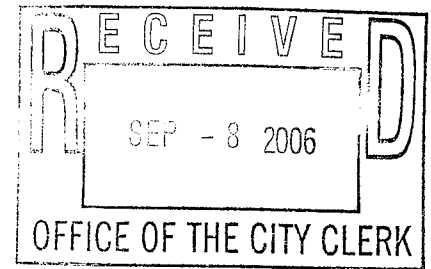


COMMUNITY MEETING REPORT  
Petitioner: Capital Land Partners, LLC  
Rezoning Petition No. 2006-118



This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to the provisions of the City of Charlotte Zoning Ordinance.

**PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:**

A representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on Exhibit A-1 attached hereto by depositing such notice in the U.S. mail on August 25, 2006. A copy of the written notice is attached hereto as Exhibit A-2.

**DATE, TIME AND LOCATION OF MEETING:**

The Community Meeting was held on Wednesday, September 6, 2006 at 7:00 p.m. at Newell Presbyterian Church, 1500 Rocky River Road West, Charlotte, North Carolina.

**PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):**

The Community Meeting was attended by those individuals identified on the sign-in sheet attached hereto as Exhibit B. The Petitioner's representatives at the Community Meeting were Chris Boone of Capital Land Partners, LLC and John Carmichael of Kennedy Covington Lobdell & Hickman.

**SUMMARY OF ISSUES DISCUSSED:**

John Carmichael opened the Community Meeting by welcoming those in attendance and introducing Chris Boone and himself. He stated that this is the Community Meeting relating to Rezoning Petition No. 2006-118.

John Carmichael then stated that the site subject to this Rezoning Petition contains approximately 19.31 acres and is currently zoned I-1. Pursuant to this Rezoning Petition, the Petitioner seeks to rezone the site to the R-6 (CD) zoning district to accommodate a residential community containing a maximum of 84 single family detached homes. The maximum density would be 4.35 dwelling units per acre.

John Carmichael then provided a schedule of events relating to this Rezoning Petition. He stated that the Public Hearing before City Council and the Zoning Committee will be held on Monday, September 18, 2006 at 6:00 p.m. at the Charlotte-Mecklenburg Government Center. The Zoning Committee Work Session will be held on Wednesday, September 27, 2006 at 4:30 p.m. on the 8<sup>th</sup> floor of the Charlotte-Mecklenburg Government Center. Finally, he stated that City Council is currently scheduled to render a decision on this Rezoning Petition on Wednesday, October 18, 2006 at 6:00 p.m. at the Charlotte-Mecklenburg Government Center.

Chris Boone then provided a brief history on his involvement with the site. He stated that he was initially shown the property 1½ to 2 years ago by a broker, and that the property had been on the market for approximately 6 years as an industrial site. The site is currently owned by the Bank of America Trust group.

Chris Boone stated that prior to getting involved with this Rezoning Petition, he looked at the recommendation of the small area plan for the site, and that the small area plan recommends residential development on the site at a density of up to 8 dwelling units per acre. Chris Boone stated that the City of Charlotte submitted a Rezoning Petition in 2003 in which it sought to downzone the site from I-1 to R-8. Chris stated that there is not really a market for this site to be utilized for industrial purposes because it is not attractive for industrial users due to access issues.

Chris Boone stated that he met with Michael Barnes and neighborhood leaders prior to filing this Rezoning Petition to determine if it was consistent with what the community desired for the site. As a result of comments received from these individuals, he made several revisions to his rezoning plan, including providing more open space at the entrance into the proposed development, and upgrading the street lights and the entrance monumentation. He also agreed to upgrade the design of the garages proposed for the homes to be located on the site.

Chris Boone stated that he has not secured a builder for the homes planned for the site, however, he is currently in discussions with HomeLife Communities. In fact, representatives of HomeLife Communities met with the neighborhood leaders with Chris. Chris Boone passed out elevations of some of the homes that HomeLife Communities would consider building on the site. Chris Boone stated again that HomeLife Communities has not committed to being the builder for this project, and that there is no assurance that HomeLife Communities would in fact be the builder.

Chris Boone stated that there would be a maximum of 84 single family detached homes constructed on the site, and the lots would be 40 feet wide and 100 to 130 feet deep. Chris Boone stated that his company is actually asking for the site to be zoned to R-6 (CD), not R-8 (CD). The maximum density would be 4.35 dwelling units per acre, 18.6% of the site would be devoted to open space and 16.7% of the site would be devoted to tree-save areas. Chris Boone pointed out the tree-save areas on the rezoning plan.

Chris Boone stated that high density mobile homes surround the property. Chris Boone further stated that the price point for the homes proposed for this residential community would be \$130,000 to \$165,000. Home ownership is a good way to jump start the redevelopment of the area, Chris stated. Chris then showed the locations of the stub streets that are required by the City of Charlotte.

Chris Boone stated that a left turn lane would be provided on Old Concord Road into the site. He stated that according to CDOT, the proposed development would generate less traffic than could be generated under the development of the site under its current I-1 zoning.

Chris Boone then opened up the floor to questions from the attendees.

The following is a summary of the information provided in response to these questions, and a summary of comments made by the attendees.

- The elevation of Old Concord Road will not be significantly changed as a result of this development. The development will be required to comply with sight distance requirements, but this will be accomplished by raising the entrance into the site.
- An area resident indicated that it was difficult turning onto Fairhaven Lane from Old Concord Road because of the hills on Old Concord Road.
- Chris Boone stated that there would be only one entrance into this proposed subdivision, however, due to the stub streets, if the surrounding property is developed then it is possible that there could be more than one entrance into this proposed subdivision. One entrance is not unusual for an 84 lot subdivision.
- In response to a question, Chris Boone indicated that he had not talked to the Charlotte-Mecklenburg Police Department regarding traffic on Old Concord Road. Chris Boone stated that he relied on CDOT for the analysis of the traffic.
- Chris Boone acknowledged that he had not investigated the number of accidents on Old Concord Road. However, once again, he stated that he was relying on CDOT for traffic related issues.
- In response to a question, Chris Boone indicated that he would be happy to engage an arborist in an effort to save the large tree or trees located at the front of the site.
- In response to a question, Chris Boone stated that the size of the homes would likely range from 1,400 square feet to 1,900 square feet, and that the price point would be from the \$130,000's up to \$165,000 or \$170,000.
- A neighbor indicated that he was concerned that the prices for the homes could fall because of constraints relating to the property, such as its location near industrial uses. Chris Boone stated that he feels that this community will lift the area, and that the area has the potential to be utilized primarily for residential purposes.
- In response to a question, Chris Boone showed the location of the Duke Power Easement on the site. Chris Boone also acknowledged that the Duke Power Easement area was counted when calculating the amount of open space provided on the site.
- An area resident indicated that he was concerned that these homes could be repossessed as are homes in other communities within the area.
- An area resident asked if Chris had directly contacted the school system regarding the capacity of the area schools, and Chris indicated that he was relying on the Planning Commission to provide information relating to schools.
- In response to a question, Chris confirmed that there would be covenants, conditions and restrictions recorded to govern the use and development of the site. He stated that these had not been drafted, but that he imagined that they would be similar to the covenants that he has used in other subdivisions.
- An adjacent property owner whose property is zoned industrial is concerned that if he redevelops his site, he will be required to establish buffers on his site adjacent to this residential development. John Carmichael acknowledged that in the event that this Rezoning Petition is approved and the property developed as proposed, that the adjacent property owner will be required to establish buffers on his property in the event that it is developed for industrial purposes. The adjacent property owner asked Chris if he could absorb the buffers on his site, and Chris indicated that there would not be room on his site to do so.

- In response to a question, Chris acknowledged that there were wetlands in some of the tree-save areas.
- In response to a question, Chris discussed how water would drain from the site.
- In response to a question, Chris indicated that the restrictive covenants could allow a home as small as 1,100 or 1,200 square feet on some of the lots due to some of the lots being unable to accommodate a larger house due to the lots' configuration. However, Chris stated once again that he believed that the typical house would range in size from 1,400 square feet to 1,900 square feet.
- In response to a question, Chris stated that he did not think that there was any language in his covenants, conditions and restrictions precluding Section 8 Housing, and he stated he did not know whether it would be legal to prohibit Section 8 Housing in a community.
- In response to a question, Chris reiterated that a builder had not been secured for the community, but at this time, he is in discussions with HomeLife Communities.
- In response to a question, Chris said that he would not be seeking financing through the Charlotte Housing Authority for the development of the site, but that he could not make any such promise regarding the builder that ultimately constructs the homes on the site. Chris also stated that this would not be a Habitat for Humanity community.
- An area resident asked whether the stub street to the adjacent property zoned industrial would be opened in the event that the adjacent property was ultimately developed for industrial purposes. John Carmichael stated that he did not know the answer to that question, but that he would look into it and get back with this property owner.
- In response to a question, Chris indicated that there was not any active open space within the community.
- In response to a question, Chris stated that he thought that the right-of-ways within the proposed community were 50 feet in width.
- An area resident indicated that he thought that the clientele for this community would be the same as the Buckleigh community.
- In response to a question, Chris indicated that the width of the driveways would comply with all of the City's regulations. Chris further stated that all of the garages on the site will not be able to accommodate two cars.
- A lengthy discussion ensued regarding covenants, conditions and restrictions, and Chris indicated that the covenants, conditions and restrictions would prohibit such things as above-ground pools and the parking of boats within the community.

The Community Meeting then concluded.

**CHANGES MADE TO THE PETITION AS A RESULT OF THE COMMUNITY MEETING  
AS OF THE DATE HEREOF:**

No changes were made to the Rezoning Petition or to the rezoning plan as a result of the Community Meeting.

Respectfully submitted, this 8<sup>th</sup> day of September, 2006.

Capital Land Partners, LLC, Petitioner

cc: Mr. Keith H. MacVean, Charlotte-Mecklenburg Planning Commission  
Ms. Brenda Freeze, Clerk to City Council  
Mr. Chris Boone, Capital Land Partners, LLC

**NOTICE TO INTERESTED PARTIES  
OF COMMUNITY MEETING**

**Subject:** Community Meeting -- Rezoning Petition filed by Capital Land Partners, LLC to rezone an approximately 19.31 acre parcel of land located on the north side of Old Concord Road west of Fairhaven Drive

**Date of Meeting:** Wednesday, September 6, 2006 at 7:00 P.M.

**Place of Meeting:** Newell Presbyterian Church  
1500 Rocky River Road West  
Charlotte, NC 28213

**Petitioner:** Capital Land Partners, LLC

**Petition No.:** 2006-118

We are assisting Capital Land Partners, LLC (the "Petitioner") in connection with a Rezoning Petition it has filed with the Charlotte-Mecklenburg Planning Commission seeking to rezone an approximately 19.31 acre parcel of land located on the north side of Old Concord Road west of Fairhaven Drive from the I-1 (light industrial) zoning district to the R-8 (CD) zoning district. The purpose of the requested rezoning is to accommodate the development of a residential community containing up to 84 single-family lots and homes.

In accordance with the requirements of the City of Charlotte Zoning Ordinance, the Petitioner will hold a Community Meeting prior to the Public Hearing on this Rezoning Petition for the purpose of discussing this rezoning proposal with nearby property owners and organizations. The Charlotte-Mecklenburg Planning Commission's records indicate that you are either a representative of a registered neighborhood organization or an owner of property that adjoins, is located across the street from, or is near the site.

Accordingly, on behalf of the Petitioner, we give you notice that representatives of the Petitioner will hold a Community Meeting regarding this Rezoning Petition on Wednesday, September 6, 2006 at 7:00 P.M. at Newell Presbyterian Church, 1500 Rocky River Road West. The Petitioner's representatives look forward to sharing this rezoning proposal with you and to answering any questions you may have with respect to this Rezoning Petition.

In the meantime, should you have any questions or comments about this matter, please call Chris Boone at (704) 371-4110 or John Carmichael at (704) 331-7509.

Kennedy Covington Lobdell & Hickman, L.L.P.

cc: Michael Barnes, City Council District 4  
Keith H. MacVean, Charlotte-Mecklenburg Planning Commission  
Mr. Chris Boone  
Rev. Brad Busiek, Newell Presbyterian Church



**CAPITAL LAND PARTNERS, LLC**  
**Petition No. 2006-118**

**Community Meeting Sign-in Sheet**  
**Newell Presbyterian Church**  
**Wednesday, September 6, 2006**  
**7:00 P.M.**

|     | NAME                   | ADDRESS                                 | TELEPHONE    | EMAIL ADDRESS                    |
|-----|------------------------|---|--------------|----------------------------------|
| 1.  | John Carmichael        | 214 N. Tryon St., 47th Floor            | 331-7509     | jcarmichael@KennedyCovington.com |
| 2.  | Chris Boone            | 1001 Morehead Sq. Dr., Suite 280        | 371-4110     | chrisb@capitalpartners.com       |
| 3.  |                        |   |              |                                  |
| 4.  | James H. Lillian       | 6028 McDaniel Lane 28213                | 704-596-6603 |                                  |
| 5.  | CLAIRE Fallon          | 8879 Legacy Lake Lane 28269             | 704-596-8828 | CGFTJF@aol.com                   |
| 6.  | JIM ROBERTSON          | 9500 ROBERT AWARD CT                    | 704-547-4644 | jandr@earthlink.net              |
| 7.  | Mike Chata             | 1644 Apt. K Telus Cir                   | 704-549-3141 |                                  |
| 8.  | Bobby & Joyce Hargett  | 6044 Fairhaven Dr                       | 704-596-8222 |                                  |
| 9.  | R. Colbran             | 6539 OLD CONCORD                        | 704/596-5785 |                                  |
| 10. | Donna Linnell          | 5636 N. Tryon St. Charlotte             | 704/225-0424 |                                  |
| 11. | TIM RYAN               | 6101 ORR Rd, Charlotte                  | 704-596-3021 | TRYAN@ROMANHAAS.com              |
| 12. | John Neilson           | 1016 AUTUMNWOOD LN Charlotte NC 28213   | 597-8196     |                                  |
| 13. | Kristen Cannon-McNulty | 7714 Pickering Drive Charlotte NC 28213 | 704-596-8954 |                                  |
| 14. | Tim Fallon             | 8879 Legacy Lake Lane Charlotte 28269   | 704-596-8828 | CGFTJF@aol.com                   |
| 15. | SUSIE REESE            | 4114 ARMITAGE DR. CHARLOTTE, NC 28269   | 704-549-4241 | SUSIE@BELL SOUTH.NET             |
| 16. |                        |   |              |                                  |
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