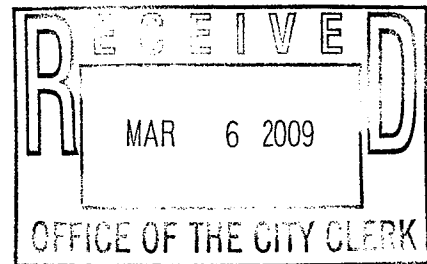


**Morrison Tract 3
Zoning Petition # 2009-022
Community Meeting Notes**



Meeting Date: Thursday, February 12, 2009

Meeting Location: Morrocroft Library

Attending for Petitioner: Bailey Patrick Jr. – K&L Gates,
W. Clay Grubb – Grubb Properties,
Todd Williams – Grubb Properties,
Kellie Falk-Tillet – Drucker & Falk,
Robert Lippard – Drucker & Falk,
David Segmiller – Freeman White,
Steve Chomick – Freeman White,
David Powlen – Little Diversified Architects, Randy
Goddard - Design Resource Group

Community Attendance: See attached Sign-In sheet

Speaker	Notes
Bailey Patrick	<p>Mr. Patrick opened the meeting by welcoming everyone and explaining that this meeting is for Petition #2009-022 for Morrison Tract 3 and the Petitioner is Grubb Properties. Mr. Patrick introduced Clay Grubb and indicated that Clay would introduce his team in a few minutes when he spoke.</p> <p>Mr. Patrick explained that the purpose of this rezoning was for a Site Plan Amendment to the original 2004 petition in order to provide the Petitioner flexibility for a wider variety of uses on the site. The current uses limited the site to up to 195 for-sale residential units and 10,000 sf of Fitness uses. Mr. Patrick went on to explain that the Petitioner is seeking this additional flexibility because of the current market conditions which prohibit the development of the parcel as for-sale housing.</p> <p>He mentioned that the Petitioner has met with the City Planning Staff to discuss the proposed amendments and that staff is favorable to the amendments because of their consistency with the Long Range Southpark Area plan with the exception of the Hotel component of the request. The Petitioner is currently considering Staff's request to remove the Hotel component from the proposed amendment.</p>

Mr. Patrick went on to explain the use options and exchange ratios as presented in the proposed petition as follows:

- 195 For Sale Residential Units, or
- Continuing Care Retirement Community at a ratio of 2 Independent Living Units for 1 For Sale Residential Unit and 3 Skilled Nursing Care Units for 1 For Sale Residential Unit, or
- Hotel Rooms at a ratio of 2 Hotel Rooms for 1 For Sale Residential Unit – up to a maximum of 120 Hotel Rooms
- Commercial at the Ground Level up to 20,000 sf
- Health / Medical / Wellness up to 30,000 sf

Mr. Patrick discussed the rezoning process and the rights of property owners. He mentioned that anyone has the right to speak at the Public Hearing which is currently scheduled for the third Thursday of March – March 19th 6:00 pm at City Hall in the main chambers. In addition, there is a Planning Commission Zoning Committee Meeting on March 25 where members of that committee will weigh the pros and cons of the petition, staff recommendations, and public comments received the night of the Public Hearing to determine their recommendation to City Council on the Petition. The City Council will meet again on April 20th to vote on the Petition assuming there are no deferrals during the process.

Mr. Patrick also discussed the Protest Petition option available to property owners adjacent to the Petitioned Property. A Protest Petition is made valid when the owners of 5% of the property within a 100 foot area surrounding the site file such a Protest Petition with the City Clerk. If a valid protest Petition is filed, the Petitioner is required to secure 9 favorable votes from the City Council (3/4 Majority) versus 6 votes (Simple Majority). Mr Patrick concluded that the Petitioner is motivated to work with the Community and adjacent neighbors to resolve as many issues and concerns as possible in order to avoid a Protest Petition as the hurdle for success is much higher.

Mr. Patrick then introduced Clay Grubb.

Clay Grubb

Mr. Grubb first discussed the history of the project, explaining that Grubb Properties first assembled the property in 1998. The original property consisted of 2 apartment communities - Park South and Deering Place. Both apartment communities were 1970's vintage properties and a portion of the original Park South Apartments still remains on the site. The combined sites constituted approximately 24 acres in total and were originally zoned R-17(MF). Under this zoning a number of uses were allowed including apartments, condos,

nursing care, retirement communities, a small amount of retail, and other uses. In addition, the previous zoning allowed for substantially higher buildings well over 200 feet provided buildings were approximately stepped back from the property line.

Mr. Grubb went on to say that his company rezoned the property in two sequential zonings to a MUDD Conditional plan allowing for a mix of uses including retail, apartments, for-sale residential, and fitness. This rezoning included, among other commitments, substantial height restrictions that were negotiated in detail with the adjacent property owners and have not been modified by this current Petition.

Mr. Grubb then explained that following these rezonings, his company constructed the initial phase of the project on Tract 1 which included approximately 130,000 square feet of retail anchored by Barnes and Noble, Earthfare Grocer and Stickley Furniture, 214 apartment units and 117 residential condominium units. This phase was just recently completed and the retail is currently 97% occupied with only a couple of vacant bays remaining along Sharon Road and the Apartments are 91% occupied. The condos were built in two phases with the first phase consisting of 35 loft-style homes. These sold very well with only a few remaining. The second phase of 80 homes however, has sold much slower as a result of the current market and we have approximately 45 of those remaining.

Mr. Grubb went on to describe the current Petition which was limited to Tract 3 of the Morrison Project. The primary need for rezoning is to provide flexibility by allowing a Continuing Care Retirement Community or a Boutique Hotel to be developed on the Site in lieu of the 195 for sale residential units. In addition, the Petition seeks approval for a limited amount of ground level retail, (20,000 sf) that would have a maximum tenant size of no more than 8,500 sf. His company is currently envisioning a CCRC of approximately 275 independent living units and 50-60 nursing units. In addition, the Petition seeks approval for up to 30,000 sf of health / wellness in order to accommodate a potential relationship with Presbyterian Healthcare .

Question Will the Wellness facility be open to the Public?

Clay Grubb Yes, we envision it would be open to the public but primarily to serve the needs of the community.

Question Do the height restrictions change from the previous Zoning?

Clay Grubb No, we have not altered the height limitations. Mr. Grubb then went on to explain the heights as they step back from the Village of Morrocroft property line- 35 foot height limit within 125 ft; 55 foot height limit within 125 feet to 150 feet; 65 foot height limit within 150 feet to 300 feet; and 120 foot height limit beyond 300 feet.

Question Are the setback restrictions the same as those currently approved?

Clay Grubb Yes, the setback and buffers are the same .

Question 2 Issues from Morrocroft Apartments – Issue #1 What happens if you decide to sell the property with this greater density. We know you and your company, but what assurances do we have that it will be attractive and high quality. Issue#2 From our side of the building it looks like you ran out of brick, it looks like a prison. We think this view is horrible and the view of the mechanical units and the roof is also impactful for the higher units in our building. This goes to our skepticism of what will be built in this next phase.

Clay Grubb On Issue #1 – We could not build condominiums and the CCRC- one must be traded for the other. Moreover, the increased unit density only applies to the CCRC and although the unit density may increase with CCRC the actual area built should be similar or smaller due to smaller average unit size and less total parking. The average unit size for a condo would have been 2,000 sf to 2,220 sf whereas the average unit size for a CCRC might be closer to 1,500 sf. Skilled Nursing units would be 1/6th of that size or smaller. The parking for condos would be in excess of 2 to 2.5 per unit whereas this would be substantially less for CCRC units. Also, the price of the property will dictate that the project will be high in quality. On Issue #2, Mr. Grubb explained that he was just made aware of this some 45-60 days ago and was embarrassed by the view from the Morrocroft Apartments described. He is investigating ways to mitigate this issue and to improve that view with landscaping and perhaps roof a trellis. He plans to come back to the Morrocroft Apartment owners with a strategy to improve that, but it is obviously an enormous building.

Question We know that there are substantial employees with a CCRC. Where will they park?

Clay Grubb We are currently envisioning a Parking Deck internal to the project to accommodate the employee parking, retail parking, and resident parking.

At this point, Mr. Grubb introduced the rest of his zoning team including: Todd Williams with Grubb Properties, Bob Lippard with Drucker and Falk and Kellie Falk-Tillet

with Drucker and Falk, Dave Powlen with Little Diversified, the Civil Engineer, and Randy Goddard, the Transportation Consultant. He then called on Bob Lippard to introduce his design team on the project.

Mr. Lippard introduced himself describing his past experience with continuing care retirement communities and David Segmiller and Steve Chomack both with Freeman White Architects who have designed a number of facilities they will describe shortly. In addition, he introduced Kellie Falk-Tillet with Drucker and Falk, an Officer and Managing Director with his company and here to answer any questions you might have about D&F.

Mr. Lippard discussed his company's past experience with CCRC development and age restricted communities including Galway Ridge in Chapel Hill; Farrington Village in Durham done in cooperation with Duke University as a Not-For-Profit. Units in Farrington Village are on a 90% refundable basis with an entry fee ranging between \$350,000 to \$675,000 – very high-end. The property is 4-1/2 years into occupancy with a waiting list; The Chamberlin in Hampton Virginia – a historic hotel that has been renovated as an age restricted community on the waterfront – www.historicchamberlin.com; a new project in Hillsborough just North of Chapel Hill in association with Duke University again; and the Cardinal in Raleigh near North Hills Mall. The Cardinal has an entrance fee from \$400,000 to \$850,000.

Mr. Lippard went on to explain that they have brought in a group called Pacific Retirement Services, a not-for-profit operator and owner of CCRD facilities throughout the country to participate in this project as the owner and operator. In addition he added, his company was currently negotiating with Presbyterian Hospital to be the provider of medical services, health and wellness for the community.

Mr. Lippard stated that the current strategy was to consider making this a not-for-profit CCRC. They had previously pursued a for-profit facility on the adjacent Colony Apartments site within two high rise buildings with an independent living unit count of approximately 375 units excluding nursing care, but that at Mr. Grubb's request, they had reduced this facility down to approximately 275 Independent Living Units exclusive of the nursing units.

David Segmiller	David introduced himself as the Senior Living Studio Director for Freeman White Architects where they specialize primarily in two products – healthcare facilities and senior living facilities. Projects have included Southminster in Charlotte; Givens Estates in Asheville among others. David also mentioned that they were involved with the Mirabella projects for Pacific Retirement Services in San Francisco and Seattle. Mr. Segmiller went on to show example pictures of the various projects on a display board. Finally, Mr. Segmiller introduced Steve Chomack also with Freeman White to walk the audience through the project.
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Steve Chomack Mr. Chomack introduced himself as the design director for the project. He then went on to walk through the proposed plan for the project including the different components: skilled nursing care, independent living, courtyards, internal common areas, commercial retail areas, health and wellness areas, a the location of the parking for the facility to include parking for residents, staff, health/wellness, and commercial.

Dave Segmiller Mr. Segmiller indicated that they were very excited about the adjacency to the existing Morrison Village because of the potential for residents of the CCRC to walk to the grocery store, bookstore, grab a cup of coffee, etc. David went on to say that these kinds of amenities create a very compelling location for a CCRC and allow for a superior quality level.

Bob Lippard Mr. Lippard added that this project is intended to be a very high quality CCRC. He went on to explain some of the projected economics for this facility. First he indicated that it will serve an affluent population roughly 78 years and older with an average unit size of approximately 1,500 sf and an average entrance fee of \$575,000. The cost for the facility would be approximately \$400 per sf or higher. Independent Living Units generally would range from the smallest at approximately 1,040 sf to larger units of 2,200. In addition, units may be combined to form even larger unit sizes to serve particular resident needs.

Mr. Lippard added that they are currently projecting there will be 275 independent living units and 60-75 skilled nursing units.

In their Galway Ridge project they had approximately 20,000 sf of health and wellness facilities provided by Duke University Health and additional primary care Physician space. These facilities were primarily for the residents but were also open to the public. Mr. Lippard indicated that they are currently working with Presbyterian Hospital to provide similar health / wellness and Physician services at this location.

Question How long will the entire process take?

Bob Lippard Mr. Lippard indicated that the process is tightly regulated by the North Carolina Department of Insurance. If zoning is successful we would intend to open a sales office on site in May and accept deposits. Hopefully we would secure enough deposits to proceed within 6 months to the next stage. The next stage would be to accept contracts with 10% deposits that are partially refundable. The state requires a minimum of 50% pre-sales and financing generally requires around

70%. We anticipate this would take approximately 18 months. At that point construction would begin and take a total of approximately 20-24 months to complete.

Question During Construction, what would be the hours of operation

Dave Segmiller We're very familiar with hours of operation issues. At Southminster for example, we restricted start and finish hours to minimize the impact on existing residents.

Clay Grubb Mr. Grubb reminded the group that the Petitioner has approximately 340 residents living within Morrison that will be impacted so his company is motivated to make sure noise is acceptable.

Bailey Patrick Hours of operation are something that can be added to the zoning conditions and would be enforceable.

Question Will you tear down the existing apartment units now?

Clay Grubb We do not intend to tear down the existing units until we near the start of construction on the CCRC.

Question Could you explain the entrances to the project and address concern about the traffic on Colony Road

Mr. Grubb then called on his traffic consultant, Randy Goddard.

Randy Goddard Mr. Goddard explained the 3 right-in right out entrances along Sharon Rd (2 existing) and the two multi-directional entrances along Colony Road (also existing). We are not proposing any changes to those from the previously approved petition. Response from CDOT has indicated that they feel a traffic study is not needed. He then went on to explain the roadway improvements that were made as part of the previous zoning. He mentioned that under the proposed plan there will only be minor increases in trips from the site in the AM peak (approximately 30) and PM peak (approximately 120).

Question How many employees would be on site for the CCRC

Bob Lippard Generally a project of this size would have approximately 130 employees spread over several shifts.

Question What about the two undeveloped sites along Colony Road

Clay Grubb Both sites along Colony Road are planned for for-sale condominium project and due to the current market conditions are not viable today.

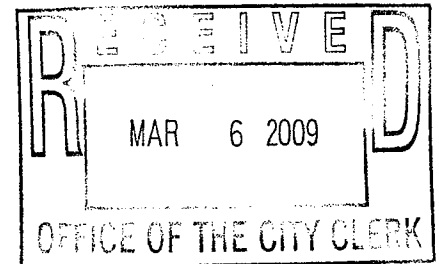
Question	Can you explain the height restrictions?
Clay Grubb	Mr. Grubb responded by showing various height steps established on the Rezoning Plan and affirmed that these height restrictions were the same as those established under the currently approved plan.
Question	What will be the rooftop treatment for lower levels of the project?
Dave Segmiller	This is something we will be paying close attention to since it will also impact the visual experience for our residents in the taller portions of the site. We use a number of screening and roof elements to accomplish this.
Question	I have concerns over the lack of landscaping that has been provided on Tract 2 of the project.
Clay Grubb	We will certainly look at additional landscaping on Tract 2 in the rear portions and also explore additional landscaping solutions for the existing project which improve it visually.
Question	Can you indicate where the retail would be in this new plan
Clay Grubb	Mr. Grubb pointed out the area along Sharon Road and Sharon Township Lane envisioned for retail.
Bailey Patrick	Mr. Patrick wrapped up the meeting and thanked everyone for taking time out of their evening. He indicated that anyone was welcome to call him or Clay Grubb with any questions or issues and they would be happy to talk with them.

Grubb Properties, Inc., Petitioner
Rezoning Petition No. 2009-022

Community Meeting Sign-in Sheet
Morrison Regional Library
Thursday, February 12, 2009
7:30 P.M.

	NAME	ADDRESS	TELEPHONE	EMAIL ADDRESS
1.	David Smith	434 Fenton Pl	704/337-7154	Barley.Barnes@KLBates.com
2.	DAVID SMILLER	17211 BELHAVEN WALK.	(704) 566-2462	dregan11@Olivetti.com
3.	Steve Chomick	2615 Lori Lane	704 586 2343	
4.	Vernon Anderson	2633 Richardson Dr 2-B	704-364-2633	VANDERSON9@aol
5.	Gloria Anderson	" " "	" " "	" " "
6.	Derek Dittner	3831 Barclay Dams Dr	704/521-8405	Ddittner2@Carolina.NC
7.	Jane Conlan	2633 Richardson	704 366 9434	
8.	Peggy Palmer	2633 Richardson	704-720-0085	
9.	Mike Garsen	3015 Clarendon	366-1841	hilarycgreenberg@
10.	Laura & Scott Jeral	2515 Morrocroft Ln	704-333-5511	hokkai.com swelton@fin
11.	Joyce Regan	2555 Morrocroft Ln	704-362-0185	jregan@regan
12.	Bill & Vernia Clark	2633 Richardson Dr.	704-366-0356	wclark@mindsp
13.	Daniel G. Regan	2557 Morrocroft Lane	704-905-6440	DAN@DANREGAN
14.	David Conlan	2633 Richardson DR	704 366 9434	dconlan@brill.com
15.	Tom & Gretchen Carpenter	2633 " "	704-366-5140	
16.	Ed Imbrogno	2700 Lemon Tree Ln	704 364 9558	eimbrogno@fidespart
17.	DAN OAKLEY	2710 Lemon Tree Ln	704-367-9104	
18.	Eric Osborn	2560 Morrocroft Lane	704 365-1138	
19.	Howard Levine	2544 Morrocroft Lane	704-814-3282	
20.	Mark Lerner	2600 Lemon Tree Lane	704 442-7390	mlerner@LernerAptand
21.	ERIC OPPENHEIM	2633 RICHARDSON DR, # 7B	(704) 442-9484	
22.	Arlene Oppenheim	2633 Richardson Dr. # 7B	" " "	arleneopp@
23.	John Shepard	" " - 8A	704-366-403	JOHN T2@
24.	Patricia Sharpe	2633 Richardson Dr. 6B	704-367-0430	CARDUS.A.RR
25.	Aspinwall	" "	704 609 7018	
26.	STEFAN LATORRE	2525 Morrocroft Lane	704 344 0004	stefan@Latorre
27.	Jim & Claire Talley	2738 Beverwyck	704-364-1722	cyrtalley@bellsouth
28.				

COMMUNITY MEETING REPORT
Petitioner: Grubb Properties, Inc.
Rezoning Petition No. 2009-022
February 26, 2009



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

A representative of the Petitioner mailed written notices 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 notices in the U.S. mail on February 13, 2009. 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 Thursday, February 26, 2009 at 7:30 p.m. in the Morrison Clubhouse located at 721 Governor Morrison Street, Charlotte, North Carolina.

PERSONS IN ATTENDANCE AT MEETING:

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:

Todd Williams, Grubb Properties, Inc.
Bailey Patrick, Jr., K&L Gates
Robert Lippard, Drucker & Falk
Steve Chomick, Freeman White
Mark VanSickle, Little Diversified Architects
Randy Goddard, Design Resource Group
Sherri Long, Grubb Properties, Inc.

SUMMARY OF ISSUES DISCUSSED:

Bailey Patrick, Jr., the attorney for the Petitioner, opened the meeting. He explained that the purpose of this meeting was to provide interested residents and organizations within the area affected by this Rezoning Petition with information concerning the Petitioner's proposed Rezoning Plan and to respond to questions and concerns they might have.

He informed the group that the Petitioner had held an earlier Community Meeting on February 12, 2009, but was subsequently informed by the Planning Commission's Staff that the list of adjacent property owners entitled to notice of that meeting which Staff had furnished to the Petitioner was erroneous and did not include a number of property owners who were entitled to

receive notice of that meeting. As a consequence, the Petitioner was required to hold this substitute Community Meeting prior to the Public Hearing on this Rezoning Petition for the purpose of discussing this rezoning proposal with them after first providing notice of this meeting to all individuals and organizations entitled to receive notice of the meeting.

Mr. Patrick then welcomed those in attendance and explained that this Rezoning Petition involved Tract 3 of the Morrison Project which contained some 7.95 acres (the "Site"), adjoined the Village of Morrocroft and fronted on the north side of Sharon Road. He also observed that a portion of this property was occupied by the Park South Apartments.

Mr. Patrick then introduced Todd Williams with Grubb Properties, Inc. and indicated that he would introduce Petitioner's rezoning team after Mr. Patrick first briefly explained the rezoning process to the group.

Mr. Patrick explained that the zoning currently assigned to the Site was the Mixed-Use Development District-Optional (MUDD-O) category, and that the approved Rezoning Plan for Tract 3 would allow the development of 195 for sale residential units and a 10,000 square foot fitness center on the Site and that Rezoning Petition No. 2009-022 involved a request for a MUDD-O Site Plan Amendment which would accommodate additional flexibility in the development of this Site by allowing the previously approved for sale residential units to be converted into a continuing care retirement facility or a hotel use, allowing the approved fitness facility to be expanded and broadened to accommodate potential health or medical uses and allowing a limited amount of ground floor retail use along Sharon Township Lane and Sharon Road. He then informed the group that the Petitioner had met with the Planning Commission's Staff to discuss the proposed amendment and that Staff had determined its request was consistent with the Long Range SouthPark Area Plan provided the Petitioner agreed to eliminate the hotel use which was not consistent with that Plan. He then added that the Petitioner had opted to remove the hotel component from its Rezoning Petition because of Staff's opposition.

Mr. Patrick then briefly described the Charlotte rezoning process and provided the following key dates for this Rezoning Petition:

Public Open House Forum:	Previously held on Monday, February 2, 2009 at 5:00 p.m. at the Government Center on the 8 th Floor
Public Hearing:	Thursday, March 19, 2009 at 6:00 p.m. at the Government Center Meeting Chambers
Zoning Committee Work Session:	Wednesday, March 25, 2009 at 4:30 p.m. at the Government Center on the 8 th Floor
City Council decision:	Monday, April 20, 2009, unless the City Council decides to defer that decision to a later date

He mentioned that anyone has the right to speak at the Public Hearing on March 19, 2009. In addition, there is a Planning Commission Zoning Committee Meeting on March 25 where members of that Committee will weigh the pros and cons of the Petition, Staff recommendations and public comments received on the night of the Public Hearing to determine their recommendation to City Council on the Petition. The City Council will then meet again on April 20th to vote on the Petition, assuming there are no deferrals during the process.

Mr. Patrick concluded his remarks by noting that the Petitioner is motivated to work with the Community and adjacent neighbors to resolve as many issues and concerns as possible in order to avoid a Protest Petition as the hurdle for success is much higher if such a petition should be filed.

Mr. Patrick then introduced Todd Williams, a Vice President of the Petitioner.

Mr. Williams first introduced the team working on the project including Bob Lippard, with Drucker & Faulk, Steve Chomack, with Freeman White Architects, Randy Goddard, a traffic consultant with Design Resource Group, Mark VanSickle, with Little Diversified Architects and Bailey Patrick, an attorney with K&L Gates. In addition, he noted that he had arranged for Sherri Long – the property manager for the existing property- to attend the meeting in case there were any questions regarding this property.

Mr. Williams first discussed the history of the project, explaining that Grubb Properties first assembled the property in 1998. The original property consisted of 2 apartment communities - Park South and Deering Place. Both apartment communities were 1970's vintage properties and a portion of the original Park South Apartments still exists on the Site. The combined sites constituted approximately 24 acres in total and were originally zoned R-17(MF). Under this zoning a number of uses were allowed, including apartments, condos, nursing care, retirement communities, a small amount of retail and other uses. In addition, the R-17(MF) Zoning District allowed for substantially higher buildings, provided the buildings were sufficiently stepped back from the property line.

Mr. Williams then explained that his Company rezoned the 24 acre parcel to a MUDD Conditional District in two sequential rezonings which allowed for a mix of uses, including retail, apartments, for-sale residential, and fitness center. This rezoning included, among other commitments, substantial height restrictions that were negotiated in detail with the adjacent property owners. He then noted that the Rezoning Petition does not seek to modify these restrictions.

Mr. Williams then explained that following approval of these rezonings, the Petitioner constructed the initial phase of the Morrison Project on Tract 1 which included approximately 130,000 sf of retail anchored by Barnes and Noble, Earthfare Grocer and Stickley Furniture; 214 apartment units, and 117 residential condominium units. This phase was just recently completed. The retail area is currently 97% occupied with only a couple of vacant bays remaining along Sharon Road and the apartments are 91% occupied. The condos were built in two phases with the first phase consisting of 35 loft-style units. These sold very well with only a few remaining.

The second phase of 80 units, however, has moved much slower as a result of the current market and approximately 45 units have not been sold.

Mr. Williams then explained that the current Petition only applies to Tract 3. The primary need for rezoning is to provide some flexibility by allowing a Continuing Care Retirement Community ("CCRC") to be developed on the Site. In addition, the Petitioner seeks approval for a limited amount of ground level retail, (20,000 sf), that would have a maximum tenant size of no more than 8,500 sf.

Currently, the Petitioner envisions that the CCRC would have approximately 275 independent living units and 60-75 nursing units. In addition, the Petitioner asks for up to 30,000 sf of health / wellness in order to accommodate a potential relationship with Presbyterian Healthcare which Bob Lippard would explain in greater detail.

Mr. Williams then reviewed certain changes the Petitioner has already made to this Rezoning Petition, including:

1. Elimination of the hotel use request
2. Modification of the building footprints to eliminate a large courtyard and to break up the mass of the buildings and improve circulation.
3. Additional stormwater standards including water quality measures and detention measures.
4. Commitment to fund pedestrian improvements requested by CDOT costing up to \$20,000.
5. Restricting development against the Morrocroft Village property line to duplexes or single family units only.
6. A commitment to add an additional CATS waiting pad as requested by CATS.
7. Further restricting the area allowed for commercial uses
8. Establishing a landscape standard along the Morrocroft Village property line at 8 trees per 100 lineal feet and 20 shrubs per 100 lineal feet.
9. Providing pedestrian connections through the property for Morrocroft Village neighbors to access the Morrison Project's retail component and walking trail per their request.

In addition, Mr. Williams reviewed the following additional commitments which are currently being considered by the Petitioner:

1. Additional landscaping within Tract 1 facing Morrocroft Apartments – in particular along the fence line.
2. Trellis / Roof Screening on the existing Tract 1 building facing Morrocroft Apartments. Currently working on a design for this.
3. Limiting hours of construction.

4. Identifying a maximum number of independent living units for the continuing care retirement community
5. Committing to 60% brick or similar materials on all exterior building elevations.
6. Stepping back the taller building along Sharon Road by 20 feet for any portion of the building which exceeds 65 feet in height.
7. Relocating the vehicular entrance closest to Morrocroft Village and providing a decel lane for that entrance to address the blind curve and proximity to traffic light –subject to CDOT approval.
8. Planting trees along the opposite side of Sharon Road to provide additional screening and noise abatement for Lemontree Road homes backing up to Sharon Road.
9. Posting signage restricting service vehicles from using this new entrance point on Sharon Road.
10. Prior to constructing the pedestrian/ bike path committed to along the property line separating the project from Morrocroft Village, committing to mark the alignment of the path location and identify trees/shrubs impacted and then meet with neighbors to discuss modifications to preserve as much meaningful planting as possible.

There then ensued a question and answer period. Questions and answers included the following:

Question	Could you identify the areas where the buildings are the tallest?
Todd Williams	Mr. Williams pointed to an L shaped building in the center of the Site and a rectangular building along Sharon Road, indicating that these buildings could reach heights of up to 120 feet.
Question	How does this relate to the adjoining 2 story building fronting on Sharon Road currently situated on Tract 1?
Todd Williams	That building is approximately 40 feet tall.
Question from a Morrocroft Apartments' resident	With regard to the additional changes you are considering, will these be addressed in the Rezoning Petition and legally binding.
Todd Williams	Yes, whatever final commitments the Petitioner makes will be made a part of the Rezoning Petition and legally binding. (Bailey Patrick confirmed)
Question	Describe all entrances.

Todd Williams Mr. Williams pointed out where all 5 entrances/exits from the overall site were located, including the additional entrance/exit point on Sharon Road that would be constructed on Tract 3 as part of this phase of the project.

Question How important is the retail along Sharon Road?

Todd Williams Mr. Williams responded that the retail component is very important for a number of reasons: first – what we’ve learned is that successful retail needs to face retail so that you have a two-sided retail experience for the pedestrian. The currently existing retail on Tract 1 which adjoins Tract 3 is struggling because of the absence of any retail across from it. The amount of additional retail is modest and will improve that condition by providing opposing retail on Sharon Township Lane. Second, we do not believe that developing first floor residential units along Sharon Road to be advisable because of traffic conditions– retail is far more viable. Third, providing a retail component in the CCRC project would help create a pedestrian connection between Tract 1 and Tract 3 and encourage CCRC residents to walk to shops and restaurants. He then noted one final point; namely, the retail establishments cannot be larger than 8,500 square feet, thereby assuring that no large retail boxes may be constructed on the Site.

Question Where is the parking for the retail?

Todd Williams In a 3 to 4 story parking deck located in the center of the project which will provide parking for residents, staff and commercial.

Mr. Williams then introduced Bob Lippard with Drucker & Falk, one of the potential developers of the CCRC.

Mr. Lippard introduced himself and then described his past experiences with Continuing Care Retirement Communities. Thereafter, he introduced Steve Chomack, an architect with Freeman White Architects, a firm that has designed a number of facilities which the two of them would describe at this meeting.

Mr. Lippard discussed his company’s past experience with CCRC development and age restricted communities, including Galway Ridge in Chapel Hill; Farrington Village in Durham done in cooperation with Duke University as a not-for-profit facility. Units in Farrington Village are on a 90% refundable basis with an entry fee ranging between \$350,000 to \$675,000 – very high-end. The property is 4-1/2 years into occupancy with a waiting list; The Chamberlin in Hampton Virginia – a historic hotel that has been renovated as an age restricted community on the waterfront – www.historicchamberlin.com; a new project in Hillsborough just North of Chapel Hill in association with Duke University again; and the Cardinal in Raleigh near North Hills Mall. The Cardinal has an entrance fee from \$400,000 to \$850,000.

Mr. Lippard went on to explain that his Company had associated Pacific Retirement Services, a not-for-profit operator and owner of CCRC facilities throughout the country, to participate in this project as the owner and operator of the community and added that they were currently negotiating with Presbyterian Hospital to be the provider of medical services, health and wellness for the community.

Mr. Lippard advised that there was a good possibility the CCRC would be a not-for-profit entity.

Mr. Lippard then called on Mr. Chomack to walk the group through the proposed plan for the CCRC, including the different components: the skilled nursing care area, the locations of independent living units, courtyards, internal common areas, commercial retail areas, health and wellness areas and the location of the parking facility to accommodate parking for residents, staff, health/wellness, and commercial.

Mr. Lippard assured the group that this project was intended to be a high quality CCRC, and explained some of the projected economics for this facility if built on Tract 3. First, he indicated that it would serve an affluent population roughly 78 years of age and older, with an average unit size of approximately 1,500 square feet and an average entrance fee of \$575,000. The cost for the facility would be approximately \$400 per square foot or higher, with independent living units generally ranging in size from approximately 1,040 square feet for the smallest to larger units at 2,200 square feet. In addition, units could be combined to form even larger unit sizes to serve particular resident needs.

Mr. Lippard then described the schedule a CCRC would have to follow if developed on the Site, noting that CCRC's were tightly regulated by the North Carolina Department of Insurance. If the rezoning should be approved, and a decision made to move forward with the CCRC, Mr. Lippard estimated that a sales office would be open on the Site in May of this year where deposits would be accepted. Hopefully, enough deposits would be secured in order to proceed to the next stage within 6 months. The next stage would be to accept contracts with 10% deposits, which would be partially refundable. The State requires a minimum of 50% pre-sales and financing commitments generally require around 70% pre-sales. Mr. Lippard anticipated that it would take approximately 18 months to achieve these requirements.. At that point construction would begin and it would take approximately 20-24 months for the CCRC facility to be completed. Thus, the total time involved would be approximately 4 years.

Mr. Lippard then opened the meeting up for additional questions and answers, including:

Question What percentage of brick on the facades?

Todd Williams We are currently considering a 60% commitment to masonry or stone materials on all facades.

Question Why not more?

Todd Williams	This would be difficult to achieve since a substantial portion of the façade would be glass for doors and windows which can account for 20%-25% or more of a façade. We would be committing to all facades facing out – different than the standards under the currently approved zoning.
Question	What is the status of the parking lot (within Morrison) along Colony Road?
Todd Williams	That site is not a part of this zoning. It is currently zoned for up to 38 for-sale residential units. We have no current plans for that site given the current market conditions.
Question	Where exactly is the parking for the project?
Todd Williams	Parking for the project is located primarily in a parking structure located beneath the main building courtyard. There is also on-street parking located along the internal drives.
Question	Will there be an ambulances staged on the site?
Bob Lippard	No ambulances are part of the CCRC project
Question	Are the covered walkways needed?
Bob Lippard	Yes, covered walkways allow the residents to access the common areas of the core building complex. It is important for that pathway to be out of the elements.
Question	Will the Health / Fitness area be open to the public
Bob Lippard	Yes, the health facility will be open to the public and would be similar to the facility we did in partnership with Duke Hospital that has 1,000 members. The CCRC would be the core membership group but it could be open to residents of the existing community as well, subject to age restrictions. However, there is no intent for the facility to be a YMCA or Golds Gym.
Question	What would be the total square feet on the Site?
Bob Lippard	Approximately 600,000 square feet
Question	How many units in the existing Park South apartment project?
Sherri Long	136 units

Question	Current zoning allows for 195 for sale units on the Site. What is the breakdown for the CCRC?
Todd Williams	Under this Rezoning Petition, the Petitioner would be allowed to convert 1 for sale residential unit to 2 independent living units, and 1 for-sale residential unit to 3 skilled nursing care units.
Question	Why the need for additional retail?
Todd Williams	We were previously allowed to build up to 10,000 square feet of fitness which would have been the retail component. Due to the configuration we feel an additional 10,000 square feet will have a better chance for success on the Site.
Question	How much open space is located between the Village of Morrocroft property line and the first buildings on the Site?
Todd Williams	We are restricted to a 45 foot setback and are required to provide additional planting in the area.
Question	Why the need for buildings which are 120 feet in height?
Todd Williams	Height is necessary for the economic success of the project. We have made no changes insofar as the height restrictions are concerned which were negotiated between the parties at the time of the earlier rezonings.
Question	What is the grade difference between the Morrocroft Apartments and this site?
Todd Williams	The difference in grade is approximately 10-15 feet depending on what corner of the Site you are measuring from. We have estimated the Morrocroft high rise apartment project to be approximately 140 feet tall. So the highest point of our project would still be below the height of the Morrocroft Apartments.

Mr. Williams then thanked everyone again for coming to the meeting and encouraged them to contact either Bailey Patrick or himself with any additional questions or concerns they might have.

CHANGES MADE TO THE PETITION AS A RESULT OF THIS COMMUNITY MEETING AS OF THE DATE OF THIS REPORT:

As noted above, the Petitioner was required to hold this Community Meetings because the notices of the first meeting held on February 12, 2009 were not mailed out to all parties entitled

to receive the notices. Following that meeting, the Petitioner made a number of changes to its Rezoning Plan, most of which have been detailed on Page 4 of this report.

While the Petitioner has under advisement making additional changes, no firm decisions have been made with respect thereto as of the date of this Report.

Respectfully submitted this 6th day of March, 2009.

Grubb Properties, Inc., Petitioner

Original filed with City Clerk on March 6, 2009

cc: Andy Dulin
Claire Lyte-Graham
Clay Grubb
Todd Williams

2/28/09
2ND COMMUNITY
MEETING:

Sign Up Sheet

Petition No.
2009-022

NAME	ADDRESS	Phone No
Ann Carmichael	2207 Whilden Ct	704-366-0605
Julia Marshall	3920 Sharon Rd	
Pippa Byrum	2215 Shetford Ct. 28211	704-602-4216
Mehmet KARAKU	721 Jr. Warden St. ~	704-857-9289
ERIC OPPENHEIM	2633 RICHARDSON DR. 27B	704-442-9483
John Thapa	"	704-366-4031
Todd Root	2535 Morrocroft Ln	704-364-8552

