# **COMMUNITY MEETING REPORT FOR REZONING PETITION NO. 2019-052**

Petitioner: Beaver Creek CRE LLC

**Rezoning Petition No.:** 2019-052

Property:  $\pm$  2.11 acres located along Independence Blvd and bounded by

Pierson Drive, Wilshire Place, and Bamboo Street (the "Site").

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Department pursuant to Section 6.203 of the City of Charlotte Zoning Ordinance.

# PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:

The required Community Meeting was held on Thursday, May 9, 2019; 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** by depositing the Community Meeting Notice in the U.S. mail on April 26, 2019. A copy of the written notice is attached as **Exhibit B**.

## TIME AND LOCATION OF MEETING:

The Community Meeting required by the Ordinance was held on Thursday, May 9th at 7:00 PM, at Eastern Hills Baptist Church – Fellowship Hall, 4855 Albemarle Road, Charlotte, NC 28205.

### PERSONS IN ATTENDANCE AT MEETING:

The sign-in sheet from the required Community Meeting is attached as **Exhibit C**. The Petitioner's representative at the required Community Meeting was Kirk Broadbooks. Also in attendance was Jeff Brown with Moore & Van Allen, PLLC, who is assisting the Petitioner.

# SUMMARY OF ISSUES DISCUSSED AT MEETING:

### I. Overview of Petitioner's Presentation.

# Introduction and Overview of Development Plan.

The meeting was opened by Carolyn Millen, leader of the Eastway/Sheffield Neighborhood Association. She thanked everyone for coming and provided brief introduction to Chris Mau, a community leader who has been a supportive of the redevelopment, who gave a few introductory comments and then introduced Kirk Broadbooks and Jeff Brown, who led the review of the projects.

Mr. Brown thanked everyone for attending and also thank District 5 City Councilmember Matt Newton for attending.

Mr. Brown gave an overview of the context of this Site Plan Amendment rezoning, which is a follow up to the previously approved rezoning for the Ervin/Varnadore building site and accompanying property that was passed by Charlotte City Council not quite a year ago.

Mr. Brown and Mr. Broadbooks explained that the City Planning Department felt that a follow up site plan amendment rezoning was appropriate in this instance given that the primary change from the initial approved 2018 Rezoning relates to relocation of the specialty LED signage from a building addition to the Ervin/Building on Development Area A to the corner of Wilshire Place & Independence Blvd in an early phase of the building (or buildings) that would be located on Development Area B. The Planning Staff felt that because the specialty LED signage was approved by way of a MUDD-*Optional* provision that a site plan amendment rezoning along with a community meeting and public hearing was best.

Mr. Brown highlighted in some detail the context for the site plan amendment rezoning. He explained that the primary reason for the rezoning is the relocation of the specialty LED signage away from the Ervin/Varnadore building entrance to the location at the corner of Wilshire Place/Independence Blvd as described above and on the rezoning plan.

Mr. Brown and Mr. Broadbooks explained that historic tax credit approval authorities require that the historic building be viewed fully and the building addition contemplated in the approved 2018 Rezoning prevented this from happening. So the new and improved rezoning plan locates the building upon which the specialty LED signage is to be located to the corner of Wilshire Place and Independence Blvd, as was shown in detail in slides at the community meeting.

This primary change supports the designation of the building as historic for tax credit purposes and creates an improved pedestrian entrance to the historic building. By relocating the specialty LED signage building to the corner of Wilshire Place and Independence Blvd, the updated rezoning plan also accelerates positive development on Development Area B which was originally planned to take place later. Now a portion of the later development is anticipated to take place sooner as part of relocating the specialty LED signage.

Mr. Brown reviewed further the history of the site and that it has been in a dilapidated condition now for over a decade despite in its day being a "gateway" of sorts into Charlotte from the east/southeast.

The redevelopment vision of bringing new life and positive energy to the currently boarded up site and the high profile upgrade of the site was highlighted. The new more detailed and improved site development plans were reviewed including the anticipated phasing and the specialty LED signage features with conceptual graphics showing views from several sides of the project.

As to the specialty LED signage, it was explained that the restriction that this signage would not be displayed on a wall/edge facing the residential community was not changing.

Mr. Brown did explain that in discussions with NCDOT related to its outdoor advertising rules that the Petitioner did need to include an option whereby the specialty LED signage could be shown on 3 edges with each not larger than 725 sf, or if required by NCDOT on 2 edges with each not larger than 1,087.5 sf, but in each case the aggregate square footage of all edges would not to exceed 2,175 sf.

Mr. Broadbooks and Mr. Brown than summarized what they felt were the overall benefits of the rezoning such as elimination of the current eyesore with fresh renovation of the historic building & vacant site, bringing positive momentum to the area; the contemplated roof-top use(s); and

positive branding to the area which has had adverse impacts related to uncertainty and changes associated with Independence Blvd through the years.

# II. Summary of Questions/Comments and Responses:

Mr. Brown and Mr. Broadbooks then opened the session up to questions from those in attendance.

<u>Preservation of Ervin Building, Project Design & Phasing</u>. Some questions arose regarding whether the Ervin building would be preserved. Mr. Broadbooks explained that the developer has continued its structural diligence of the old building that was done during the earlier rezoning. Based on this diligence, the developer had previously eliminated the possibility of tearing down the old building except in the unlikely possibility that it were to be destroyed by fire or casualty.

It was explained that the cost of restoration was very high (hence the critical importance of the revenue from the specialty LED signage and historic tax credits) but that diligence has confirmed that use of the old building, while very expensive to renovate, was feasible. The developer did mention that it was important that work begin on the renovation as soon as possible given that the current condition continues to decline.

Mr. Brown & Mr. Broadbooks explained in more detail the site design with reference to the numerous slides/images provided that also have been incorporated into the rezoning plans. It is contemplated that the Ervin building renovation will take place first and the eyesore that is the single story building on Development Area B will be demolished in the first phase and used for surface parking. And it is contemplated that upon approval by NCDOT of the specialty LED signage the corner of the Development Area B building(s) at Wilshire Place and Independence will be installed with the specialty LED signage and space for ground floor uses.

Then over time as the Ervin building leasing is proven and the benefits of the location are recognized it is hoped that additional phases of the Development Area B portion of the overall site will come on line.

Environmental Condition of Building. In response to a question about the environmental condition of the Ervin building and the site, Mr. Broadbooks explained that the environmental inspections confirmed significant environmental challenges including substantial asbestos in the building. In fact this results in "7-fugure" costs of remediation and renovation related to the project, again a further reason for the need for the specialty LED signage revenue to serve the project and the historic tax credits for the project to be able to go forward.

Immediate Timing of Project. In addition to the questions regarding phasing referenced above, Mr. Broadbooks was asked about the immediate next steps in the redevelopment. It was explained that the rezoning public hearing would take place on June 17<sup>th</sup> followed by the decision by City Council on July 15<sup>th</sup>. If approved as hoped for, the developer would move forward with even more detailed drawings of the project first phase components for approval and the approval of the historic tax credits and follow up further on the specialty LED signage. The project would be expected to start renovation in 2020 and the specialty LED signage final approval would take place after the building permit is issued based on the unique nature of the signage under NCDOT regulations.

Access &Transportation Aspects. One attendee asked about access to the site and transportation considerations. The access to the site off of Bamboo entrances was explained due to the limited access nature of Independence & Pierson as well as the desire from transportation officials to limit access from Wilshire Place. It was noted that this site plan amendment rezoning does not increase the square footage associated with the redevelopment from the levels approved in the 2018 rezoning and the transportation aspects had been reviewed and accepted in 2018 and have not been needed in 2019 given no changes to the amount of the development from previously approved.

<u>Generally Positive Reaction.</u> Several individuals in attendance expressed their continued support of the project and this site plan amendment rezoning referencing several of the same benefits voiced by the Petitioner at the meeting and earlier meetings.

### CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:

Given the more limited nature of the changes associated with this site plan amendment rezoning to the rezoning plans approved in 2018, there were not any specific requests for changes sought at the meeting. The rezoning plans for this site plan amendment rezoning provided a good sense of the redevelopment plans.

Of course, there have been changes made to the rezoning plans requested by the Planning Staff which are mostly clarifications related to streetscape and design aspects.

cc: Mayor and Members of Charlotte City Council
David Pettine, Charlotte Mecklenburg Planning Department
Ray Gee, Beaver Creek CRE LLC
Kirk Broadbooks, Beaver Creek CRE LLC
Jeff Brown, Moore & Van Allen, PLLC
Bridget Grant, Moore & Van Allen, PLLC
Keith MacVean, Moore & Van Allen, PLLC

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# NOTICE TO INTERESTED PARTIES OF A REZONING PETITION PETITION # 2019-052 - Beaver Creek CRE LLC

Subject: Rezoning Petition No. 2019-052

Petitioner/Developer: Beaver Creek CRE LLC

Current Land Use: Vacant/boarded up office/commercial buildings

Existing Zoning: MUDD-O

Rezoning Requested: MUDD-O SPA (Site Plan Amendment)

Date and Time of Meeting: Thursday, May 9<sup>th</sup>, 2019 at 7:00 p.m.

Location of Meeting: Eastern Hills Baptist Church – Fellowship Hall

4855 Albemarle Road Charlotte, NC 28205

Date of Notice: 4/26/2019

We are assisting Beaver Creek CRE LLC (the "Petitioner") on a Rezoning Petition recently filed to allow a site plan amendment to the approved mixed use redevelopment of the vacant mid-rise building known by many as the "Varnadore" building or the "Ervin" building. We take this opportunity to furnish you with basic information concerning the site plan amendment Rezoning and to invite you to attend a Community Meeting to discuss it.

### **Background and Summary of Request:**

This Rezoning involves a request to amend the rezoning that was approved in May of last year for the  $\pm$  2.11 acre parcels on which the Varnadore/Ervin building is located along Independence Blvd and bounded by Pierson Drive, Wilshire Place, and Bamboo Street. The May 2018 rezoning called for a mixed use project that would permit renovation of the historic Ervin/Varnadore building with roof-top uses and ground floor uses such as a coffee shop; it also contemplates a new mixed use building as part of future phase(s) on the portion of the site currently occupied by the single story abandoned building.

The 2018 rezoning permitted specialty signage that would enliven the redevelopment and provide much needed revenue to pay for the very expensive renovation and redevelopment. The developer has been working with NCDOT on certain aspects related to the specialty signage and with historic tax credit authorities regarding the historic building. This has resulted in delays and a site plan adjustment needed to relocate the building upon which the specialty signage is to be located to the corner of Wilshire Place and Independence Blvd.

The needed site plan adjustment creates an improved pedestrian entrance to the historic building and promotes redevelopment sooner on what was the phase II parcel, but the City felt that a site plan amendment type rezoning is needed under City policies. The developer has met with numerous nearby residents by way of the Eastway Sheffield community but as part of the site plan amendment rezoning process it is happy to share the improvements to the rezoning plan with the overall community.

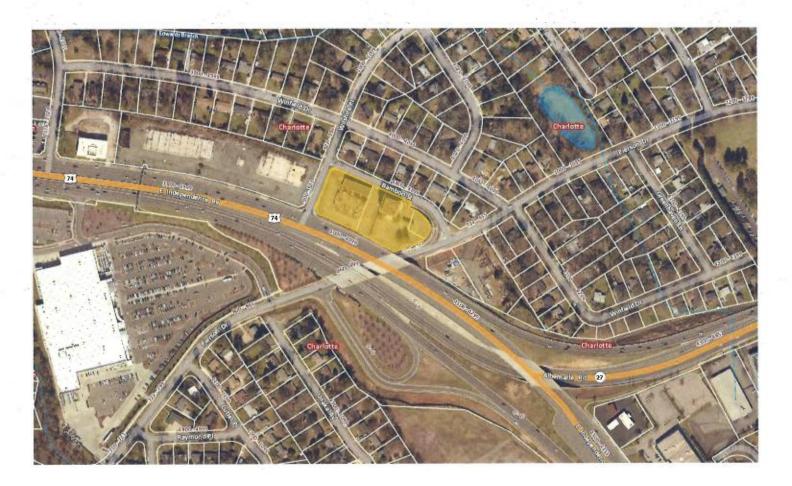
### **Community Meeting Date and Time:**

The Charlotte-Mecklenburg Planning Department's records indicate that you are either a representative of a registered neighborhood organization or an owner of property near the Site. Accordingly, we are extending an invitation to attend the upcoming Community Meeting to be held on Thursday, May 9<sup>th</sup>, 2019, at 7:00 p.m. at Eastern Hills Baptist Church – Fellowship Hall, 4855 Albemarle Road, Charlotte, NC 28205. Representatives of the developer/owner look forward to discussing this exciting rezoning proposal with you at the Community Meeting.

In the meantime, should you have questions about this matter, you may call Jeff Brown (704-331-1144) or Keith MacVean (704-331-3531). Thank you.

CC: Matt Newton, City Council District 5 Representative
David Pettine, Charlotte Mecklenburg Planning Department
Ray Gee, Beaver Creek CRE LLC
Kirk Broadbooks, Beaver Creek CRE LLC
Jeff Brown, Moore & Van Allen
Bridget Grant, Moore & Van Allen
Keith MacVean, Moore & Van Allen

### **Site Location**



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Beaver Creek CRE, LLC – Ervin/Varnadore Building Rezoning Petition No. 2019-052 Community Meeting – May 9, 2019 @ 7:00pm

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# Beaver Creek CRE, LLC – Ervin/Varnadore Building Rezoning Petition No. 2019-052 Community Meeting – May 9, 2019 @ 7:00pm

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