

**GUTHRIE, DAVIS, HENDERSON & STATON, P.L.L.C.**

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OF COUNSEL  
JOHN H. HASTY  
JAMES D. MONTEITH  
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KIMBERLY R. MATTHEWS

RETIRED:  
JOHN S. STATON

January 5, 2006

Mr. Keith H. MacVean  
Land Development Program Manager  
Charlotte-Mecklenburg Planning Commission  
600 East 4th Street  
Charlotte, NC 28202

RE: Rezoning Petition 2006-022 Public Meeting Notification

Dear Sir or Madam,

Live Oak Development Partnership LLC has recently filed a Rezoning Petition to rezone approximately 4.62 acres within the existing Live Oaks Housing Development from its current zoning classification of R-15MF(CD) to a Conditional Mixed Use Development District (MUDD CD). It is the intent of the Petitioner to re-develop the property predominately as a high quality "for lease" multi-family project, with a complementary and much smaller retail component.

The documents related to this Petition will be presented on January 19, 2006 in the Chapel (the old sanctuary) at Sharon Presbyterian Church, 5201 Sharon Road. The meeting will begin at 7:00 pm. On behalf of our client, Live Oak Development Partnership LLC, we invite you to attend this meeting to learn more about the development plans and its benefits to the community. Your attendance and participation in this process are welcomed.

Sincerely,

GUTHRIE, DAVIS, HENDERSON & STATON, P.L.L.C.



Robert E. Henderson

REHden

Enclosure

cc: Charlotte Mecklenburg Planning Commission Staff  
Charlotte Planning Commission Zoning Committee  
Charlotte City Council

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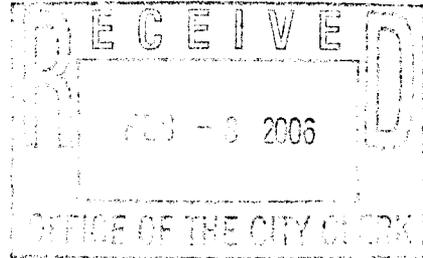
\* ALSO ADMITTED IN VIRGINIA

February 8, 2006

VIA HAND DELIVERY

OF COUNSEL  
JOHN H. HASTY  
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Office of the City Clerk  
Charlotte-Mecklenburg Government Center, 7<sup>th</sup> Floor  
600 East Fourth Street  
Charlotte, North Carolina 28202-2857



RE: Live Oak Development Partnership, LLC  
Petition No.: 2006-22

Dear Sirs:

The required Community Meeting for the above-referenced petition was held at 7:00 p.m. on Thursday, January 19, 2006 in the Chapel (the old sanctuary) at Sharon Presbyterian Church, 5201 Sharon Road, Charlotte, North Carolina. A notice was sent on January 5, 2006 via first class mail to all persons and organizations indicated on the attached list of addressees furnished by the Charlotte-Mecklenburg Planning Commission. A copy of the notice given, the list of persons and organizations notified, a list of the individuals attending the meeting, a list of the persons attending on behalf of the Petitioner and a photograph of the meeting are attached to this letter as additional information.

A presentation of approximately 40 minutes was conducted by Mr. Robert E. Henderson (Guthrie, Davis, Henderson & Staton, PLLC), Mr. Charles Woolyard (Charlotte Housing Authority, CEO) and Mr. Jim Gamble (Little Diversified Architectural Consulting) on behalf of the Petitioner. Following Petitioner's presentation, the following issues were addressed by the attendees:

1. Where are the playgrounds?

**RESPONSE:** The Petitioner has included a swimming pool, open space beside the buildings, and an extensive sidewalk network within the site. The petitioner also intends to develop a relationship with the nearby YMCA for the purpose of providing recreational opportunities for residents. Park Road Park and Carmel Park are also available a short distance away. These recreational opportunities are typical of and appropriate to an urban area such as Southpark and to an urban development as proposed by this Petitioner.

2. Several participants expressed concerns with the consistency of this petition with the South Park Small Area Plan.

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RESPONSE: The South Park Small Area Plan Proposed Land Use Map 5 identifies this area as multi-family and that is the overwhelmingly predominate use created by the Petition. While the MUDD(O) category sought by Petitioner has different minimum requirements than a multi-family district, the actual standards of this petition are entirely appropriate for multi-family development in an urban area. The petition also requests 12,000 square feet of retail, but the resulting streetscape and town center environment are supportive of and consistent with the design standards encouraged by the Southpark Small Area Plan.

3. Some residents expressed concerns regarding traffic.

RESPONSE: Preliminary traffic study information indicates that the impact of additional traffic associated with this petition is minimal and will not degrade the performance of the surrounding intersections. The site is accessed by right-in, right-out movements which create relatively little impact on the transportation system.

4. A resident asked if Phase I, represented by this petition, could be built without the approval of Phase II, the Pappas/Tate Petition No. 2006-42.

RESPONSE: It would be technically possible to build Phase I without Phase 2, but it is unlikely that such a project would be financially feasible at this time.

5. Some residents expressed concern regarding problems resulting from the disparity in income between affordable housing residents and residents in the "market" units.

RESPONSE: The residents occupying affordable units will be a part of the family self-sufficiency program requiring full-time work or full-time participation in a work readiness program. The affordable units will have only two bedrooms so family size will be limited. Property managers designated for this project will have experience dealing with affordable housing units. Finally, it is notable that the affordable units will be indistinguishable from the unsubsidized units.

6. Some residents expressed concern regarding senior parking.

RESPONSE: The parking planned for the senior housing meets requirements of the MUDD classification set forth in the City of Charlotte Zoning Ordinance. The Charlotte-Mecklenburg Housing Partnership, which will build and manage these units, indicates that the parking planned for their senior housing at this site exceeds the actual demand for parking at similar senior centers now under their management.

7. Some of the owners of the penthouse condominiums of the Tate Building expressed concern about the trees located between the Tate Building and the proposed senior center.

RESPONSE: A number of the trees at issue are actually located within the Tate Building property or along the property edge, are not a part of this project, and will not be disturbed. Petitioner will also plant additional screening at this location.

8. Some residents expressed concern about the rental price to be charged for the "market" units.

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Petition No.: 2006-22

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RESPONSE: It is anticipated that the rental rate charged to non-subsidized units will be similar to the rental rates typical of the surrounding multi-family rental marketplace.

9. Some residents expressed concerns regarding the fate of the families occupying the 32 multi-family units now located on the site.

RESPONSE: All residents will be re-located to other affordable housing. Every effort is being made to allow these residents to ultimately return to the site. Some of the individuals may ultimately go into the senior center based on their age. Others will have to qualify for the new affordable units under the family self-sufficiency program before gaining admission. The Petitioner is also looking at Section 8 vouchers for additional opportunities, but it is impossible to guarantee that all residents will return to the new development.

10. Residents expressed concern about how many subsidized rental multi-family units would be included in the multi-family development.

RESPONSE: The subsidized rental units in the multi-family development will not exceed 20% of the total units in the multi-family development.

11. Some residents expressed concern regarding the decision to have 32 affordable units at this relatively expensive location.

RESPONSE: The Petitioner is supporting an established City policy to provide affordable housing in this area of Charlotte and the loss of affordable multi-family housing at this location would be a serious blow to the policy. The financial structure of this transaction, whereby the "market" units and special financing provide the subsidy necessary for the design, development and operation of the affordable units, means that the government is no longer required to subsidize the housing at this site irrespective of its relative value.

12. Concerns were expressed regarding a loss of privacy resulting from the existing balconies on the first two stories of the four story building.

RESPONSE: The Petitioner has previously responded to neighborhood concerns by substituting much smaller "juliette" balconies (which lack an exterior balcony area) for the full balconies originally planned along the southerly side of the third and fourth floors of the multi-family building. The Petitioner has also responded to neighborhood concerns by reducing a portion of the multi-family building from four to three stories at this general location. Note also that Petitioner has reduced the number of stacks of units along the southerly side of the multi-family building. The Petitioner believes these steps will substantially mitigate any loss of privacy and represent an appropriate compromise on this issue.

13. A concern was raised regarding the possibility of access from the site to Sharonview Road.

RESPONSE: Petitioner is unaware of any basis for such access in the absence of the approval by the pertinent homeowner's association.

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14. A resident expressed concern as to how one accesses the site when traveling south on Sharon Road.

RESPONSE: There is an existing u-turn movement on southbound Sharon Road just before Sharon View Road and this movement would continue to be utilized for such access.

15. A resident asked if this project would be viable without the Senior Living Center.

RESPONSE: It would possible to develop a site without the Senior Living Center, but this would result in the loss of significant federal funding approved for this specific site and the alternative development would likely be additional mixed-use development.

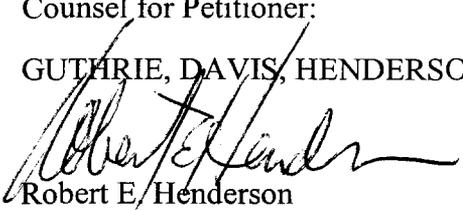
16. Some residents asked why the senior development could not be done at another location.

RESPONSE: There is approximately 6 million dollars in funding that could be forfeited by the City of Charlotte in the absence of approval of this project at this location.

Respectfully submitted,

Counsel for Petitioner:

GUTHRIE, DAVIS, HENDERSON & STATON, P.L.L.C.

  
Robert E. Henderson

REHden

Enclosure

CC: Ms. Debra Campbell, Charlotte-Mecklenburg Planning Commission  
Mr. Andy Dulin, Charlotte City Council  
Mr. Charles Woolyard, Charlotte Housing Authority  
Mr. Rick Porter, Charlotte Housing Authority  
Mr. Jim Gamble, Little Diversified Architectural Consulting  
(all w/encl.)

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January 5, 2006

2006-22 17901164  
APOLLO REALTY LLC CORPORATION  
% KENNEDY COVINGTON LOBDELL & HICKMAN  
214 N TRYON ST 47TH FL  
CHARLOTTE, NC 28202

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Robert E. Henderson

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Enclosure

cc: Charlotte Mecklenburg Planning Commission Staff  
Charlotte Planning Commission Zoning Committee  
Charlotte City Council

COMMUNITY MEETING - January 19, 2005

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Dielt Surrison	6700 S.W. PHILLIPS RD Charlotte # 420	704-643-5907	
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JEFF PEARCE		704 364 4116	
Roger - Coate.	5616 Glen Kirk Rd 28210	552-6815	
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Danny Hellams	4804 Park Phillips Ct.	704-552-1670	dhellams@bellsouth.net
Kristy Bumgarner	4812 Park Phillips Ct	704 577 1935	cind705@aol.com



Attending Community Meeting on behalf of Petitioner

Charlotte Housing Authority

Charles Woolyard, Chief Executive Officer  
Kathleen Foster, Vice President Real Estate Development  
Rick Porter, consultant for coordination of Live Oaks project

Bank of America Community Development

Miles Vaughn, Senior Vice President Community Development Banking

Little Diversified Architectural Consulting

Jim Gamble, Principal

Guthrie, Davis, Henderson & Staton

Robert E. Henderson, Attorney

Housing Studio

Chuck Travis, Architect, Housing Studio  
Michael Everson, Architect, Housing Studio

Charlotte-Mecklenburg Housing Partnership

Chip Leaf, Principal, Watts-Leaf Architecture  
Fred Dodson, Jr.

Kubelins Transportation Group

Randy Goddard