planning staff actually supported the Crescent development at 54 units per acre just down the street, and I would like that point made clearly because we are at 51 right now, so we are lower unit per acre than what they supported for Crescent just 1,000 feet down the street. I just wanted to make sure that point was clear. We are going to work on reducing the density; you have our commitment to do that, and we will continue to work with Planning and with the neighborhood which we have done for the last year basically.

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

ADJOURNMENT

Motion was made by Councilmember Mitchell, seconded by Councilmember Phipps, and carried unanimously to adjourn.

The meeting was adjourned at 11:06 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 54 Minutes
Minutes Completed: November 3, 2016