

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, April 17, 2023, at 5:14 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Council Members present were Danté Anderson, Ed Driggs, Malcolm Graham, Renee Johnson, Marjorie Molina, Victoria Watlington, and Braxton Winston II.

**ABSENT:** Councilmembers Lawana Mayfield and James Mitchell

**ABSENT UNTIL NOTED:** Councilmembers Dimple Ajmera and Tariq Bokhari

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**Mayor Lyles** said I want to welcome you all and say thank you for joining us this evening whether you're in person in the Charlotte Council Chambers or if you're watching on Facebook Live or the City's TV channel. We call this meeting to order. It is our April 17<sup>th</sup> Zoning Meeting. I'd like to begin with introductions.

The City Council begins our meeting with an expression of inspiration followed by the Pledge of Allegiance. We do this to solemnize our proceedings so that we recognize that we represent you in a way that you can be proud of us. So, we celebrate the idea that we would have this moment together to start this meeting. I'm going to ask Councilmember Driggs to give us his remarks this evening.

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#### **INVOCATION AND PLEDGE**

Councilmember Driggs gave the Invocation followed by the Pledge of Allegiance to the Flag.

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#### **EXPLANATION OF THE ZONING MEETING PROCESS**

Mayor Lyles explained the Zoning Meeting rules and procedures.

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#### **INTRODUCTION OF ZONING COMMITTEE**

**Phil Gussman, Chairman of the Zoning Committee** said excellent. Thank you, Mayor, and thank you Council. I'm Phillip Gussman, Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce my follow committee members. Douglas Welton, Ronnie Harvey, Courtney Rhodes, Alyssa Gaston, Will Russell and Terry Lansdell.

The Zoning Committee will meet Tuesday May 2<sup>nd</sup> at 5:30 p.m. here at the Government Center, Conference Room 280. At that meeting, the committee will meet to discuss and make recommendations on the petitions that have hearings tonight. The public is welcome at that meeting, but it is not a continuation of this public hearing. Prior to that meeting, you're welcome to contact us and provide input. You can reach all of us and find our contact information and information about each petition on the City's website at [charlotteplanning.org](http://charlotteplanning.org). Thank you.

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#### **DEFERRALS/WITHDRAWALS**

Motion was made by Councilmember Graham, seconded by Councilmember Winston, and carried unanimously to defer a decision on Item No. 12, Petition No. 2021-209 by Coastal Acquisition Entity, LLC to May 15, 2023; a decision on Item No. 13, Petition No. 2021-213 by Goldberg Companies, Inc. to May 15, 2023; a decision on Item No. 14, Petition No. 2022-078 by Sere Ventures, LLC to May 15, 2023; a decision on Item No. 15, Petition No. 2022-084 by Mission Properties to May 15, 2023; a decision on Item No. 16, Petition No. 2022-087 by Appaloosa Real Estate Partners to May 15, 2023; a decision on Item No. 17, Petition No. 2022-133 by Paramount Development, LLC to May 15, 2023; a decision on Item No. 18, Petition No. 2022-140 by The F.A. Bartlett Tree Expert Company to May 15, 2023; a decision on Item No. 19, Petition No. 2021-198 by Nest Home Communities, LLC to May 15, 2023; a decision on Item No. 21, Petition No. 2022-091 by Tim Pratt – Copper Builders LLC to May 15, 2023; a decision on Item No. 22, Petition No. 2022-134 by Muhsin Muhammad II to May 15, 2023; a decision on Item No. 23, Petition No. 2022-152 by Vinroy Reid to May 15, 2023; a hearing on Item No. 25, Petition No. 2022-066 by Wood Partners to May 15, 2023; a hearing on Item No. 26, Petition No. 2022-119 by Blackburn Communities, LLC to May 15, 2023; a hearing on Item No. 27, Petition No. 2022-076 by Sam's Mart to May 15, 2023; a hearing on Item No. 28, Petition No. 2022-092 by Sam's Mart to May 15, 2023; and, withdrawal of Item No. 24, Petition No. 2019-007 by Leblon Franchising Holdings, LLC.

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### CONSENT AGENDA

**ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 11 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.**

Motion was made by Councilmember Driggs, seconded by Councilmember Graham, and carried unanimously to approve the consent agenda as presented.

The following items were approved:

**Item No. 3: Ordinance No. 508-Z, Petition No. 2022-070 by Carter Acquisitions, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 31.41 acres located on the West side of Old Statesville Road, south of Vance Davis Drive, and north of Reames Road from BP (business park) to MUDD(CD) (mixed use development district, conditional).**

The Zoning Committee voted 5-2 (motion by Rhodes, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Community Activity Center Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: The petition's proposed mix of uses including multifamily, retail, commercial, and office uses is consistent with what is envisioned for the Community Activity Center place type. The petition proposes streetscape and right-of-way improvements including a 12-foot multiuse path and 8-foot planting strip along Old Statesville Road. The petition also proposed new public street connections throughout the site that will also include 8-foot sidewalks and 8-foot planting strips. The petitioner commits to providing Mecklenburg County Parks and Recreation a 35-foot-wide easement for the construction and maintenance of a County Greenway. The petitioner commits to a 15,000 square foot amenity area on the site which may include but shall not be limited to the following uses: community clubhouse, community pool, a pocket park, hardscape patio areas, grills, fire pit, benches, and/or picnic tables. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute

Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 493-494.

**Item No. 4: Ordinance No. 509-Z, Petition No. 2022-123 by Mungo Homes amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 39.02 acres located along the southwest side of Gibbon Road, east of Statesville Road, and south of Old Statesville Road from R-3 (single family residential) to R-8MF (CD) (multi-family residential, conditional).**

The Zoning Committee voted 6-1 (motion by Rhodes, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 and Commercial Place Types for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: This petition increases the variety of housing in the area along Old Statesville Road. The petition helps to conform this site to the surrounding residential land uses, and acts as a better transition from the more intense commercial and industrial land uses and building form along Old Statesville Road and Gibbon Road. The petition reserves space for the Mecklenburg County easement for future Seam Trail. This petition will contribute a 12-foot multi-use path and 8-foot planting strip along Gibbon Road, as well as 8-foot planting strip and 6-foot sidewalk on the internal private street network. This petition commits to enhanced building design features such as usable porches and/or stoops where possible. The petition calls for a 50-foot class C buffer between the site and adjacent single-family neighborhood. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 and Commercial Place Types to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 495-496.

**Item No. 5: Ordinance No. 510-Z, Petition No. 2022-125 by Blue Heel Development amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 7.7 acres located on the southeast side of Tennyson Drive and Interstate 85, west of Glenwood Drive, and east of Freedom Drive from R-5 AIR (single family residential, airport noise overlay), B-2 AIR (general business, airport noise overlay) to UR-2(CD) AIR (urban residential, conditional, airport noise overlay).**

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 Place Type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: The proposed development will provide more housing options in the form of single family attached dwellings on the edge of a neighborhood of predominately single family detached dwellings. The existing B-2 zoning on a portion of the site could result in less compatible development outcomes than the proposed single family attached dwellings. B-2 zoning permits multifamily housing in addition to commercial uses. The proposed density of 5 dwelling units per acre is consistent with the existing R-5 zoning for a portion of the site. The petition will improve mobility in the neighborhood by connecting two streets and providing a multi-use path connection to another in addition to 8-foot planting strip and 6-foot sidewalk along the new public streets. The petition would allow the site to be developed while preserving more than three acres encumbered by wetlands and stream

buffers as open space. The site is less than ½ mile from retail, services, and transit facilities along Freedom Drive. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 497-498.

**Item No. 6: Ordinance No. 511-Z, Petition No. 2022-137 by The Maintenance Team, Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 10.26 acres located on the north side of Shopton Road, west of Pinecrest Drive, and east of Steele Creek Road from R-3 AIR (single family residential, airport noise overlay), I-2 (CD) AIR (general industrial, conditional, airport noise overlay) to I-2 (CD) AIR (general industrial, conditional, airport noise overlay), I-2 (CD) SPA AIR (general industrial, conditional, site plan amendment, airport noise overlay).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Manufacturing & Logistics Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: The proposed use is consistent with the recommended Manufacturing & Logistics Place Type. The majority of the site is already zoned for industrial uses. The petition seeks to incorporate a less than ½ acre parcel into the larger site to allow for a 20,000 square foot building expansion and elimination of the required buffer adjacent to the parcel that is currently zoned R-3 AIR. The petition expands the list of prohibited uses from the previously approved petition. The petition commits to transportation improvements along Shopton Road including a 5-foot bicycle lane, 8-foot planting strip, and 6-foot sidewalk. The proposed industrial uses will be screened from adjacent residential zoning and uses by a minimum 75-foot buffer with a berm. The petition could facilitate the following 2040 Comprehensive Plan Goals: 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 499-500.

**Item No. 7: Ordinance No. 512-Z, Petition No. 2022-139 by Canvas Residential, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 6.94 acres located on the north side of William Ficklen Drive, west of Mallard Creek Road, and east of west W.T. Harris Boulevard from RE-1 (research) to UR-2(CD) (urban residential, conditional).**

The Zoning Committee voted 6-1 (motion by Rhodes, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Campus Place Type. We find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: This petition is appropriate and compatible with the Community Activity Center Place Type as it increases the mix of uses in the area by adding housing within a 15-minute walk of employment, schools, religious institutions, and retail. Approval of this petition would result in zoning that is better aligned to the Community Activity Center Place Type than the existing Research zoning district. The proposal includes architectural and site design standards such as limiting the buildings to a mid-rise, not more than 80 feet in height, provides articulation of the façades through projections, recesses, bays, a variety of materials, etc., features prominent entrances with direct connections to the public sidewalk, prohibits parking

between the building and adjacent street frontages, and limits blank walls. The proposal provides a 60-foot easement to be dedicated to Mecklenburg County Park and Recreation for a portion of the future Doby Creek Greenway that will cross the site. The petition commits to construct a minimum 12-foot multi-use path with an 8-foot planting strip along the frontage of IBM Drive. The site is served by the CATS number 50 and 54, local buses providing transit access to the Mallard Creek Park and Ride and Concord Mills, respectively. The site is within a 15-minute walk of Ikea Blvd with access to the number 11 local bus providing service to Uptown. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Transit and Trail Oriented Development, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 501-502.

**Item No. 8: Ordinance No. 513-Z, Petition No. 2022-153 by Catalyst Investment Partners amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.5 acres located on the north side of Old Hebron Road, west of England Street, and east of Nations Ford Road from I-1 (light industrial) to I-2 (general industrial).**

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing and Logistics place type. Staff recommends approval of this petition. Plan Consistency: The petition is consistent with the 2040 Policy Map recommendation for Manufacturing and Logistics. Rationale for Recommendation: The subject property is recommended for Manufacturing and Logistics and all surrounding properties are also recommended for Manufacturing and Logistics. Most of the parcel that the site is part of is already zoned I-2 and this is bringing zoning for entire parcel into one district – I-2. Immediately surrounding properties are zoned either I-1, I-2, or I-2(CD). The recommended land use and existing zoning context, the proposed I-2 zoning is appropriate. The area along Old Hebron Road and E. Hebron Street is developed with industrial uses. The site does not abut residential use or zoning. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 503-504.

**Item No. 9: Ordinance No. 514-Z, Petition No. 2022-155 by Mungo Homes amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 4.2 acres located on the south side of Lakeview Road, west of Reames Road, and east of Beatties Ford Road from R-4 (single family residential) to R-12MF (CD) (multi-family residential, conditional).**

The Zoning Committee voted 6-0 (motion by Rhodes, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: While this petition is inconsistent with the Neighborhood 1 place type, it is an appropriate and compatible infill project adjacent to an existing Neighborhood 2 development. If approved, this petition increases the variety and amount of housing in the area along Lakeview Road. The petition commits to a 28-foot Class C buffer on the west side of the site that is adjacent to single family homes. This site is supported by transit access as it is located on a bus route and within 1/4 mile of at least 2 bus stops. The petition commits to streetscape improvements along Lakeview Road to include an 8-foot planting strip and 12-foot multi-use path. The petition also proposes a potential future street connection from the site. The petition could facilitate the following 2040

Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 505-506.

**Item No. 10: Ordinance No. 515-Z, Petition No. 2022-158 by Fall Investments LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 2.04 acres located on the south side of West W.T. Harris Boulevard, east of University Executive Park Drive, and west of North Tryon Street from O-15 (CD) (office, conditional) to TOD-CC (transit oriented development - community center).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Community Activity Center Place Type Staff recommends approval of this petition. Plan Consistency: The petition is consistent with the 2040 Policy Map recommendation for the Community Activity Center Place Type. Rationale for Recommendation: The proposed petition is compatible with what is envisioned for the Community Activity Center Place Type. Approval of this petition would result in zoning that is better aligned to the Community Activity Center place type than the existing O-15(CD) zoning district. This site meets the criteria to apply for a TOD-CC district. The site is within a ½ mile walk of the McCullough and just over .5 of a mile walk from JW Clay transit stops that are about ½ mile walk from this station. The proposed zoning would allow the site to be developed with transit supportive uses compatible with existing commercial development and recent redevelopment occurring in the area. • The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 507-508.

**Item No. 11: Ordinance No. 516-Z, Petition No. 2022-215 by Shorewood Development amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 8.65 acres located on the west side of Twin Lakes Parkway, east side of Statesville Road, and north side of Interstate 485, south of Alexandriana Road from BP (business park) to I-1 (CD) (light industrial, conditional).**

The Zoning Committee voted 7-0 (motion by Rhodes, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing and Logistics place type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: The petition's proposed use of auto sales, repair and office uses is consistent with the Manufacturing and Logistics place type. The proposal is consistent and compatible with the surrounding commercial and auto oriented uses in the area. The petitioner shall construct and maintain an 8-foot planting strip and a 6-foot sidewalk along the site's frontage on Twin Lakes Parkway. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 509-510.

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## DECISIONS

**ITEM NO. 20: ORDINANCE NO. 517-Z, PETITION NO. 2022-086 BY PDAN HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.46 ACRES LOCATED ON THE NORTH SIDE OF JOHNSTON OEHLER ROAD AND SOUTH SIDE OF INTERSTATE 485, WEST OF MALLARD CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes a mixture of 19 quadraplexes and duplex units on 2.46 acres, which will result in a density of 8 dwelling units per acre. The Neighborhood 2 Place Type is appropriate for this site given its adjacency to the Neighborhood 1, Parks & Preserves, and Campus Place Types. The proposal for residential uses is compatible with the existing residential uses surrounding Mallard Creek High School. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to the Neighborhood 2 Place Type for the site.

The petitioner made the following changes to the petition 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. Modifies site plan to replace building footprints with building envelope.
2. Identifies fire truck turnaround hammerhead alternative.
3. Adjusts internal drive and Class C buffer at east property line.
4. Adds note stating final building orientation and planned multi-family designation will determine setbacks associated with the parcel through the land development review process.
5. Removes references to duplexes and quadraplexes, specifying attached multi-family residential units.

Motion was made by Councilmember Winston, seconded by Councilmember Molina and carried unanimously to not refer back to the Zoning Committee.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes a mixture of 19 quadraplexes and duplex units on 2.46 acres, which will result in a density of 8 dwelling units per acre. The Neighborhood 2 Place Type is appropriate for this site given its adjacency to the Neighborhood 1, Parks & Preserves, and Campus Place Types. The proposal for residential uses is compatible with the existing residential uses surrounding Mallard Creek High School. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active

Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to the Neighborhood 2 Place Type for the site as modified.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 511-512.

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## HEARINGS

### **ITEM NO. 29: HEARING ON THE CHARLOTTE TREE ORDINANCE BY PLANNING, DESIGN & DEVELOPMENT FOR A TEXT AMENDMENT TO CHAPTER 21 OF THE CITY CODE, WHICH HAS AN EFFECTIVE DATE OF JUNE 1, 2023.**

**Mayor Lyles** declared the hearing open.

So, earlier as we were reviewing this agenda, many of you know that we have adopted a UDO (Unified Development Ordinance) that requires a number of amendments with the text so that we can appropriately work through the issues that we're going to have as we continue to implement the UDO. So, at this time Mr. Pettine is going to address the text amendments that were included in the document that each Council member received.

**David Pettine, Planning, Design & Development** said alright. Thank you, Madam Mayor. So, we do have four items that are upcoming here. The next four items on the agenda. The first will be a public hearing on the text amendment to the Tree Ordinance. Tim Porter will give a presentation on that item. Then we've got three text amendments related to the UDO. Items 30, 31, and 32. All of those are separate rezoning petitions and Laura Harmon and the UDO team will be providing a presentation on each of those individually. So, we'll treat those as any rezoning hearing, and we'll turn it over to the folks that are going to be going forward with that. So, Tim will be the first down to talk about the Tree Ordinance and then we'll have Laura Harmon and the UDO team on Item 30, 31 and 32.

**Tim Porter, Urban Forester** said good evening, Madam Mayor, Council members. A very brief presentation on the proposed changes to the Tree Ordinance. They're very minor. We're correcting some sequencing errors. We skipped a letter in our order of outline. We also are adding language that clarifies the City's authority and intent to use any fine dollars collected during the enforcement of the Tree Ordinance. The Tree Ordinance no longer has development regulations in it. All of the development regulations for tree canopy issues are now in the Unified Development Ordinance. Those are the changes that are proposed.

**Councilmember Watlington** said I've got a question in regard to this first proposed amendment where it says, "Adds new requirements for collected civil penalties to only be used to further the purpose, intent, enforcement spirit and requirements of the Charlotte Tree Ordinance with regard to the use of collected funds." What exactly does that mean? What's true today and what will be true if this is approved?

Mr. Porter said there's no additional change. This language actually was in the Tree Ordinance. It was inadvertently removed at the time that it was amended with the UDO adoption. It simply states, the City has the ability to use any fine dollars collected through the enforcement of the Tree Ordinance. Previously for many years, general statutes, state law prevented the use of this funding because there was a criminal component to the Tree Ordinance. That changed in the summer of 2021 when General Statute 160D was revised. So, now the City does have the ability to use this funding. We're proposing to add the language back into the Tree Ordinance. So, examples of how it could be used would be to print signage that say tree protection area that directly align with a tree protection requirement that we could provide to property owners or developers. Hopefully that answers your question.

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

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**ITEM NO. 30: HEARING ON PETITION 2023-056 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT FOR A TEXT AMENDMENT TO THE CHARLOTTE UNIFIED DEVELOPMENT ORDINANCE (UDO), SECTION 15.4.BBB AND TABLE 15-1. THE PURPOSE OF THIS UDO TEXT AMENDMENT IS TO MAKE MODIFICATIONS TO THE PRINCIPAL USE, "LAND CLEARING AND INERT DEBRIS (LCID) LANDFILL" PERMITTING IT ONLY IN THE ML-2 (MANUFACTURING AND LOGISTICS) ZONING DISTRICT WITH A CONDITIONAL ZONING AND ADJUSTING THE PRESCRIBED CONDITIONS. THE PETITION WILL AMEND THE UDO WHICH WAS ADOPTED ON AUGUST 22, 2022 AND GOES INTO EFFECT ON JUNE 1, 2023.**

**Mayor Pro Tem Winston** declared the hearing open.

**Laura Harmon, Planning** said thank you. As Dave mentioned, this is the first of three UDO text amendments we are presenting tonight for public hearing. We introduced these to Council, TPD (Transportation, Planning and Development) Committee and the Planning Commission previously as well as talking with our UDO Advisory Group particularly on this text amendment and the following on commercial place types that I'll be presenting in a minute.

This one again is focused on land clearing and inert debris landfills, LCID landfills. These are a facility for land disposal of inert debris, land clearing debris, yard waste, untreated and unpainted wood. This is a use that we have found is rarely used, but we have had one in advance of the UDO proposed in the northwest part of the County. We did hear a lot of concern and I'm sure a number of Council members heard a lot of concern about that facility, both its environmental and land use impacts. As this is currently allowed in all UDO districts with prescribed conditions, we saw the opportunity to go back and look at this use again and where it is allowed and what the conditions are. So, we worked on adjusting the allowances for this use and we worked closely not only with other departmental staff but with City and Mecklenburg County Solid Waste in developing updated standards. The recommendation is that these only will be allowed in the Manufacturing and Logistics 2, ML-2 zoning district.

We think it's the most appropriate zoning district, that there will be a conditional rezoning required and approval by Council through the conditional rezoning process before this use would be allowed. This allows the community to input on the appropriate location. Then we did modify prescribed conditions for the operational conditions, liner and leachate collection systems, compliance with state groundwater and surface water requirements for solid waste facilities. We believe this strengthens the standards for this type of use for better protection of the environment and the surrounding community.

So, staff is recommending approval of this text amendment. We believe it's consistent with the 2040 Comprehensive Plan. We think the text amendment directly addresses community concerns we have heard about the environmental and land use impacts on LCIDs by limiting where these are allowed, and it enhances the required environmental protection standards for LCID landfills.

**Councilmember Watlington** said I've got two questions. The first one is I want to make sure I understand what you're saying in regard to the conditional rezoning. Can you help me marry up this Item Number 9, deleting the requirement for a zoning permit for the use with the conditional rezoning requirement?

Ms. Harmon said certainly. So, virtually any development requires a zoning permit or some type of zoning review, but this is above and beyond. You would not be able to put this use in without going through a conditional rezoning process and coming before

Council. A zoning permit on the other hand, as long as you meet the requirements, the developer or the person submitting for the use meets the requirements, it will not come to Council for a review. So, this covers both the Council side and the administrative side.

Ms. Watlington said so, the deletion of the requirement for a zoning permit for use should not be construed as you don't need to take an action?

Ms. Harmon said no. Actually, the reason we took that out, is because it will require a full land development review. So, a zoning permit just for that use isn't necessary. So, usually we're only doing zoning permits when it's a use that is not going to go through a land development review, but they accomplish the same thing. So, we don't think we're losing anything with that.

Ms. Watlington said okay. So, then a conditional rezoning is only required if you're actually trying to rezone the property in order to do this?

Ms. Harmon said actually to have this use at all.

Ms. Watlington said okay.

Ms. Harmon said you would be required to have a conditional rezoning approval come before Council for approval for this use.

Ms. Watlington said okay. Got it. Then my second question is I know that this is a change that will be effective after it's approved What does this mean for the neighbors in the northwest area of Charlotte right now?

Ms. Harmon said this does not change what can be done on that site because it's already come in under the current regulations. So, it does not create a change for that site that's already proposed.

Ms. Watlington said so, is there any recourse for those communities at this point?

Ms. Harmon said my understanding is that they have met all of the local requirements. They have to meet state requirements as well.

Ms. Watlington said okay.

Ms. Harmon said so, that's where, as far as I understand, where we are with that site.

Ms. Watlington said thank you.

Motion was made by Councilmember Winston, seconded by Councilmember Watlington, and carried unanimously to close the public hearing.
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**Mayor Lyles** said I do want to note that we're closing the public hearing and we did not have speakers signed up, but I understand I think while I was out of the room that the planning team talked about the opportunities that will go forward for continued review of the text amendments as recommended.

**Councilmember Driggs** said if you don't mind, I just briefly would like to welcome Mike Wilson and the members of the UNC (University of North Carolina) Charlotte MBA (Master of Business Administration) class who are in attendance tonight. Welcome to you all. I'm glad that you're taking a land use class. So, I hope you will be enlightened by what you see tonight.

Mayor Lyles said so, those of you that are in class please let us know who you are. Raise your hands again. Thank you. We think that university is one of the very best in this country. So, we're grateful that you're attending. Thank you.

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**ITEM NO. 31: HEARING ON PETITION NO. 2023-057 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT FOR A TEXT AMENDMENT TO SECTIONS 15.2, 15.4.CC, 15.4.FF, 15.4.FF.1, 15.4.HHH.1, 15.4.HHH.2, 15.4.HHH3, 15.6.1, 15.6.3, 15.6.4, 15.6.5, 15.6.6, 15.6.7, 15.6.B, AND TABLE 15-1 OF THE CHARLOTTE UNIFIED DEVELOPMENT ORDINANCE (UDO). THE PURPOSE OF THIS UDO TEXT AMENDMENT IS TO MAKE AMENDMENTS TO THE USES PERMITTED IN THE CG (GENERAL COMMERCIAL) AND CR (REGIONAL COMMERCIAL) ZONING DISTRICTS, AND THEIR PRESCRIBED CONDITIONS WHEN LOCATED IN A CENTERS PLACE TYPE.**

**Mayor Lyles** declared the hearing open.

**Councilmember Ajmera arrived at 5:40 p.m.**

**Laura Harmon, Planning** said a little bit of context before getting into the specifics of the text amendment, to remind you that we have 10 place types and zoning districts that ideally go with those place types or align with those place types. So, in this case we are looking at the commercial zoning districts and where there's a misalignment. Those are applied in places that are a centers place type. The Commercial Place Types are more auto oriented, destinations for retail and so forth. Then we have a series of centers that are more walkable and have a greater mix of uses. We have Neighborhood, Community Activity and Regional Activity Centers. So, there is a difference in those place types. I'll explain why we have a little bit of a challenge. We have what's currently B-1 (Business) and B-2 zoning that will translate to CG zoning which is the commercial zoning on June 1<sup>st</sup> and a lot of that zoning is located in a Centers Place Type. That zoning is much more auto oriented, doesn't align with the goals of the Centers Place Type in certain circumstances. The CG and CR zoning, for example, will allow drive thrus, doesn't allow the mix of uses we'd like including multi-family and really the CG and CR zoning doesn't support the goals of our Centers Place Types. So, we're proposing a text amendment that will help us in the meantime. We will eventually be coming back and aligning the zoning so that if you are in one of those centers you probably will not in the long term after alignment zoning have the CG zoning districts. You'll go to one of the Centers Zoning Districts, but in the near term we thought some changes for CG zoning when you're in a Centers Place Type were necessary. So, for accessory drive thru, drive thru windows, this would be a use if you're in a Centers Place Type and zoned CG or CR that you would be required to get a conditional zoning to be allowed to have this use and that if you were approved for conditional zoning, you would use the standards of Neighborhood Center.

So, again, that is making that use more aligned with the Centers Place Type. Similarly, we would allow multi-family using the standards of Neighborhood Center if you have CG or CR zoning but are in a Centers Place Type. Again, better aligning the uses and the standards with the Centers Place Types and what we think will be the eventual zoning in those areas. Then drive thru establishments, which is where all transactions only occur by vehicle, would not be allowed in a CG or CR if in a Centers Place Type. So, we're trying to get ahead. This is really a stop gap until we can go back and align the zoning and probably make zoning changes for the centers that would eliminate CG and CR in Centers, but in the meantime, we think this is a way across the board to approach this challenge.

So, staff is recommending approval of this. We believe this is consistent with the 2040 Comprehensive Plan. Again, our rationale is some Centers Place Type will have parcels that translate to the CG, General Commercial zoning district. Those are really not aligned with the desired pedestrian environment and mix of uses. So, what this will do is either allow uses or disallow uses in a manner that would be aligned with the Centers Place Type. That concludes my presentation.

**Councilmember Watlington** said yes. Forgive me. I'm trying to follow, but I would really benefit from a repeat of or if you could give me an example of a place right now.

Ms. Harmon said yes, let me go backwards on the slides. So, this is 7<sup>th</sup> Street, and you can see the CG zoning. This is in Elizabeth. This is a Neighborhood Center Place Type; walkable mix of uses is the vision that we have. The CG zoning which is what the B-1 and B-2 and particularly the site you can see here will translate to is not going to give us a walkable mix of uses. Ideally, in this area, we would have NC, the Neighborhood Center zoning district. That is likely what we will propose when we come back to you all with alignment rezoning in the next couple of years, but in the meantime, we can make changes to the CG zoning district to ensure that what is developed is better aligned with the Neighborhood Center Place Type.

Ms. Watlington said then can you go to the slide where you talked about what was allowed and what was not?

Ms. Harmon said sure. Actually, are you looking at this, the CG and CR? The changes?

Ms. Watlington said no. It was with the drive thru.

Ms. Harmon said okay. Sure. So, if you are in a Centers Place Type like what we saw on 7<sup>th</sup> Street and Elizabeth or SouthPark for example, Prosperity Village, those are Centers Place Types. If you have CG zoning in those and you want to have a drive thru window, you will need to come through the rezoning process that comes in front of Council to ask for a conditional rezoning.

Ms. Watlington said okay.

Ms. Harmon said right now you cannot in those zoning districts have multi-family. This change would allow multi-family to be developed in there consistent with the intent of the Centers Place Types.

Ms. Watlington said I got you. Then down here where I see drive thru establishment. I see this Clutch would not be allowed but a Cookout would be.

Ms. Harmon said it would not be allowed if this change takes place if you're in a Centers Place Type because it is a very auto oriented use and Centers Place Type are intended to be more walkable mix of uses. This just wouldn't fit into the vision for those areas.

Ms. Watlington said a Cookout for instance, because you've got a walk-up window would be?

Ms. Harmon said but a Cookout, if it just had a walk-up window, would be allowed. If it had a drive thru in addition, then [INAUDIBLE].

Ms. Watlington said requires an additional rezoning?

Ms. Harmon said yes.

Ms. Watlington said got it. Okay, thank you.

**Councilmember Ajmera** said first, I just want to highlight a significant change that is in this text amendment is the landfill site would not be allowed near residential. Is that correct?

**Councilmember Winston** said that was the previous.

Ms. Ajmera said I had a meeting with Alyson and really my concern was around where there was permit requests filed for landfill site near a residential area. I know there was a lot of opposition about that, but it looks like that was already grandfathered in, but moving forward it will not be an issue. I just wanted to make sure.

Mayor Lyles said we'll get Tim to meet with you about that because he did the presentation on the first one. So, if you would meet with Ms. Ajmera, okay?

Ms. Ajmera said thank you. Other than that, I don't have specific questions on the drive thrus. I understand.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2023-058 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT FOR A TEXT AMENDMENT TO SECTIONS 15.2, 15.4.CC, 15.4.FF, 15.4.FF.1, 15.4.HHH.1, 15.4.HHH.2, 15.4.HHH3, 15.6.1, 15.6.3, 15.6.4, 15.6.5, 15.6.6, 15,6,7, 15.6.B, AND TABLE 15-1 OF THE CHARLOTTE UNIFIED DEVELOPMENT ORDINANCE (UDO) SUMMARY OF PETITION. THE PURPOSE OF THIS UDO TEXT AMENDMENT IS TO MAKE AMENDMENTS TO THE USES PERMITTED IN THE CG (GENERAL COMMERCIAL) AND CR (REGIONAL COMMERCIAL) ZONING DISTRICTS, AND THEIR PRESCRIBED CONDITIONS WHEN LOCATED IN A CENTERS PLACE TYPE.**

**Mayor Lyles** declared the hearing open.

**Laura Harmon, Planning** said I think that is a summary of the text amendment. This is something that we even talked about before the UDO was adopted. It is without fail that anytime a community has a new ordinance, there are simply things that you find after it's been adopted that need to be adjusted, corrected, revised. So, we brought you a couple of bigger items. We'll be bringing you more in the future, but we also had what we considered a cleanup where these were not major substantive items and we are asking for your approval on this. We believe it is consistent with the 2040 Plan because we do not make substantive changes. Again, knew that we would be doing this based on what we've heard from other communities that had new ordinances, particularly those of the size and complexity of the UDO. We do think that these proposed changes will make the UDO a more user-friendly ordinance and more functional.

You did get in your packet what may have looked like a whole new ordinance. The changes in there are additions, are red underlined and deletions are strike throughs in the UDO. We'd be glad to answer any questions now or as you review this, meet with anyone that's interested and if you have any questions about any of the changes.

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

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**ITEM NO. 33: HEARING ON PETITION NO. 2023-055 BY CHARLOTTE FIRE DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 7 ACRES LOCATED ON THE EAST SIDE OF DIXIE RIVER ROAD, WEST OF GARRISON ROAD FROM MUDD-O AIR LLWCA (MIXED USE DEVELOPMENT, OPTIONAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE - CRITICAL AREA) TO MUDD-O SPA AIR LLWCA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE - CRITICAL AREA).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2023-055. It's a piece of about 6.5 acres. It was part of the original River District Rezoning done back in 2016. The site is currently zoned MUDD-O. They are looking to do a site plan amendment to just a portion of that just to affect this particular spot. Just to give you some background. So, the Policy Map does call for a Community Activity Center on this one. The reason for this rezoning request is the 2016 River District approval had always envisioned civic uses, fire station and other things. As the fire station began to move forward with getting

into design and permitting for their site, some of the standards that were intended for the type of development in the River District just didn't quite match up with some of the needs in items that the fire station would have to have on their site in order to accommodate public parking, trucks, turnarounds, things like that. So, this proposal is really just a modification of some notes. Essentially, we're taking the notes for this and kind of superimposing them over the 2016 River District Rezoning. So, essentially all the 2016-056 development standards will continue to apply to this parcel and all the parcels in the River District, but we've added just four additional notes that give the fire station a little bit more flexibility to get through the permitting process so they can get the station located and sited in this area to continue to be prepared to serve this development as it moves forward.

So, essentially there's four items and that's the modification of the setback to a 50-foot minimum and then a maximum of no more than 100 feet, and that's from the future back of curb of Dixie River Road. Also, would eliminate the requirement for minimum ground floor activation. It does modify the ground floor transparency requirements to a minimum of 10 percent, 6 percent of that can be met through opaque glass. Then there's also an optional provision that would allow if needed, public parking between the building and the street. Again, all other standards would apply from the 2016-056 original rezoning, but this is really kind of dialed in based on some of the specifications that are needed particularly for this project at this location. So, that's the nature of the proposal. Staff is supportive. We do recommend approval of the petition. It would be consistent with the Policy Map recommendation for a Community Activity Center. Doesn't change the overall nature and intended outcomes of the River District, just allows this project to function within the River District with some standards that are better suited for it. So, with that, we'll be happy to take any questions. I do believe we have staff from our fire department here if they have any questions specifically for them, but happy to answer any you may have also.

**Councilmember Bokhari arrived at 5:56 p.m.**

There being no speakers, either for or against, a motion was made by Councilmember Winston, seconded by Councilmember Graham, and carried unanimously to close the public hearing.

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**ITEM NO 34: HEARING ON PETITION 2022-037 BY SUNCAP PROPERTY GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.28 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF EAST BOULEVARD AND SCOTT AVENUE, WEST OF KENILWORTH AVENUE FROM NS PED (NEIGHBORHOOD SERVICES, PEDESTRIAN OVERLAY) TO B-1 PED (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-037. It's just 0.28 acres. It's at the corner of Scott Ave. and East Boulevard. It is currently zoned neighborhood services. It does have a ped overlay. With that, the proposed zoning is conventional. It's B-1 with that ped overlay also maintained. Adopted Place Type from the 2040 Map does call for Neighborhood Center. The parcels that are just kind of down from this between Scott Ave. and Fountain View are also zoned conventionally B-1 which is the request for this particular parcel. On June 1, 2023, we just talked a little bit about Neighborhood Centers in our last couple of hearings when we were talking about text amendments. These parcels along East Boulevard that are conventionally zoned B-1, O-2 some other districts will translate on June 1, 2023, to the Neighborhood Center that we'd like to see out here. So, we're not going to run into some of the challenges that we just went through with the text amendment. This was some of the conversation we had that kind of led up to some of that text amendment part, but not to get too far down in that, but this petition would take this property to B-1 ped. Which on June 1,

2023, as I mentioned would translate to the Neighborhood Center District which this entire block there between Scott Avenue and Fountain View along that East Boulevard frontage will also translate to the that Neighborhood Center District.

So, this petition essentially is going to make that block a little bit more uniform as of June 1, 2023. Again, this will be a B-1 ped should it be approved. On June 1, 2023, that will translate to all these other parcels to Neighborhood Center. So, we'll have one unified zoning district to work under and those properties can be developed by-right under that Neighborhood Center District which is an outcome that does align with the 2040 Policy Map. So, with this particular petition as I mentioned, it is conventional. So, we don't have any outstanding issues. We don't have a site plan to go through. Staff does recommend approval of it. As I mentioned, it is consistent with that Policy Map recommendation for Neighborhood Center because as I mentioned on June 1, 2023, this will change over automatically to Neighborhood Center without the need for another rezoning. So, everything will end up being in really good alignment along that corridor which is an outcome that I think is something that as staff we want to see that plan implementation carried forward. So, again, we do recommend approval. It is consistent. We'll take questions after petitioner's presentation and presentation by members of the public. Thank you.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said good evening, Madam Mayor, Council members, Zoning Committees. Collin Brown on behalf of the petitioner, SunCap. As Dave mentioned, this is a conventional petition which is usually pretty simple but there's some background. So, I'll bring you up to speed. This is essentially what I call Main and Main of Dilworth. The property we're talking about I call the Starbucks building. So, if you know it, there's a small Starbucks but a majority of the site is a surface parking lot. So, you have a surface parking lot at the corner of Main and Main, one of the best walkable areas of this City. There is the existing building. SunCap has been working on this deal for over a year. Councilmember Anderson has kind of followed this as it evolved. So, the background as Dave mentioned, tonight we are only talking about this less than a quarter acre of parcel that isn't Starbucks.

However, when we filed this rezoning petition, we were talking about a 2-acre assemblage, all of the properties that you see highlighted now. We filed that under the old ordinance. This is a look at that prior request. We had community engagement basically for over a year to talk about this development. There were a lot of concerns as we were filing this under the old MUDD as you know. We had some requests for height. There was some consternation of, "Oh, well are we getting more height than we would have over the new ordinance? Is this consistent with where we want to be under the UDO?" As we worked through it, as we educated ourselves, frankly at the time we filed, the UDO was not adopted. After it became adopted, we looked at it and we basically figured out that the SunCap team was happy or enabled to develop under the new ordinance. The zoning that will be applied by-right, it's going to happen automatically on June 1, 2023. That works. That works for the rest of the site. So, there was no longer any need for us to rezone essentially the rest of the 2 acres. So, we're not moving forward with that.

That does leave the piece on the corner. The Starbucks parcel has an old conditional zoning plan that was put on it probably 20 years ago to allow it to have that parking lot and that building. So, therefore the Starbucks parcel on June 1, 2023, nothing will happen, and it can only be that little building and a surface parking lot. So, we need that to go away. So, now the only purpose of our rezoning is to rezone away from the small building and surface parking lot to the B-1 which will become Neighborhood Center. So, this is the 2040 Plan, it'll bring that little parcel into conformity with the 2040 Plan and be consistent with the rest of the block. As Dave said, that is kind of the City's goal. I think if SunCap was not doing this now, you'd probably have City staff doing this in a year or so to bring it into compliance, but we're doing that now.

So, this has been a major change and I think if you're some folks in the community, essentially for a year we were talking about a 2-acre rezoning and we were talking about all these details and now we said we're not moving forward with that, we're going

to default to the zoning that the City is providing. I think a lot of conversation in the area has been about building height. I think that might be what you hear about tonight. So, in the NC (Neighborhood Center) District essentially which on June 1, 2023, will apply to most of that East Boulevard frontage, the base max height is 65 feet. If a petitioner earns bonuses, a building can go to 80 feet. Again, that's going to happen automatically on most of the East Boulevard corridor. This would be bringing this piece into that also. So, the same standards would apply. This is the Zoning Alignment Map, so this is what'll happen automatically. You see all of this purple will get that zoning. You see the one little outlier being the Starbucks parcel. So, this zoning again will take it to B-1 ped and then on June 1, 2023, it'll convert.

Here's a list of the community coordination that we've done. Again, it's been a long time with the neighborhood really about the prior plan. The entire point tonight is to essentially this is that old conditional plan for the Starbucks, again with mostly surface parking, for that to go away. Thank you. Happy to take questions after the other speakers.

**Gary Klasen, 1315 East Boulevard** said thank you. Hi, my name's Gary Klasen. I live at 1315 East Boulevard. I'm President of our 1315 East Condo Association and I'm here because we do oppose the 80-foot height of the parcel at the northeast corner of East Boulevard and Scott. The owners and residents of our 142 condos are not against planned reasonable growth. We've consistently been on record during SunCap's public hearings even with a Board resolution asking for a building height consistent with our 60-foot height along East Boulevard. We asked and still haven't received any kind of commitment to that. At SunCap's first public hearing, they talked about how important it was to be a good neighborhood. We don't feel this is a way to be a good neighbor. An 80-foot height on this and any future parcels, and there could be future parcels, is inconsistent with the character of our distinctive neighborhood. One of the pictures that you saw of a building across the street is our building across the street from the SunCap site.

I understand that it's not just 80 feet, SunCap could also add another 5 feet as a parapet. So, at 85 feet, the structure that would go there would be 40 percent higher than our building right there on East Boulevard and again, this is just the first building. So, we really have two major concerns. One is about trends and the other is about traffic. An 80-foot height for this one building sets a trend for all future parcels leading to increased density, significant congestion, and potentially lower property values. We don't want this to automatically happen all along East Boulevard. Regarding traffic, Scott Avenue at East Boulevard is already a parking lot in the morning rush hour. Kenilworth is much, much worse in the evening, all the way backing up close to Morehead. Adding large numbers of residents, businesses and their customers are going to make things even worse. Simply put, big buildings need a big street and East Boulevard is not a big street. We're not Morehead, South Boulevard or Tryon. Our residents deserve the same level of attention as the new residential parcel that's down the street from us on East Boulevard and Euclid. That fits really nicely in that neighborhood.

At 65 feet, SunCap could still fulfil its promise of being a good neighbor. They could still offer electric vehicle charging. They could meet green building standards and they'd also meet several of the 2040 Comprehensive Plan goals that are included in your materials. So, if you think you're in favor of this proposal, we ask you to stop and go look at that huge 8-story building apartment at the corner of Kenilworth and Morehead and transplant that into our area because that's why we ask how in good conscience can you approve an 80-foot-high building in our neighborhood. For reasons of density, future trends, neighborhood character and traffic congestion, we would like you to limit SunCap's building height to 65 feet in this area. Thank you very much.

Mr. Brown said just to reiterate, the City has adopted the UDO. The zoning that will go in place for the corridor will allow that 80 feet of height. You know we did have a conditional rezoning that was asking for some things over and above, had some buildings in some different places. So, I think the SunCap team has been a good

neighbor essentially removing every request to go beyond the ordinance or anything over and above and it's simply bringing this outlier parcel that can only be a surface parking lot into the zoning that will be shared by the rest of that corridor, which is the City's plan for that and the zone that will be implemented on June 1, 2023.

**Councilmember Anderson** said Colin, thank you for the work that has been done on this and the engagement in the community. There has been lots of conversation feedback from the DCA (Dilworth Community Association) and other residents within Dilworth. So, I'm glad that we have that two-way communication going. Mr. Klasen does bring up a really good point that's a recurring theme that we've been talking about. Collin, I'm not sure if you can pull up that slide that you had that showed all of the balance of East Boulevard turning to pink. Or maybe Dave you had that? This is an issue as was just mentioned along East Boulevard and the Dilworth corridor with traffic being a major, major impediment now. If you see where that star is, and all of the buildings that are effectively to the right of that will be classified as NC, many of those buildings today are single family homes that are used as office buildings and they've been zoned that way, but very small one, two, possibly three-story buildings along this corridor here. With the change in the UDO, with that base height of 65 feet, it's going to add a tremendous amount of congestion to a street that can't really fan out very well.

So, the issue with traffic and adding density not only to this particular site, but just along this corridor will be a major challenge that we'll have to address and hopefully get out in front of because that will bring a significant amount of trips to this area. So, I just want to keep that top of mind for us as we think about this pivot and transition to the UDO. Collin, I think that as we're all learning about the UDO, so realizing that not rezoning it to a MUDD-O was the right way to go. So, I do believe that this should be aligned with the balance of this parcel here. However, I just want us to think about the density on a go forward basis.

**Councilmember Ajmera** said I share some of the concerns that Ms. Anderson raised around density and traffic. In terms of the height can you go back to the slide where you had height comparisons where there was a bonus height?

Mr. Brown said again, this is the NC District which will apply for most of that corridor and a lot of our centers. This is from the ordinance. So, again, this will apply to SunCap and the other properties on the street. The base max height is 65 feet. Bonuses can be earned to go to 80 feet. Those can be things like affordable housing, additional open space. SunCap, we're kind of reworking things now as we've dropped the rezoning. Some parcels are no longer involved. So, they're working through that. We don't know what their building height will be. It'll obviously be consistent with the UDO NC District and the rest of the block.

Ms. Ajmera said so, I know there are multiple options as to housing or green space. What bonus option is being considered here?

Mr. Brown said all of them. We're still in design so it's unknown frankly how many bonus points you need because they don't know what height they're getting to, but all of them are on the table.

Ms. Ajmera said okay. I share concerns that's been raised by Mr. Klasen around height here, especially on this parcel. Can we get a slide where it shows how this structure will look compared to the neighboring sites? Do we have that?

Mr. Brown said I don't know. You can see there, I think this is Mr. Klasen's building and a portion, I don't know how these interrelate, but a portion of that building I believe is taller than ours would be. The real discussion has been the corner and I think they're closer maybe he said to 65 feet. The back of that structure does go up probably higher than the SunCap structure would be.

Ms. Ajmera said okay. So, I'm sorry. I'm not following you here with the height. So, where I see blue arrows, that's the site. Where is 80 feet? Is that that brick building in the corner? Is that 80 feet we're talking about?

Mr. Brown said I don't know for sure. This is the existing building where Mr. Klasen lives.

Mr. Klasen said that's 65 feet.

Mr. Brown said yes, I appreciate him giving me the answer.

Mayor Lyles said okay.

Mr. Brown said he says their current building on the corner is 60 feet and then the rear of that structure does step up to about 80 feet.

Ms. Ajmera said yes. I just don't know how that fits into this site right here where you've got sites nearby that are much lower in terms of height. This site right next to it, is that residential condos?

Mr. Brown said yes. So that you know, this corner here that is empty is zoned for 85 feet of height and everything else going down the East Boulevard corridor, again, automatically on June 1, 2023. So, every corner of this intersection, this is allowed for 85 feet. This will be allowed for 80 feet, this will be allowed for 80 feet here, here. Now that's 80 feet with bonuses. The base height is 65 feet.

Ms. Ajmera said okay. That's all I have. Thank you.

**Councilmember Driggs** said I just want to comment briefly without starting a policy conversation. I have a concern about resisting something that's consistent with our policy on the grounds of unspecified reasons or on the grounds of undefined concerns about traffic. I mean at some point we have to get to a stage where we are interpreting things according to rules we just made. That's all. Thank you.

Motion was made by Councilmember Graham, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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**ITEM NO. 35: HEARING ON PETITION 2022-048 BY TRIBUTE COMPANIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 182.71 ACRES LOCATED ALONG THE SOUTH SIDE OF INTERSTATE 485 SOUTH INTERCHANGE, EAST OF JOHN ADAMS ROAD, AND NORTH OF NORTH TRYON STREET FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MX-2 (MIXED USE) WITH 5-YEAR VESTED RIGHTS.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-048. It's a little over 182 acres. It is located on the south side of Interstate 485, just east of John Adams Road, north of North Tryon Street. Barely off of that area between Mallard Creek Church Road and I-485. The existing zoning is R-3, and the proposed zoning is for MX-2. The Adopted Place Type from the 2040 Policy Map does recommend Neighborhood 1. You can see we've got quite a bit of recommendations in there. We've got some N-2 just adjacent to all of this campus. Commercial, Community Activity Center, there's some Industrial, Manufacturing and Logistics just on the southside of Mallard Creek Church. So, quite a diverse mix of uses and recommendations from the Policy Map on this one in that general area.

The proposal itself is for up to 1,950 units. That could be in any combination of single-family detached and/or attached, or multi-family residential units. There are some development areas throughout the site that do further restrict and define some of those uses. So, we'll go through those on this slide. Development Area P-1 which you can see is just next to where it says 150-foot power easement. You see P-1 there. That is predominately devoted to park and outdoor recreation uses. Development Area S1, which is just on the southside of where P-1 is there, that's predominately devoted to institutional uses. Elementary school is one of the things that's being considered in that area. Then we get into the Development Area A's, which is A-1 through A-7. Those would be residential uses. There are a few Area A-2.1, 3.1, 4.1, 5, 6, and 7 would all be lower density residential options. So, things like single-family detached, or townhome units. So, no multi-family in those areas. Those are the areas that are predominantly up against some existing single family attached townhomes just to try to keep some land use consistency between those general areas.

Again, it does provide a minimum of 16 acres for a publicly accessible park. Nine of those acres would be dedicated to Mecklenburg County for a future neighborhood park. It does provide a pedestrian friendly focal point for neighborhood activity, and that would include potentially things like temporary events for food trucks, popup retail, seasonal neighborhood festivals like pumpkin patches, music, artwork, crafts or other community engagement activities. Also, would provide for architectural standards for things like building materials and building siding along each development area. Also, a TIS (Traffic Impact Study) was required for this petition. There were quite a few transportation improvements as you can imagine for a site this large and with this many units. There were quite a few offsite improvements. Things like turn lanes, addition of storage, restriping of pavement, traffic signs, coordinated signal timing, etc. We do have some slides after this one from C-DOT (Charlotte Department of Transportation) just to talk through some of those transportation items specifically. So, Jake if you want to walk us through that, I'll turn it over to you.

**Jacob Carpenter, CDOT** said thanks Dave. Just wanted to go over a quick summary of some of the transportation items that came out of the traffic study. The consultant performed a traffic study. Thirteen existing intersections were studied in the vicinity of the site. We did, as we do with all studies, account for growth in the future. So, adjacent developments that have approved traffic studies as well as a growth rate for existing traffic of 2 percent per year was included. The traffic study was reviewed by C-DOT as well as our third-party consultant for verification and they have committed to improvements in the study area to mitigate their traffic. As you can see, the study area surrounded the entire site on North Tryon Street as well as Mallard Creek Church Road including the interchange with I-85 and the interchange with I-485.

Some of the traffic study improvements that came out of the traffic study included significant upgrades to the Mallard Creek Church and I-85 interchange including restriping additional lanes as well as turning lane improvements. There were two new traffic signals proposed as part of the development, one on North Tryon at the US-29 service road as well as a new traffic signal on Mallard Creek Church Road and Mallard Glen Drive. That is a new traffic signal that would also serve some existing development along Mallard Glen Drive.

There are a number of other intersection improvements, turn lanes and traffic signal upgrades in the area, as well as additional improvements to the existing network of streets. There is a new network of public streets included as part of the petition. Upgrades to existing adjacent roads such as Revolution Court, Galloway Road, Mallard Glen Drive and Heritage Lake Drive, and also upgrades to existing private streets such as Heritage Lake Drive and Northbend Drive. That would potentially allow the City to accept those streets for maintenance in the future as this new development is adding connectivity to those roadways. That's it. I'll pass it on back to Dave.

Mr. Pettine said alright, thank you. So, as mentioned earlier, staff does have some concerns overall with the petition. We are not recommending approval under the current form. Staff would like to see a little bit more clarity on some of the different housing

types, get a little bit better idea of what that actual count may end up being. Again, there are some restrictions on things where only townhomes or single family detached can go. We'd like a little bit more clarity on the breakdown of some of that. We also would like some consideration of some non-residential that could provide some neighborhood supportive uses for this amount of units. That would also help to promote more of a 10-minute neighborhood within this project and also help with some internal capture from trip generation standpoint. So, just again trying to get a little bit of clarity on housing types, unit counts and then consider some of those non-residential uses that could be supportive for the neighborhood.

Overall, there are some benefits, the addition of the public park, obviously land set aside for a future school. Those are all things that we do see as positives, but we'd like to continue to work with this petitioner to see if we can get some other items addressed and cleared up before we consider a change in our recommendation at this point. So, with that, I'll turn it over to the petitioner team, and we'll take any questions following their presentation. Thank you.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said good evening, Madam Mayor, Zoning Committee members, Collin Brown on behalf of the petitioner Tribute Companies. Mark Maynard from Tribute is here. This is a large piece of land. This is a significant rezoning. Tribute already owns the property. So, they're invested in this piece. We've been working at this for some time. If you don't mind, if we can start with the earlier slides, I'll talk through them. As you all know, as we're talking about rezonings within this district and especially any area that has the name Mallard in it, we talk about infrastructure and Councilmember Johnson is consistently asking what is being done to compensate for the development coming in.

So, when we embarked on this larger rezoning, the first thing that we did was contact CMS (Charlotte-Mecklenburg Schools) because by infrastructure we're usually talking about schools, parks and transportation. So, we engaged with CMS about this site. They indicated that this was very much a great piece of land they would like an opportunity to be at. So, as you'll see when I get to the site plan, they were involved early on. This was not an afterthought of 5 acres to the back. The school would be a central part of this development. Accompanying that, park land to Mecklenburg County Parks and Rec, which complements the school, really becomes a community place that centers this and provides a sense of place.

So, the team tonight, I've mentioned Mark Maynard is here. Dennis LaCaria working with CMS is here if you have questions. Land Design has done the site design work which I'll show you in a moment and the real heavy lifting on this has come to our traffic consultant John Davenport. John Davenport is here tonight. I know that C-DOT when through some. John's got a pretty interactive presentation of the things they're doing. So, I want to save a few minutes for him to do that. Again, large piece of property at the elbow of essentially two interstates. The current 2040 Plan calls for low density residential. The prior plan had called for multi-family and office here. So, a heavier use at those interstates. Dave has done a good job of laying out for you what is proposed. As Dave indicated, we've kind of been dealing with the heavy lifting, the big parts. Staff has indicated that they'd like a little more information on the housing types, can we incorporate some commercial uses to complement this? This is Land Design's plan which is a little more user friendly. I'll go to the smaller version where I can see it a little better. This would be the school site. So, again kind of the center of the community. This would be the public park acreage, 16 acres total there, at least 9 that could go to Mecklenburg County Parks and Rec, still incorporating a lot of other greenspaces and open spaces throughout the site.

We do have lower density areas here, kind of townhome style product adjacent to the adjacent townhome product. So, there's a nice transition to those. Then this would be more traditional multi-family housing closer to the interstates and a little bit further away from those single-family homes. Again, we spent a lot of time coordinating with multiple entities. I think this is a very good example of a development team. Again, I think hearing from the feedback we've gotten from Council about the need for things, I think

there's some excitement about the opportunity for the schools, the parks and those things that it brings along. So, we will continue working with planning staff on this plan, try to get them a little more detail on the things that they're looking at.

I do want to pause here because as we talk in the Mallard area all the time, we talk about transportation. We've done a lot on that. So, I'm going to turn it over to John Davenport. If you don't mind, I think he'll start with the video. If y'all have questions about specific intersections, please ask and we can pull up our slides and go to those.

**John Davenport, 119 Brookstown Avenue, Suite PH1, Winston-Salem** said alright. Thank you. Good evening, Madam Mayor, City Council. My name's John Davenport with John Davenport Engineering. Address 119 Brookstown Avenue, Winston-Salem. I'm from the corporate office and I have some associates here to talk about the details if you have questions. We're going to try to roll this video in just a second here. I wanted to show you the extents of the improvements because there are quite a bit. We're going to start here at Mallard and I-85. So, we're going to be adding some lanes there and essentially the turn lanes are going to make significant improvements. So, if you'll roll the video, I think all of that's in there. So, there we're going to achieve a 55 percent delay reduction. So, just to give you an idea, that's over half the reduction there. So, as we continue eastward, and we get to the northbound ramps we will be adding a second eastbound turn lane that gets you on to I-85. With that intersection, we'll be getting significant improvements as well. So, the entire interchange will be reconfigured through the bridge and the ramp terminals to provide significant improvements. It's rare to get a developer that's going to do those types of improvements, but with this project and the number of trips we're going to generate, this project is going to be doing that. So, it's really exciting to be able to work with someone who's got the capacity to do these of type of improvements.

If you'll roll the video, we'll go down to the main entrance. When we get down to Mallard Glen, you'll see that we are installing a traffic signal there. There's turn lanes, there's lots of improvements currently. Obviously trying to make a left out of there is a level of service F. When we put the traffic signal in, we're going to go to a B. So, there's a 96 percent reduction in delay there, plus a significant improvement along that corridor. So, people coming in and out of that area will see a significant improvement. If you'll let the video keep rolling, we'll get on down to Tryon. Now this intersection is a little bit more complex, there's a lot of turning lanes out there already. You'll see that there are some improvements being put in from other developers from the eastbound direction, the southbound direction, we will be installing dual rights and extending the northbound left turn lanes and we'll be able to keep the level of service and the delays about where they are now. So, we're able to mitigate our traffic. We can't make that one better, but we can mitigate our traffic.

As C-DOT mentioned, we go up here to US29 service road. What we had proposed was a signalized intersection there providing left turns in and dual rights out. We are going to be working with C-DOT to extend Heritage Ridge to perhaps get a full signal there. That'll be working with NCDOT (North Carolina Department of Transportation) and breaking the control access break which is currently in that location. So, that's something we're working on with them now. Then we get to 485, we've also recommended a second right turn lane to go on to 485. So, that would be one on southbound Tryon that we'd be adding as well. That would also mitigate our traffic. So, again, I'm going to be here to answer any questions. I tried to fly you through that to show you what's going on because there's a lot to say here. So, I'll be available after we finish the presentation for any questions you may have. Thank you so much for your time.

Mr. Brown said so, I hope you'll see and just to restate, most of the time when we're doing these traffic studies, we're just trying to hold and say, "Hey, we'll do this development, it won't get worse." Here's an opportunity to make several of those intersections significantly better. That includes the impact coming from the new school. So, I'm happy to answer any questions. As Dave mentioned, staff does have some outstanding concerns they'd like us to address. So, we'll work on those and hopefully

make a step forward in our next submission. Happy to take any questions you may have.

Mayor Lyles said alright. Any questions for the petitioner?

**Councilmember Ajmera** said thank you Madam Mayor. This is a huge development. There's a lot to unpack here. I was just going through some of the comments why staff does not recommend approval of this petition. They are looking for specifics on number of units that will be part of this Neighborhood 2 place. Could you comment on that? Also if you could comment on greenspace. I know that as part of the UDO, staff has worked with the County to allow more greenspace, especially for parks and recreation. I don't see that being part of this significantly large development.

Mr. Brown said Mecklenburg County Parks and Rec has been a part of this conversation. Our hope is that we provide land for the public parks. So, Councilmember Ajmera, we're showing ball fields that would hopefully be operated by Mecklenburg County Parks and Rec. Certainly we would be contributing them and we think that would function well with the school facility here. So, as you can see there's a great amount of greenspace. We do have some wetlands through this site. I'll have to get back to you on the percentage. It's significant, but as you can see here, and even trying to use this powerline corridor too to activate that, this'll have substantial open spaces. So, I'll coordinate with Land Design. Our lead designer is on spring break this week, but I'll get you some information about that. I think we've got a very good answer on Parks and Rec. That's one of the real infrastructure needs that being provided here.

As far as product type, there's probably more shown on this than we've shown staff than we've committed to in our zoning document. I think that's what staff is looking for, some more commitment about the single-family housing types. Another thing, the challenge for us here, staff has asked for some kind of commercial uses like neighborhood service retail to support this community. It's just hard because as large as this site is, it is buried away from the major thoroughfare. So, it's not getting the type of traffic to support the type of retail I think they'd like to see. So, we're thinking through what could be done to have a little bit of a different mixed-use component.

Ms. Ajmera said so, to follow up on that, going back to park space, how many acres are we talking about here?

Mr. Brown said 16 acres of public park, 9 of that dedicated to Mecklenburg County Parks and Rec. That is just essentially the active areas. There would be acres and acres more, and I can get back to you with that number of greenspaces, tree save areas that would be preserved, and hopefully have a trail network within those.

Ms. Ajmera said yes, if you could get back to me. Also, what is required versus under the UDO.

Mr. Brown said okay.

Ms. Ajmera said second. I know you touched on number of units and that would be part of the ongoing conversations with staff. So, all that information would be provided to us before the decision?

Mr. Brown said we've kind of got this high-level number, yes. Staff has asked us for a little more. This is what we got to them about six weeks ago. So, we're expecting we'll have an updated plan in to staff with a little more detail on that subject this week.

Ms. Ajmera said I will have some questions on infrastructure. That was a really good video by the way, but I'll have to watch over and over again. So, I'll have follow up questions for you, but certainly this is a significant development. We've got to get this right to make sure that we are addressing infrastructure needs as well as park, greenspace, schools to get this right. Thank you.

**Councilmember Winston** said thank you Mr. Davenport and Mr. Brown. That was an impressive video. Forgive me if I'm wrong, but on the video, I saw a lot of autocentric improvements. I did see some bike lanes there but didn't hear any mention of any type of protected bike lanes. I know that this part of town is pretty autocentric right now, but I think that there are some arguments that especially with developments like this, these are opportunities to change modes. It is relatively close to a college and it's an area where, if I'm not mistaken, there is more multi-family going in and around your site. I believe the school that you mention is not necessarily going to be one where the age of the kids are going to be driving to school. North Tryon Street, although it might not seem very walkable right now, again if I'm remembering correctly, we have had some pedestrian fatalities there, especially at night as there are multi-family that is relatively more affordable than a lot of places in Charlotte that exist north of 485. I think right where you have that additional turn lane, again, a more auto intense use. There are jobs down south, but there's not a lot of pedestrian infrastructure to get folks down from where folks are living down to where the jobs and where the schools are.

So, I certainly have some concerns about that. This seems like, if I'm looking at that correctly, there are some missed opportunities perhaps. Again, just thinking on either side of 85, there's growth happening. So, we want to take opportunities to be able to connect those in multimodal ways, not just autocentric ways. So, was I missing something in that video?

Mr. Davenport said yes. One thing I would say. There are bike lanes on Mallard Creek Church Road now.

Mr. Winston said unprotected.

Mr. Davenport said yes. They're striped. The typical C-DOT standard for that type of facility. So, whatever we put in is going to maintain that. We're not going to get rid of those bike lanes. Right now, there aren't bike lanes through the interchange. I'm a cyclist by the way. I love riding so I definitely feel you on what you're saying with that. We can certainly, as we work with C-DOT whatever improvements as far as at the intersection in particular. If there's pedestrian things that they feel like we need to add, I'm sure we could do that. This study was just focused with your traffic studies. There's a lot of traffic we're generating and obviously we had to show that through the standards we were addressing that, but your comments are well-taken.

Mr. Brown said your comment about multimodal, to be honest with you, we've kind of focused that on internal to our site. Trail network, walking network to get folks to the new school. For the externals, because we're also working with NCDOT, that has been very vehicular focused so we're happy [INAUDIBLE].

Mr. Winston said well that's not surprising, but here in Charlotte, hopefully there are a lot of folks that moving internally. Hopefully there's some bikers there and they're places to get. It looks like the design we have right now makes it much more treacherous to get across the 85 interchanges across Mallard Creek Church Road. I certainly have some concerns about that. Maybe we'll talk about that offline and see.

Mr. Brown said sure. We can talk about that.

Mr. Winston said I understand there are State level standards here versus City priorities. Thank you.

**Councilmember Driggs** said so, Mr. Pettine I'm interested that you say do not recommend approval and not recommend subject to outstanding items. So, how big is the gap? This is something you feel is going to get closed or does this require substantial additional work?

Mr. Pettine said I don't think there's substantial additional work necessarily. I do understand the concerns and constraints about adding potentially some non-residential neighborhood serving retail this far off of Mallard Creek Church, but I think we'd like it to

continue to be explored and have that conversation. Yes, almost 2,000 units there's a lot of built in need for that without having to circle back out to Mallard Creek Church or some other. So, it'd be interesting to see what maybe some of the solutions could be for that, but we do understand the constraints of location. I think we'd still like to see something like that considered just to, like I said, to better capture some internal activities on the site without having to go out to Mallard Creek Church.

I think some better definition for us in understanding a plan like this can certainly help. I think just kind of seeing a project this large in just more of a bubble format, in some ways is reasonable but in some ways like this, where it's this far off the road and impacting a bunch of different existing streets, we'd like to see some of that form and function of the site, which I think this helps us. So, hopefully we'll see some more of this moving forward. So, I don't think we're too far apart. I do think we see some benefits of the project. Certainly, it's not consistent with the plan, but I don't think the plan ever envisioned kind of a comprehensive large scale project of this size in this area along the area of the interchange. So, I think we've got some work to do, but I don't think it's insurmountable at this point.

Mr. Driggs said it's a pretty glaring example of a difference between what the plan says and what's being proposed. So, Mr. Brown, I'm sorry if I was processing and missed this, but could you describe again CMS involvement?

Mr. Brown said my understanding of the involvement is we had been talking about the need in this area for schools. So, when we had a project of this size, we reached out to CMS and asked if they would be interested in the site. So, from my client's perspective our rezoning proposal will accommodate a school. Essentially an institutional use would be all that is allowed in that area. I'll let Mr. LaCaria, if you have questions about CMS intentions, respond to those. Is that okay?

Mr. Driggs said alright. Go ahead Mr. LaCaria. So, I think my question is would this be a sale of a portion of the land to CMS or is it a dedication of land or what are the terms on which the area where the school is going to be, is being acquired by CMS?

**Dennis LaCaria, Charlotte-Mecklenburg Schools** said so, this would be essentially a dedication of land, a contribution.

Mr. Driggs said okay. Is there a timeline for the school, like, a situation that we once experienced where the differences that we still haven't worked out are suddenly going to have to be resolved under time pressure or else the school is not going to get finished on a certain schedule?

Mr. Brown said well opposite of the one we talked about last time, we're rezoning this ahead of time, so that this school can accommodate and we're not racing against a bond deadline.

Mr. Driggs said alright. That's essentially it. So, thank you Mr. LaCaria. A dedication of land is appreciated. We're always in support of the school, we just don't want to get into a tight spot where we have pretty significant unresolved issues, and it all has to be done quickly.

Mr. Brown said we're on the other side of that. We're trying to hurry up and say, "Can we get a bond?" We want the school there. We've kind of made it the center of this development. So, that's going to be an important selling point for this development. So, we're hoping CMS is going to advance that along and have this coming along. This larger development, so you know, this isn't getting developed in a year. I mean this is a 10- or 15-year development project for Tribute. So, we feel like with CMS timeline, that's going to come together nicely.

Mr. Driggs said so, we have as much time as we need to work on these issues?

Mr. Brown said well. We'll have them in on Thursday.

Mr. Driggs said alright. Thank you.

**Councilmember Johnson** said thank you. Thank you, Mr. Brown, and thank you Mr. Davenport for the presentation again. I do have a question regarding the schools. I want to thank you for the development. You all know that I've been talking about the infrastructure and the growth in District 4 for over a year, and I actually sent the map that was sent to me to Dave Pettine. So, Dave if you could show that. Thank you. So, if my colleagues can see, this is a map of District 4 petitions that are pending, approved and by-right. You can see this Mallard Creek area, how inundated it is with growth. I actually had a meeting with staff the other day to ask about schools because we talk about upward mobility yet are we really looking at the impact of all of this development on our schools. I was told that we're not counting approved petitions in the school count because they're not built yet.

So, I appreciate the petition that addresses schools and traffic and parks and I think we should all as Council members have these expectations for our districts and our public. If you look at this, we have to do something. So, again, I appreciate the attention to schools because if you look at the number, the impact on schools for this petition, I believe that it says Stoney Creek Elementary would increase from 121 percent to 144 percent, but we approved a petition in May of 2021 that said the school would increase to 123 percent. So, it just goes to show that we are approving things without calculating or considering the impact of growth.

Mayor, I wasn't at last Monday's Council meeting due to a family emergency, but when the hotel was approved, one of the things you said and I thought was so important, you said, "By governmental action, we neglected and left to fail certain conditions, and we said that's okay." It's not okay, and I agree. It's not okay to continue to approve growth without looking at the impact on traffic and sewer and schools. You also said we have to start somewhere and let's start with this vote. So, I ask my colleagues, let's start with this petition to start requiring this type of improvement on our infrastructure and our schools and we should just really push for that in development. So, I did want to ask the gentleman from CMS about the school count, if you're familiar with how the school capacity is calculated as the City is approving the rezonings? I've mentioned that the numbers aren't changing. So, can you tell me why that is?

Mr. LaCaria said good evening, Madam Mayor, members of Council. The way that we respond to petitions at CMS, they are presented to us on a petition-by-petition basis, not cumulative, not against any other background, simply how will this particular petition if approved impact a school, based on its current situation. So, we are constantly analyzing the current condition versus the outcome if this petition is approved and it's built out at some future date. We don't always know when those dates are. It's very hard to track those things cumulatively other than by counting mobiles at a particular school because that's the way that we typically have to address those sorts of situations. So, they really are one-offs based on each petitioner's impacts and the current situation at the school and what we would project based on the outcome of that approval.

Ms. Johnson said thank you so much. So, one of the terms that I think we need to avoid is unintended consequences. I don't want to look back 10 years from now and say, "Oh, that's an unintended consequence that our schools are grossly overcrowded," or that our sewer water capacity is not sufficient. We have the chance to really look at things as you always say, from a 30,000-foot level. You can't look at a puzzle piece by piece. You need to look at the big picture, and we really need to do that from a City perspective if we want to say that we are strategically and responsibly considering these for our voters and our residents. So, again, I will be supporting this. I hope that we do get to the point where City staff will recommend it, but this checks the box. This answers the need and we need to see more of these from a City perspective. We also need to look, this is for my colleagues, take a look at our policy and start considering cumulative growth in the City. Thank you.

Mayor Lyles said Mr. Brown, remind me again how many residential units this development will have?

Mr. Brown said up to 1,950.

Mayor Lyles said okay. In the past, we've talked about how our schools work and I'm not by any means a school board member or a school board planner and thank goodness for that because it's a hard job. I do want to say that as we've been seeing this growth, and we want this growth and opportunity to exist, this is a jobs corridor, and I haven't seen anything on affordable housing in it. So, I'm not quite sure what that means, but I think that we really ought to be thinking about 1,950 unit. If we're going to put a school there, how do we make sure that school flourishes? That it has the diversity of thought and actions that we can have, and how do we actually look at this in terms of where our teachers can live? So, when teachers are making \$31,000 a year and you want them to come out and teach, we have to do something that allows them to be able to eat as well as sleep at night. So, I hope that we will have some ideas around how we actually create the opportunity for people that can do this work and be on this site so that they can have the opportunities of upward mobility and their children can have the opportunity of a great school.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, and carried as unanimous to close the public hearing.
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**ITEM NO. 36: HEARING FOR PETITION 2022-099 BY LEVINE PROPERTIES FOR A CHANGE IN THE ZONING FOR APPROXIMATELY 0.94 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF COMMONWEALTH AVENUE AND THE PLAZA, NORTH OF EAST INDEPENDENCE BOULEVARD FROM O-2 PED (OFFICE, PEDESTRIAN OVERLAY) TO MUDD-O PED (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL, PEDESTRIAN OVERLAY).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright. 2022-099. It's just under an acre off Commonwealth Avenue and The Plaza located in the Plaza Midwood Neighborhood. Currently zoned to O-2 PED. Proposed zoning is for MUDD-O with a pedestrian overlay as well. Adopted Place Type does recommend a Community Activity Center in this location. You can see that's the predominant land use recommendation here. The proposal is for a maximum of 175 multi-family residential units up to 12,000 square feet of commercial non-residential uses. A minimum of those 6,000 of those square feet would be located on the ground floor. It does prohibit things like car washes, except for those that might be associated with the residential use, auto service stations, EDEEs (eating/drinking/ entertainment establishment) with accessory drive-thru windows and commercial self-storage facilities. We do have some conversion rights which would allow the project to shift to some market demands.

So, unused multi-family residential units, if those are left out there, they could be converted to a commercial space at a use of one unit to 1,000 square feet of additional commercial. The max for that would be adding up to 10,000 new commercial square feet on top of the 12,000. In the inverse, if they don't use commercial space, they could convert that to hotel rooms at a rate of 1,000 square feet of commercial to 2 hotel rooms. Also, if there's unused multi-family, that may also go to hotel rooms and a rate of 1 to 2 for up to 46 and then a rate of 1 to 1 for up to 45. That would amount to a total of not exceeding 91. It does request some optional provisions for an accessory drive thru. That would be primarily intended just to serve the financial institution. Some of those that may remember, this used to be the site of the old Fire Credit Union building that did have an accessory drive thru along the back of it that was closer to where the apartment building is there just on plan right. Also, they are requesting an optional provision to re-establish that within this project. Also requests an optional provision to exceed the maximum height in the MUDD district. The height is 120, they're requesting a maximum 150. They would provide community benefits consistent with bonus provisions set forth in the UDO for any building height beyond 120. Would provide full access on

Commonwealth Avenue and The Plaza. Also, would commit to update ADA (Americans with Disabilities Act) ramps at the corner of The Plaza and Commonwealth Avenue. Does provide architectural design guidelines related to things like building materials, screened parking decks, internally oriented drive thru with screened maneuvering areas, blank wall limitations, etc.,

So, again staff does not recommend approval of this petition in the current form. It's, because of the drive thru component, technically inconsistent with the Community Activity Center. Those aren't established in new Activity Centers unless there was an existing use there that had been in operation and didn't cease to be in use for more than six months. So, this one obviously is beyond that six-month limitation. So, this would be an Activity Center area where new drive thrus wouldn't be encouraged or allowed under that new district. Staff does have some concerns with the 150-foot building height. The context in that general area for Plaza Midwood is really a little bit smaller scale. We would feel a little more comfortable with a height around that 90-to-100-foot mark. I know there's some conversation between staff and the petitioner about the Activity Center.

There are two types of Activity Centers that allow heights to go up to 120 and then another Activity Center that would allow it up to 200. So, there are some conversations about what intensity of Activity Center should this be and that's where our concern comes in, mainly because of that 150. Staff feels that that's a little bit more than is really appropriate in this location. Really the core of this Activity Center is a little bit further out in that area where we've seen some redevelopment right over here off of Pecan, Commonwealth, Central Avenue is right up here. We've got a lot of redevelopments. This is kind of the core of the Activity Center. So, typically when you see that core, which would allow some different heights, upwards of 200 and even a TOD (transit oriented development) that could get even beyond that. Those heights typically transition down outside right at the edge of the Activity Center. This is the end of where that Activity Center is really next to the apartment building which is already entitled for about 85 feet and maybe even less.

So, again staff feels like that 150 is a little much in this corner. I know the petitioner and their team feel a little bit differently. So, I'm sure they'll share some of that with you, but that's primarily one of our main reasons that we've got concerns and we're not currently in support. We'd also like a little bit more information about the design of the drive thru. Certainly, understand the need for it and the desire to have that to serve that credit union that used to have one. I think we would just like a little bit more clarification to understand how that's going to operate and function. We'd also like to understand a little bit more of some of the potential bonus provisions they would like to potentially use to get from 120 to 150. Just still some things that we need clarification on. So, that's where staff is. Again, we don't recommend approval in its current form. We'll continue to work with the petitioner as they go through the process and hopefully get to an outcome where we can all look at this project in a different view. So, with that, I'll turn it over to the petitioner. I think we've got some public speakers as well. So, we'll take any questions following their time at the podium. Thank you.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said Collin Brown on behalf of the petitioner, Levine Properties. Thank you for hearing us tonight. As you may know Plaza Midwood is really an area where Mr. Levine's father and his uncles established their retail businesses that grew into national businesses. So, this is an area that is very important to the Levine family. I think Daniel has been out frankly more than I have engaging with the neighborhood, having conversations about this site. I know we don't seem to be fully aligned with the community, but we think we are aligned with what the Council has adopted as plans for this area and are aligned with the investments that we are making in all sorts of transit and mobility in this area, and why it is important to support the intensity and density in these areas to support our transit and multimodal options.

So, again this is the site. As Dave has talked about, I'll show you some maps in a moment. One of the positives, we've been struggling the last couple months of, we have

all these petitions that are not consistent with the 2040 Plan, well we are consistent. The Plan says this is a Community Activity Center. As Dave mentioned, there are two flavors of Community Activity Center and we've talked about which flavor should this be. In our opinion, what we talked about with staff earlier is some of the most important things about Plaza Midwood is kind of the main street there and maybe that's where the lesser intensity should be. Our site here backs up to Independence and the future Silver Line corridor. So, we think this is the site. It is not kind of in the central business district, it is on the fringe against Independence and the future light rail. So, we think it is important and a good fit for this location. There it is. It's adjacent to the Julien development which the Levine company developed several years ago. Here's a look at it. We have a funny request for a drive thru. I'll just say that. It does seem a little awkward. There's a unique reason for this. The Charlotte Firefighter's Credit Union is a single member credit union that serves our firefighters. This was their location. They were one of the anchors that really kind of anchored the revitalization of the Plaza Midwood neighborhood. They're currently in a different property owned by Levine, but they want to come back to this corner. You'll hear from Debbie Trotter. I'll try to give her a few minutes to speak and talk about why it is so important. You'll also hear that although they need a drive thru, there is very low usage. Maybe 250 visits a month. So, it is not a traffic driver, but it is something important to bring them back to the neighborhood and be in this building.

So, the current zoning is O-2 PED. As we talked about in the first petition tonight, on June 1, this will convert to NC. NC would allow 80 feet of height. So, I know we're going to talk about character and we're going to talk about what Plaza Midwood looks like now and what it should look like in the future. I know there's a lot of thinking of, "Yay, we should have two- and three-story buildings there." That, pardon the pun, that train has left the station. There is going to be intense development here. This site could be developed at 80 feet with probably a similar number of units. What Mr. Levine is proposing is kind of a higher standard of building. I'll show you in a moment kind of a picture of everything we see in Plaza Midwood. I hear this lament a lot. We just see the five to six story beige apartment buildings, stick built that looks like everything else. If we are limited to the height of the 80 feet under the current zoning, that's what we'll get again. To have more dynamic transit-oriented development, we need greater flexibility and we believe that's consistent. Here is the automatically applied NC in June, the plan here is Community Activity Center.

Community Activity Center is to provide places that have a concentration of primarily commercial and residential activity well connected. This is what I want to hit, we talk about this a lot. Well, connected, walkable place located with a 10-minute walk, bike or transit trip of surrounding neighborhoods. This site, of the many we've talked about, kind of has the magic. We've got future Silver Line here, we have Gold Line, we have bus transit, we have signed bike lanes as well as future greenway connections. So, this kind of checks all the boxes for different mobility and transit types that are connected to this site. So, I think it's the right place for density.

As Dave mentioned, the request here is for 175 units. So, it's not incredibly dense on this 1-acre site. It would have ground floor commercial hopefully anchored by the Charlotte Firefighter Credit Union which that drive thru would be totally internal screened from the site. You would not see it. So, that is why we really had to be under the old MUDD zoning to give us the option for that internal drive and the 150 feet of height, which I'm sure will be discussed. The Community Activity Center, which we said in the 2040 Plan, there's two flavors of that, and Dave said staff would be comfortable at 90 feet. Well, if we had the base, that could go to 120 feet. In the more dense flavor, which we think is appropriate next to Independence, that would allow heights up to 200 feet. So, we think our request of 150 feet is consistent. We think it is the right place with all the infrastructure that is in place for that. Dave also mentioned we're under the old ordinance. If we were getting this height under the new ordinance, we'd want to know what the community benefits are. Mr. Levine has talked about that with the neighborhood. We're on our revised submission, going to make some of those, which will include an amount of contribution for an improvement. Really, we kind of hope this can be a rail trail, but behind the Silver Line, behind this development. So, a contribution towards that.

The Levine team is committed to installing some very urban sidewalk conditions on this property as part of our zoning. We could also bring those improvements down to cover this full block because Levine controls the St. Julien. So, having that pedestrian infrastructure completing the entire block down to St. Julien, commitments to electric vehicle parking in the new building, a contribution to the Plaza Midwood Association, and DRG. Our traffic consultant is working and will continue to work with C-DOT on the Comprehensive Transportation Review to identify other multimodal improvements in the immediate area that could be improved.

So, this is what we presented prior to the hearing. After we get your feedback here from the neighbors, we think we will memorialize some of those commitments. I don't know how much time I have left, but I'd like to give Ms. Trotter a few minutes just to talk about the need for the Charlotte Fire Credit Union.

**Debbie Trotter, 1420 East 7<sup>th</sup> Street** said thank you for having me speak tonight. I just wanted to address the fact that we moved into the neighborhood in the late 1990s. In fact, we occupied the building in 1998 for the first time. At that time, we had a little two-story building with three drive thru lanes. We have done studies on our drive thrus. We're averaging between 13 to 15 cars a day Monday through Friday. It does not generate any weekend traffic because we're closed. We love our neighborhood. We were very saddened when we had to tear the building down and we're looking very forward to coming back to this site if everything is approved.

Mr. Brown said I think that's it. We'll be happy to take questions after the others speak.

**Allen Nelson, 1509 Ivey Drive** said good evening Madam Mayor, Council members and Zoning Committee members. My name is Allen Nelson. I'm the past President of the Commonwealth Morningside Neighborhood Association. This is actually in the Commonwealth Morningside neighborhood, not the Plaza Midwood neighborhood. We're the small little neighborhood that often gets mistaken for Plaza Midwood. That's not really a bad thing. We also are joined tonight by representatives from the Plaza Midwood Neighborhood Association and the Plaza Midwood Merchants Association. Our current new President was unable to be here tonight. She's traveling. So, with limited time tonight, we're going to run through our presentation pretty quickly and then we'll take any questions afterwards if there's questions on this.

We do appreciate the petitioner coming to us very early in this process, well before the public meeting to talk about this. As Mr. Brown mentioned, there was lots of discussion and a lot of it has to do with of course with the new UDO versus the existing ordinance. Our decision to oppose this was not arrived at lightly and we're definitely fully aware that we're between two lines of future mass transit, between the Gold Line and the Silver Line. So, we understand that density makes sense and more density will be coming. Our main concerns of the proposal are the scale. It is quite drastically different from anything nearby, both single family residential and the buildings in the business district. This proposal is very close to the single family residential. It's essentially half a block from the single-family R-5. So, that is one of the concerns about the scale versus the proximity to the future light rail station a little bit further away, roughly a quarter mile away.

The requested height is also well beyond the UDO classifications. So, again talking about being a planning City going forward versus a deal making City going forward. Right now, it's basically exceeding whichever plan you look at, it's exceeding those right now. So, that's the other concern, and then generally setting a precedent with all the future development that this area will see, are we going to ignore the UDO, are we going to stay within the guide rails that are spelled out in that.

So, on the UDO Translation Map this site is mentioned. This does translate. Because of the existing pedestrian overlay, this naturally translates to Neighborhood Center. So, you would have a max height of 65 without bonus or 80 feet with bonus. Then the single-family portion of the neighborhood, essentially it's sort of a U shape on the right side of the image and then the left portion of our neighborhood, or the western end of

the neighborhood is shown here as mostly Neighborhood Center. Then of course the 2040 Policy Map, this is a lot more meat here to the discussion. So, this is interesting because the western portion of the neighborhood is primarily the business district. It is shown on the 2040 Policy Map all in the blue color representing Community Activity Center. The real question here, and Mr. Brown mentioned it too, there are two flavors of Community Activity Center. CAC-1 and CAC-2. Now that's not shown on the 2040 Policy Map. Kind of stepping back, one of our bigger concerns, if you're familiar with this area, it's a very special, vibrant, unique area. While it is close to the future mass transit, it can't be looked at like the South Boulevard Warehouse Corridor prior to the Blue Line. It's just a very, very different beast. So, we certainly feel that at most CAC-1 would be the appropriate designation for this area.

So, again, just to kind of conclude there. With the 2040 Policy Map, it's showing both. The lowest density of Neighborhood 1 directly next to the second highest density of Community Activity Center. So, the context and nuance of the existing building environment are really, really important here. Just with our business district, that's a big part of what makes the neighborhood special. Some of the images in the bottom left there. You know, the nice tree lined streets, you have everything from small original bungalows, to much bigger mansions now and then the second picture on the lower left there are some nicer quadplexes that were approved. We supported those several years ago. So, we have a mixture of the single family, stepping up just a little bit of moderate density and then on to even bigger density.

This one here again shows the Julien there with the white rooftop that the petitioner did. The very, very nice project that was well received several years ago. That's directly next to single family R-5. The height of that is four stories. So, roughly 48 feet. We've had many discussions over the years, the thing that was build on the other side of it would assume to be bigger and taller. So, really it just becomes where do you draw the line? As the petitioner mentioned earlier, one of the things that we all are very supportive of is this idea of potential green space there. On what level, there hasn't been a lot of firm commitments and there'd be a lot of players here frankly. NCDOT land is a lot of that. So, to be a more substantial community benefit, it would probably need to incorporate some NCDOT land. I know in Councilman Graham's district there's been some really cool work going on with the historic West End partners and the work around maybe rethinking the Beatties Ford ramps to reclaim some space there. So, I was encouraged to hear that NCDOT was receptive to that. So, maybe that could be encouraging for some future work here.

This image really kind of gets into the context. This is a rooftop view from the heart of the Plaza Midwood Business District. So, as mentioned before, if you're familiar with this area, it is a lot of lower buildings right now. In one of the earlier meetings, it did come up that as an example, because a lot of people just said, "What's 150 feet?" There's a cellphone tower there that is roughly 150 feet. It's scaled, this block on the left side of this image would roughly represent what that looks like in the context of the community at 150 feet. Again, a half a block from single family residential. As another good comparison, another very big and frankly a transformative project is going on in the community a little bit further away, but on the Crosland Southeast Project Phase 1 there, again very dense large project itself. Phase 1 there is only at 100 feet. So, much closer to single family residential, we're looking at 150. So, that's one of the big concerns.

**Tanya Wilson, 1908 Club Road** said hi. My name is Tanya Wilson. I'm here to represent the Plaza Midwood Neighborhood Association. I'm not going to reiterate anything that Allen has said. He's made really good points. I just want to point out that we're here in support of the Commonwealth Neighborhood and their stance around the Levine property. Our goal certainly as a neighborhood is to ensure that we continue to have growth and we evolve, but we want to do that in preserving and protecting the character and the environment that we have in our neighborhood. We're concerned about the impact of the proposed development of Levine properties on the corner of Plaza and Commonwealth. We agree that the neighborhood should continue to grow, but we also don't agree at the height that it's at. Again, we want to support

Commonwealth with what they've said thus far. I think Allen has outlined the points very well and we'd just like to point out that we would like to reject that and encourage the Council to say so.

**Jason Michael, 3200 Clark Street** said good evening, Mayor Lyles, Council members. My name is Jason Michael, Executive Director of Plaza Midwood Merchants Association. I'm honored to be here representing our Board and members comprised of 60 plus independent small businesses that serve our beloved surrounding communities and beyond. We are actively working with all involved and affected by this petition and feel that all parties are working in good faith towards the best possible outcome for all stakeholders, but as the conversation currently stands, we cannot support approval at this time.

As you know, we like many areas of Charlotte are navigating its financial growth and the many opportunities and challenges this growth brings, especially to historically diverse multicultural working-class communities like ours. In general we absolutely want to work with anyone who sees the long term value of sustainable, responsible, reparative growth with a "Yes in my backyard mentality" when it comes to cultivating a thriving commercial and residential district that is accessible and desirable to the widest socioeconomic spectrum possible. Those individuals and organizations that add value by expanding inclusivity and opportunity by serving and connecting the wonderfully diverse communities that intersect in our neighborhood, not entities looking only to extract value, displace communities and serve a very narrow socioeconomic demographic. It is imperative that anyone who wants to build or do business in our community understand this. Thank you for your consideration.

Mr. Brown said thank you. I'll say obviously we're not on the same page with this. This is certainly not an adversarial discussion with the neighborhood. We expect these conversations will continue. I would say, as we talk about planning City and deal making City, the plan is for this to be a Community Activity Center. The maximum heights in the Community Activity Center with bonuses are 120 feet at the lowest or 200 at the highest. So, I don't think at 150 we're out of bounds of the plan. Again, if you were to block Community Activity Center, the lowest flavor, we would still be talking about 120 feet of height. So, I think that is good context for the plan that you have adopted. There's a reason for that. If you look at the transit and mobility infrastructure that you have in place, this is the right location.

I mentioned showing you a drawing. This is Plaza Midwood, and this is the development we've seen over the last 10 years. It all looks the same. How many conversations have you heard and I heard of, "Why does everything look the same?" This is why everything looks the same, because it's hard to get above that in construction types, when you're limited to that. The type of construction that you do is stick, once you go above that level, you move to glass and steel, a different construction type and to do that economics of it, you just have to go a bit taller to make it work. We think this gets a more sophisticated higher quality building. We think that can bring a lot of amenities.

So, we want to keep this conversation going with the neighborhood. I will point out, we just found this very interesting. We did find this plan. This was the Commonwealth Project developed in the center of the Commonwealth Park probably approved about 18 years ago. That had a building height of 145 feet. We talked with the neighbors, the neighbors said, "Yes." That's really low though, it's kind of in a valley. So, it doesn't appear that high. We thought it was pretty interesting that the City Council pre-transit were talking at heights in the 150 realm. It did not develop like that.

**Councilmember Anderson** said Collin, first thank you for working with the community. I know the community has had several meetings in charrette designs to really work with the petitioner to ensure that whatever occurs on this property is in line with the charm, the look and feel and aesthetic of Commonwealth Morningside as well as Plaza Midwood. Dave, I would like for you to address the difference between CAC-1 versus CAC-2 and shed some light on the nuances between those two.

Mr. Pettine said the nuances are really mainly just one of, I would say there's use differences, but overall, the main difference is going to be some of the height and intensity of the difference between those two districts as Mr. Brown alluded to. The CAC district has two tiers. One gets you up to potentially 120 feet in height, the other gets you up to 200. Again, that's all through bonus provisions. Keep in mind a lot of this area will stay as a Neighborhood Center because it's in the PED overlay, similar to what we talked about in Dilworth and Elizabeth. This one will convert to that Neighborhood Center automatically which really only gets up to that 65-to-80-foot range. So, this request even as a CAC-1, again, it would be 80 to 120. CAC-2 is 120 to 200. The bonus tiers are built in the same to get you beyond those base heights to those max heights. So, it's things as mentioned earlier about EV charging, affordable housing, publicly accessible open space, etc. So, those would be the same. Again, the big difference is just going to be the intensity and the size of the buildings. There may be some minor use differences, but overall, it's really that height difference.

Ms. Anderson said so, when you talk about heights like 120 and 150 those are with bonuses, correct?

Mr. Pettine said yes. So, the base height in CAC-1 is 80, the max height is 120. The base height in CAC-2 is 120 and then that goes up to 200 as a max with bonuses.

Ms. Anderson said so, I think there are a couple of challenges with this project as it sits now and that it's reflective in the voice of the community coming out with having Commonwealth Morningside neighborhood be in opposition as well as the Plaza Midwood Merchants Association and the Neighborhood Association. So, when you're talking about a Place Type that starts out with 80 feet and the proposed height for this building will literally be 50 percent higher than the tallest building in that community now, which is the one that's being developed, Crosland Southeast which caused great consternation for the neighborhood as well. So, to then go from a 100-foot building in a neighborhood like Plaza Midwood that is mixed with bungalows and duplexes and a variety of different housing types, it's a shock to the system there. Not only from a look and feel and aesthetic perception, but an infrastructure perspective and how the neighborhood comes together for the walkability.

So, this and I think that slide that was shown to show you how tall 150 feet would actually look within these two neighborhoods, it really is out of proportion on a variety of different levels. I believe that what I've heard from the community is if there's an opportunity to get to a height with bonuses, then the community wants to have some insight into what do those bonuses really mean and how they would materialize. So, without any sort of level of clarity or even a one level double click or specificity around what those bonuses would provide, that is creating a lot of consternation for the surrounding neighborhoods. So, I just want to be clear with that. I think staff was aligned with that recommendation as well. The current state of what we see is congruent with both neighborhoods, both from a residential and a commercial perspective. I really love the history of the Fire Department Credit Union and having that history there within Plaza Midwood and within Commonwealth Morningside. I think we have to also just be very clear about what an internal drive through would create and how that would even fit with this aesthetically within the neighborhood.

So, I have a couple of concerns here as it relates to height, as it relates to how those bonuses would materialize to substantiate placing a building here that is 50 percent higher than the tallest building in the community and that's only within the last year to two years that this Crosland Building has come about. Prior to that, you had to jump down significantly to get to a height level for both of these neighborhoods that are historical neighborhoods within District 1.

So, I definitely want someone to come back with sharpening pencils around what will materialize for the neighborhood. I also just want to call out that this space here which is currently vacant, it doesn't have any trips associated with it on a per day basis will jump to 0 trips per day effectively to a little less than 1,776 trips per day. So, that is a pretty significant push and I think we also need to be mindful of the overall planning of how

vehicular movement within this area will match up and marry with the multimodal plans that we have right now that we're working on for this area.

So, those are my main concerns. I think the neighbors in both Commonwealth Morningside and Plaza Midwood, they have the positionality of wanting to say yes and working with developers. They want to be neighborhoods that welcome everyone along the AMI (Average Median Income) level and embrace workforce housing, but they also just want to have some understanding around what does this development or any other development, what would that look like and impact the community in the future. So, Collin, I don't know if I've asked any questions that you have some answers to.

Mr. Brown said I've got notes.

Ms. Anderson said excellent.

Mr. Brown said we will continue to work with you and the neighbors and staff as we refine our plan. Hope we can get to a point where we've got at least a comfort level.

Ms. Anderson said thank you Madam Mayor.

**Councilmember Watlington** said thank you. I've just got a real quick question. I'm thinking about the text amendment that staff submitted earlier in the evening and its conversation around centers and drive thrus as a secondary use. Can you talk a little bit about if that is approved, how this might impact this?

Mr. Pettine said it won't have any particular impact on this one because this would translate to that Neighborhood Center regardless. So, we'd be in that district that we wouldn't have that issue we talked about earlier with that text amendment. So, it wouldn't have any impact on this.

Ms. Watlington said got you. Thank you.

**Councilmember Winston** said Mr. Brown, do you know where the front door to the Credit Union would be?

Mr. Brown said I think the plan is that it would be on the corner. It'd be kind of the view.

Mr. Winston said okay. Mr. Pettine, do you know if it would be a viable option to put a condition to provide maybe an on-street parking space close to the front door that would be limited to bank usage during bank hours?

Mr. Pettine said that's certainly something we could consider. I know things in the right of way like that, I guess C-DOT, if there may need to be some coordination with them, but certainly they can consider that, and we can work through it with them if that's an option. We'll certainly explore it. I don't have any initial concerns about, but again I'd have to make sure our colleagues and C-DOT and others are good with something like that.

Mr. Winston said I would like to explore that option to see if it's a possibility. Thank you.

**Councilmember Bokhari** said a couple of things. One, it was excellent to see the Fire Department Credit Union backstory and hear from you. Thank you. I would just comment that this is not one of the normal drive thru scenarios we're in right now normally. This is very unique, and it sounds to me like there was some very creative deal making behind the scenes in order to preserve something that's been around for a long time and doing good stuff. So, props to that. If the UDO has given us a lot of great treats over the last couple of years and we're seeing more tonight. A couple of things I'd draw our attention to. One, just one month ago I was sitting here just after the massive SouthPark redevelopment and in this same scenario, staff cited what should have been N2 as Community Activity Center and at 185 feet, its max, supported that. So, I don't blame you guys obviously, it's just we don't have that rubriced right now in order to

provide consistency. So, if that was N2 and we kind of halfway cited Community Activity Center of why 185 feet at its center site was okay, I think looking at 150 feet and calling this CAC is something we have to absolutely understand and get a little more consistent on.

The other thing I think will come as a huge shock and I said this countless times over the last couple of years, that we were battling the nuts and bolts of the UDO was when the community finds out exactly how this is going to roll out. We're starting to see it tonight and the last couple of months, they won't realize it until the things are proposed that are by-right and going to happen, and all hell is going to break loose after June 1<sup>st</sup>. Then all of a sudden this by-right stuff we don't know exactly how it's going to work is going to happen. I think one thing that people are going to realize very quickly, we've said it many times, is these bonuses and these heights. To my colleague's point a minute ago. Yes, people are going to be frustrated when they realize there's no specificity in designing of that. It's a very simple process by which if you understand how to put electric car charging ports and get some affordable housing or the variety of pick list of items that are there, it is very doable.

So, I think we need to consider 120 feet as the absolute lowest line of what could be achieved even at its lowest level here and more likely 200, given that we don't have the specificity of that. So, just as a gut reaction and hearing this for the first time right now, I think 150 sounds pretty reasonable, but just understand these bonuses and these things, they're designed this way. They're not designed to be nimble in a community. They're designed very much to be exploited by developers and that's just how we designed it, and we fought, and no one listened.

So, I think there's that and then I love the history and the background of the Levine story in all of this. I know him personally and I know there's no scenario this dude is looking at a part of land that is the origin story of his family and not deeply caring about that. So, I look forward to seeing how this evolves over the next month. Also, back to our infrastructure conversations. As we enter this next phase of planning for the next two years, we have to put the level of emphasis we put into the UDO discussion into the infrastructure discussion as we get into the Community Area Planning process, because we are woefully behind, and we do not even know how far behind we are. That's the City's job. So, we've got to get that done.

Ms. Johnson said speaking of the City's job, when the UDO was approved and the 2040 Plan was approved, we know that there was minimal community input. So, I know there was a lot of outreach and we talked about that. There was a lot of outreach and touching the community but as far as getting the community feedback and the changes, like Councilmember Bokhari said, now the community is starting to see how that applies to them. We heard tonight about the height, the concern with the height. We heard it on this petition, we heard it a couple of petitions before, the 037. We heard it last month with Councilmember Bokhari's petition and we've heard it some more.

So, I would ask the staff or maybe Council is that that something that should be revisited if we hear from the public that this is not something that they want to see. Maybe this is a policy that we should take a look at and revisit it. I would like to recommend that and perhaps if the Council, if that's our desire to have that done. Because when these concerns are brought up, and I've heard Mr. Brown say twice the City has requested it. The developers, when there's concern, that's the response. They're answering our call. So, if our residents are saying this is not what they want now that they understand the impact of the 2040 Plan and the UDO, perhaps it's up to us as their representatives to take a look at this policy. So, if I could ask Alyson what would be the process? Is there opportunity for revisions in these policies or provisions to hear from the public if it's not what we're finding the public wants?

**Alyson Craig, Planning, Design and Development Director** said thank you Councilmember Johnson for that question. So, we will continue to look at our policies and our regulations through the Area Planning Process and the Alignment Rezoning Process. We've already brought forward three amendments to the UDO tonight so

Council can make recommendations. On this particular site though, keep in mind that we haven't determined at this point which one of those Community Activity Center zoning designations would be appropriate for that site. So, that's part of the Alignment Zoning Process. We meet with the community members and assess which one of the zoning districts is appropriate for that area, and it would probably be likely that it would be on the lower side.

So, we're constantly evaluating this. The 2040 Plan, the Comprehensive Plan, the Unified Development Ordinance are all documents that are setting forward a vision and values that we've heard from the community. We did talk to a lot of community members during both of those initiatives, but we still have more planning ahead of us. So, there's an opportunity for residents to weigh in.

Ms. Johnson said thank you. I remember you saying that back then, that there would be opportunities to make changes. So, I think this is an area if we as Council decide if this is an area we want to take a look at or maybe some type of survey, but we have heard from residents regarding the heights on numerous petitions. So, I would just again say that to my colleagues, maybe that's something we should consider instead of just looking at these one by one. We need to take a look at our policies and perhaps make those changes. Thank you.

**Councilmember Ajmera** said some of my questions were already asked. Certainly, I appreciate the family history here. How the Levine family is very invested in this area. It's very admirable in how they have worked and will continue to work with the community and our neighborhood associations. Just looking at the sites, Plaza Midwood is just one of our most charming neighborhoods in our city and it's got unique very transitional space where you will see residential and then mixed-use and commercial and retail. So, when I talk about this sort of transitional space, we have a responsibility to ensure that we continue to maintain and preserve that charm and the character of the neighborhood that Ms. Anderson alluded to earlier. When I see drive thru, I understand this is going to generate very less trips especially, because this will be used for our Fire Credit Union. When we continue to make deals such as those, what's the point of having a policy in place? If we continue to make exceptions such as that, I often hear from our residents that we provide input along the way and you're making an exception on a case by case basis. That worries me because we just recently approved the UDO and if we're going to already make an exception to that policy, I see more exceptions coming down the pipe.

So, for drive thru option that was proposed, is that limited to just that specific use or let's say if they decide to not use that space would drive thru still be allowed? That might be a question for Mr. Pettine.

Mr. Brown said currently the note is generally for the drive thru. The intention is it would be for the Firefighter's Credit Union. It could be narrowed to that.

Ms. Ajmera said okay. I worry what happens in the future if the space does not get used by the Credit Union, what happens. So, we've got to look at that because I think if the drive thrus are allowed on that site, I wonder if it would create an option for fast food drive thru. So, we've got to look at that. In terms of height, I think this was already the point that was already addressed by Ms. Anderson. Because of this transitional space, we've got to be very sensitive to shifts in intensity that really preserves the neighborhood character. That's a lot for less than 1 acre site. That's all I have. Thank you.

**Councilmember Driggs** said it looks to me like the staff is not recommending things that aren't consistent perhaps taking a harder line on that, which I appreciate. I commend you for that. If there's any question of approving something that's not consistent with our plan, that's on us. Therefore, if you see an inconsistency, you don't recommend it. I'm not sure what your thinking was, but I'm just saying to me that's kind of how it should work. If something comes to us that is inconsistent and we are tempted to pass it, then we need to think about do we have to change the rule, why would we

pass it? This meeting is intended to make a determination about whether or not a petition is in accordance with our rules and we have to resist the temptation to debate the rules on this occasion. What we're here for right now is just to say, "Okay, we made these rules and is this thing consistent with those rules or not?" If it looks, as a result of that, as if the rules are not doing what we thought they were going to do or should do, then I think we have to have a separate policy conversation.

So, I'm not happy with this. I think the objections to the height make a lot of sense to me and I think the logic that suggests that somehow this is consistent even though it's not, doesn't really cut it. We're going to have a lot of these. I agree with Mr. Bokhari. I think we're headed into a situation where it becomes kind of arbitrary and case to case, but really the one thing I would like to stress is this meeting is not the time. So, I just hope we can stick to the issue of looking at it saying, "Okay, these are what our rules are. Does that conform to that?" In this case it doesn't. Let's try to live by those rules as best we can. Thank you.

Motion was made by Councilmember Driggs, seconded by Councilmember Graham, and carried unanimously to close the public hearing.
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**ITEM NO. 37: HEARING ON PETITION 2022-109 BY URBAN TRENDS REAL ESTATE, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.09 ACRES LOCATED ON THE NORTHEAST SIDE OF THE PLAZA, SOUTH OF BRIDGEPORT DRIVE, AND WEST OF BARRINGTON DRIVE FROM B-1 (NEIGHBORHOOD BUSINESS) AND R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright. Thank you. 2022-109. It's just over 2 acres at the end of Plainfield Drive just off Bridgeport Drive and The Plaza. It is currently zoned to R-4 and we do have some B-1 existing on the site. That area in red. The proposed zoning is UR-2, which is urban residential, conditional. Policy Map does show this as Neighborhood 1. You can see some Neighborhood 2 just to the rear of the site as well as Neighborhood Center adjacent.

The proposal is for up to 26 townhomes. That comes in at just over 12 units per acre. It does limit building height to 45 feet. It would extend Plainfield Drive through the site to extend that street and create an internal network of alleys off of that for access to the proposed units along with some guest parking. It does provide an 8-foot planting strip and 8-foot sidewalk on the south side of Plainfield and along a portion of the north side of the proposed street. It does propose architectural details as well as a 10-foot landscape area along the southeast and northeast property boundary to allow evergreen plantings and a screening fence. Also proposes a 10-foot Class C buffer along the western property line and does illustrate possible tree save areas and a post construction buffer. Staff does recommend approval of this petition. We do have some outstanding issues to work through. As we looked at the map, it did show this as Neighborhood 1. This would be more akin to a Neighborhood 2 project. However, given that proximity next to the Neighborhood Center and that Neighborhood 2 adjacent, we did feel it was a reasonable request for some infill in this area, and understand their concerns from members of the community who have signed up as well.

So, we all look forward to hearing from them, and we will take any questions that you may have following their presentation as well as a presentation by the petitioner. Thank you.

**Chris Ogunrinde, 225 Victoria Avenue** said good evening, Mayor Pro Tem, members of the City Council and members of the Zoning Committee. My name is Chris Ogunrinde, I'm with Urban Trends Real Estate Inc. Thank you for the opportunity to

present this project to you. We filed this petition some time last year and I had a public hearing that was scheduled for February, and we've had to basically postpone a couple of times just so we could work out some issues with the community as well as staff. So, tonight we'll kind of go through some of the outcomes of those conversations that we've had with staff.

So, showing examples of some of the townhome projects that we've been involved in within the Charlotte area. This site is strictly about townhomes and although some conversations that we've had with the community that's opposing this product, we'll take you through some of the different ones that we've been involved. To the left is one in Third Ward, this Fremont West area, Belmont and [INAUDIBLE] Road in South Charlotte. It shows different characters. Shows that we basically adapt our design to the communities which we're working. So, we don't just bring cookie cutter type products to the neighborhood. So, there's some of the other projects that we're currently involved in in the Charlotte area, affordable housing and such.

The property that was mentioned by David earlier is unique in that it has two zoning classifications, R-4 and B-1. By-right, if we were to develop as is, we could put in about 25 units there. We're proposing 26. So, B-1 by-right, you can do 22 units to the acre. We're about 0.88 acres there, that's about 19 units. In R-4, we have about 1 point some odd acres there and we can do 6. So, combined, we can do 25 units. We'll have conversations about traffic in a few minutes, but we're really not increasing more than what we're currently allowed to build here.

As was mentioned earlier, a little bit over 2 acres. This was our original plan. Side yard, 5 feet. We're proposing 14.35 acres originally 3 story townhomes and typical UR-2 zoning requirements, 14 feet from back of curbing on extending [INAUDIBLE] through the site. For connectivity, initially we were proposing 30 units and upon conversations with the community and staff, we went to the next slide, which is basically providing additional buffers between our site and the community from 5 feet sites to 10 feet. The rear now has from 10 feet to about 20 feet, which includes the buffer. Went from 30 units to 26 units.

One thing that we were not able to do in the conversations that we were trying to have with the community, we reached out many times to have additional conversations, wanted to tour the community around some of the projects that we've done, so that they could at least get a feel of what they look like and how they fit within the community that we're developing. The neighborhood didn't want to talk to us. We reached out on occasions, actually spoke with one of the neighborhood leaders. So, the challenge is that the young folks want townhomes like NoDa (North Davidson) like Belmont. The older generation wants a single-family product. So, we're always trying to find the happy median and as we're growing as a community, we tend to build what the market would want. So, this is what some of the folks that want to buy in this area are looking for.

Then, the neighborhood wants more retail, which to get more retail you need more rooftops. So, it's those kind of things that can address those. Matt is here as our Civil Engineer. I think he can address some of the engineering issues that we faced.

**Matt Langston, 1230 West Morehead Street, Suite 304** said thank you Chris. Good evening, Mayor Pro Tem. So, this site is pretty heavily driven by the existing road stub that we had to extend through the site, Plainfield Drive. There's also an existing sewer line that runs kind of near that dark green line that runs through the site. That's actually a stormwater channel that cuts through the site as well. So, sort of the juicy center of the site was taken up by things that we couldn't control. So, it left us working to establish a fairly compact site plan in the remnant parcels. As Chris mentioned, when we had initial neighborhood outreach, part of the outgrowth of that was increasing the buffer on both sides of the property. We reduced the unit count, we also pushed tree save to the back edge up adjacent to the single family in order to provide more existing buffer. I'm here to answer any other technical questions you may have. Thank you.

Mayor Pro Tem Winston said thank you.

pti:mt

Mr. Ogunrinde said any questions for us?

Mayor Pro Tem Winston said we'll save that until after. We have some speakers in opposition, and you'll have your rebuttal.

**Penny Cothran, 6120 Bridgeport Drive** said hi. I'm Penny Cothran. I am the owner of 6120 Bridgeport, which is the second house off of Plainfield. We have been contacting stormwater for over four years trying to get sinkholes that are adjacent to my property and on the backside of my property, severe sinkholes fixed. Up until the Charlotte Observer had an article in the paper, they were not responsible. Then they researched it some more and found out they are responsible. I do have pictures here of what I'm talking about, and they said it was going to take from a year to a year and a half to fix the issues. If this petition goes through, this will compound severely what's going on. I have not spoken to Mr. Ogunrinde. He has asked to speak to the Neighborhood Association President. He said that he wanted to talk to the community. He has not sent out a second community request. He wanted to talk to her personally and has not contacted anybody in the community other than her to resolve any issues.

I personally am against this petition not only because of the stormwater issues, but because of the connectivity. They are only coming through our community. They should be coming through the other side. If you look at 26 homes, you're looking at mainly two car homes. That's 54 cars, 54 more people coming down that one street and out towards Plaza through Bridgeport. That is a lot of traffic when you have kids in the community. My daughter has to walk three blocks to get to the school bus. It's just a lot on the community. I'll turn it over to Mr. Pickens.

**William Pickens, 5900 Craftsby Drive** said members of City Council, I'm Bill Pickens. I've lived in the Hampton Hills Community for 48 years. Charlotte, we have a problem, and the problem is water. Do you have these? Look at the property. There's a stream in the middle of the property. Let me give you a little information about what needs to be required before you move the first house up there. You need the delineation; you need to contact the Corps of Engineers and the EPA (Environmental Protection Agency). The recently passed and approved Clean Water Act, Section 404. I will refer you to that. Read it. This impacts clean water. It also impacts our community in terms of flooding. Let me show you what flows into that. It's shown as an outlet. Can you see it? This is an 8-foot pipe that receives all of the water from Hampshire Hills Shopping Center and from the Fair Market Plaza Housing Projects, as well as an additional pipe which I don't know what it is. I couldn't identify it, but it's on the site plan, their site plan. This stream is jurisdictional, meaning that you need permission for the U.S. (United States) Corps of Engineer and the State to do anything in terms of altering that stream, capping it, filling it in, doing anything. If you do that, the penalty is you pay a fine and you're required to restore that stream to its original condition.

Now, if you think I'm just saying things off the cuff, read these. This one says, "Is this a wetland jurisdictional?" It says, "Before you do anything, there's a thing to do." I have here instructions for preparing a permit for application, which they probably haven't done. They have not done a jurisdictional study. This is a wetland. If you would look at the pictures on your staff's handout on Plainfield Drive, you'll see huge oak trees that get plenty of water. You'll see vegetation that is aquatic. I suggest to you that there's an aquifer on the site because of the stream. There is a documented well on the site. Now, that's in terms of the water. What Penny's talking about is there's been a blowout of the pipe further down the line. It has blown the pipe out and it has destroyed two properties. That water flows from that site all the way to Briar Creek. If you'll look at that drawing that your staff gave you, you'll see how far that water runs.

I will say to you at least require a study to show. I have an application here in case they want it. The application to prove that it is or is not a wetland. This property has been before City Council on three different occasions, and it has been turned down two times. The reason they can't come off of their address, their address is 6001 The Plaza. They can't get through there, so they're coming in off of Plainfield. Plainfield is a very short street, no longer than the distance of this room, and now you're talking about putting an

alleyway. How is sanitation going to get in there with those trucks? They're a lot of problems with this property and with this plan. So, I would urge you to either defer or kill it. Thank you.

**Eric Caruthers, 5912 Plainfield Drive** said Mayor Pro Tem and members of the Council, thank you for listening. So, I actually live on Plainfield. I'm two doors down from where this thing is going to be. I understand that in terms of traffic, it doesn't seem like a big deal, but I can assure you it will be for me. I've seen what happens when we have Plaza shutdown. It just becomes just a blockage. It's almost impossible because Plainfield is so short when we go by Bridgeport. So, that's one thing. I will note that this is inconsistent. It was pointed out at the beginning of the staff's statement that it's inconsistent with their 2040 Policy. I'm interested in what's going to happen with the connecting sidewalks because I don't see anything in the plan that deals with the rest of the street. So, you've got sidewalks on the inside, but what happens? I really don't know what's going to happen there. He's absolutely right about permeability concerns. This flooding happens pretty consistently. Lastly, I will point out that the leaking ground water contamination site. So, the Environmental Agency did recommend that there is an additional study. I want to make sure that you guys caught that in the environmental recommendations. Thank you.

Mr. Ogunrinde said thank you. I will speak to a couple of things and Matt can address the engineering questions. As it relates to the blown pipe, I'm sure they made it clear that that's not really our fault. It's just something that happened in the community and we're going to design our site to make sure that we don't make it worse. We have underground detention and all of that. In terms of setting up meetings with the neighborhood, we made attempts, several attempts to actually set up a meeting. Actually, I called Mr. Pickens' number and just nobody calls me back, and I tried to go through the Neighborhood President to help set up a meeting. I think she had even suggested having a meeting with a Council member rep and then the community and go on a tour. Never heard back. Wetlands determination letter, we do have that and that's how we identified the challenges that we're designing around that, and we will engineer around and make sure that we protect the site and the community.

Mr. Langston said I had a conversation with City Engineering last week and they advised us of the downstream stormwater issue. We understand that there's a repair project in design. As Chris mentioned, we're not allowed to increase the peak flow over what's coming off the site now. We'll be looking at additional opportunities to provide additional storm retention on our site beyond what we're required to provide.

Mr. Ogunrinde said finally, I think if I may, the one question I always have is what the community would like to see besides just not doing anything, and we haven't had anybody to kind of tell us that. So, I would like to learn more about that.

**Councilmember Johnson** said is there anyone from City Water here today?

Mr. Pettine said water like Charlotte Water, Water Sewer?

Ms. Johnson said someone that can address the concerns.

Mr. Pettine said we do have Stormwater staff here with us this evening if we have specific questions for them, we do have a representative from that group here with us.

Ms. Johnson said okay. Thank you. I wanted to ask them to address the concern about the single pipe and maybe elaborate on what I understood the petitioner to say, the problem's not their fault. So, it seems like our fault or our problem. So, this is what I've been saying about infrastructure capacity since I've been on Council. So, this is why many neighbors are opposed to the development because there are outstanding issues that need to be addressed. So, if you could elaborate on what's going on over there.

**Robert Zink, Stormwater** said good evening. I'm Robbie Zink, I'm the City Stormwater Regulatory Division Manager. As they mentioned, the site is currently under evaluation

by City Stormwater staff for possible future projects. I think they did meet with them last week. I'm mainly here to talk about the actual development part and what those requirements are. If you want me to talk about how they can handle that and what that actually does. As Matt alluded to, I did talk to him last week. I would say, the current site, it's possible to develop by-right and actually probably not trigger any post construction stormwater or detention requirements. They could do it at a low density, remove trees, build a couple small houses. They would probably be able to do that.

In regard to this development, it does trigger the Post Construction Stormwater Ordinance which would require detention and water quality on the site. I'll also say this is a 2-acre parcel as the resident mentioned. It drains the shopping center; it drains the apartment complex to the north. In total, that's about 40 acres draining to the site. This is about 2, so this is about 5 percent of the overall drainage area that this impacting. So, the impacts from this will be extremely minimal really in our opinion.

Ms. Johnson said you said there's a current project underway?

Mr. Zink said it's currently being evaluated. Our engineering staff within the Stormwater has been in contact with them last week.

Ms. Johnson said okay, can you address the single pipe that the resident showed? The single pipe, and they talked about the clean water EPA. Is there anything that we should know regarding this area?

Mr. Zink said the single pipe, I'm assuming is draining the shopping center. So, they show the channel that's draining through the site there. I'm assuming that's probably where it drains through. It also picks up water from the north, from the apartment complex which drains through the site. So, they will have to take that into account in their design of their driveway going over that creek. As they mentioned, I think they've already been in contact with the Corps, the State regarding the stream disturbance permits. So, those are things that are all required as a part of the development process and will be ensured that any requirements they had as a part of that will be complied with.

Ms. Johnson said okay. I understand requirements, but is there something that could be done to improve the impact on the area that if it's done by the City or the developer? Maybe we can talk offline because I keep hearing, "You know, it's not our problem, and this is what the City requires," however, it's the neighbors that are left holding the bag of the impact. Which is why it was so important earlier when we had a petitioner in District 4 that brought schools and parks and traffic improvements. So, we need developers to do more than what's required. So, we can talk offline.

Mr. Zink said as Matt alluded to, they are interested in looking at doing some extra things to make sure this is not an issue.

Ms. Johnson said good. Okay. Thank you.

Mayor Pro Tem Winston said I have one question about Plainfield Drive. I know that there's a shopping center on the opposite end of it. Would that street be a stub or something like that so if there is future development or redevelopment it might be able to connect so that there is a connection made towards The Plaza?

Mr. Ogunrinde said that's correct.

Mr. Winston said alright. Thank you.

**Councilmember Graham** said I want to thank the residents and Chris for being with us today. Chris, you said by-right, you could develop that property without coming to the City?

Mr. Ogunrinde said I was just saying density wise, about half of the site is zoned B-1.

Mr. Graham said okay.

Mr. Ogunrinde said B-1, you could do 22 units to the acre. We have 0.88 acres and that's 19 units. R-4, 4 units to the acre. We have about 1 point something odd acres and 6 units. So, add both, we have 25 units. We're proposing 26. I'm just saying that we're not doing much more than what we can do right now. Now, the fact that we have two zonings makes it challenging to do that, but we're not increasing density by what we can actually do right now.

Mr. Graham said I know, and I would strongly encourage communication on both parties' side to sit down and really try to have a conversation. I know Councilmember Molina will strongly encourage that as well.

**Councilmember Molina** said strongly.

Mr. Graham said I want to make sure that no matter the outcome, that the developer, Mr. Ogunrinde has the opportunity to present his case fairly to the neighborhood and for him to hear their concerns directly so that there won't be anything lost in the message in terms of what can be done and what should be done, and that no one feels that they're being taken advantage of. I'm also certain that the District Rep is going to assure that happens. I'll just pause to hear her comments and then I will have offline conversations with both parties before the next meeting and will follow the lead in terms of the District Rep in terms of the work that she'll do within the next 30 days.

Ms. Molina said first of all, I want to say thank you for the community coming out today. I am proud of y'all, and they're pretty accessible. I've talked to them so many times. Mr. Pickens especially. Mr. Pickens, we had a meeting with ECON, when, last month? He walked right up to me. He had handouts; he had pictures. He was extremely verbal about his opposition to this particular project. As far as the members in the room, it was the same exact thing. So, I actually just met with them when, last week? I just talked to them, yes, last week. They're extremely accessible.

What bothers me every time I sit in this seat and we have a zoning conversation is when someone says, "by-right," because what that says to the community that surrounds that project is that we can do whatever we want to and you can't do anything about it and that's not being a good neighbor. I know we're talking about rules and I know we're talking about what we've designed as far as a rule is concerned, but I think it's in good measure that business and community work together. When I hear that, it's kind of off putting to be honest with you when you say, "I tried to contact the District Rep, I tried to contact all these people and they won't answer me," and they, they, they. I heard they like five times I think I counted. Not to discourage development because that's not the objective. I think the objective is from our perspective we represent the people, and we are housed in a City building. So, we are a conduit. The goal, if at all possible, is to come to an agreement where the community and the development community can have a happy medium if that's possible, notwithstanding the rules that are currently in place. So, I would strongly emphasize, as my colleague has said, we need some additional conversations to come to an agreement.

Most concerning to me are the concerns that this neighborhood has raised. We're talking about a community that from the sentiment of what I've heard from them personally, and it's not your fault, this part. This is our fault. This is my ownership as the District Rep to make sure that we raise up the concerns that the community has brought forward. So, what you're finding right now is that you're walking into a situation where you would like to build adjacent to a community that has felt traditionally ignored, that they've made their voices heard about water issues, about clean water, about a number of different items that I've gotten in contact with the Community President. I've surrounded them with our staff that is going to help them through some of those areas of opportunities so that we can deal with our part of this issue. Then also to know that as we develop through this process and this plan, that we also are bringing to them opportunities that are going to build growth and not make that line between feeling included or being included in what growth looks like in this City and not.

So, I challenge you and I'm extremely open to having a conversation with you and the community to see if there is possibly a middle ground. Again, a lot of that falls in our responsibility area as City staff and leadership. They listed a number of different things. Concerns about water, wetlands, clean water, backups, we have so many issues that would be something that we're going to have to have a conversation about. I know David you and your team, I want to really understand because there was a lot brought up. I don't want to try to pretend to do your job here in saying what's existing and what's not, but can you give me a little insight about where we are with water at all? Could either one of you tell me what's going on over there with water? Why are there so many concerns around water in Hampshire Hills? I do recall there being a write up about this particular community where we actually had free media come out and surround their concerns and elevate them and lift them up. Are we not aware of what those were?

Mr. Zink said from the Stormwater perspective?

Ms. Molina said yes.

Mr. Zink said yes. Another group within Stormwater is or has been investigating, has been studying this area. I think some work may have been done a long time ago but not on all the parcels. So, there is a study to be done to hopefully evaluate and see about potential future projects if possible, to help alleviate the issues here.

Ms. Molina said okay. I would like to know more about that as we continue forward. I would like to know, no matter what the outcome is with this particular project, I would like to see this community enveloped in a way that these types of concerns are actually taken seriously. That we're saying to Hampshire Hills that we see you, that we hear you, that we're going to dispatch our resources to make sure that you feel safe and healthy and heard in your community. I think that's really important here and I think that's what even adjacent to this petition what is I'm continuing to hear from the community members that have taken the time to drive down here and show up for same.

Mr. Zink said okay. We can do that.

Ms. Molina said did he say your name was Chris?

Mr. Ogunrinde said Chris.

Ms. Molina said you know, District 5 overall, east Charlotte, one would say is not where we get a ton of development. I sit here most of the time and we don't get as much, yet. I know that's going to change, but in the interim, like I said, I would like to encourage you to please reach out to me. I'll make sure that you have my contact information. I would like to talk to you. I would like to better understand where you're coming from because if our rules are stating that you will have by-right access, then I still inevitably have to be a conduit to what you can do by-right even if you do or don't do that with the help of the Council in extending that and making sure that we can try to come to some sort of agreement in how we get there and how we facilitate a happy medium there. So, I would like the opportunity to be able to do that with you. If the community so chooses, I would like to incorporate them in that conversation so that we can discuss what's needed so that both parties, if possible, can come to an agreement.

Mr. Ogunrinde said it sounds great. If I may just address what you said earlier. When I said by-right, not to sound arrogant about it, I was just pointing out the fact that the density is going to be comparable to what can be done today versus what we're proposing to do, not out of disrespect to Council members or the community. So, I just wanted to clear that.

Ms. Molina said I appreciate that, and you know it's not just you. I wasn't a member of the Council when the 2040 Plan and the UDO was approved, but it's something that I'm becoming adept at as time persists and density is an inevitable truth of what Charlotte will be. So, that's not much that we're going to be able to do. Now it's our job as a governing body to monitor and control that as best as we can, but I almost revert back

to what my colleague Mr. Bokhari said. It's really one of those things that's kind of going to hit us like thunder in just a few months where a lot of our community members are going to see things that they didn't realize was a reality with the approval of the 2040 and the UDO. So, like I said, for the people who hired me to sit here, I would like to try to make that comfortable transition and make sure also that they get what they need.

Mr. Ogunrinde said absolutely.

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

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**ITEM NO. 38: HEARING ON PETITION NO. 2022-160 BY PENIER DEVELOPMENT, LLC FOR A CHANGE IN THE ZONING FOR APPROXIMATELY 24.13 ACRES LOCATED ALONG THE SOUTH SIDE OF MOUNT HOLLY ROAD AND EAST SIDE OF CRESTON CIRCLE, WEST OF INTERSTATE 485 FROM I-1 LWPA LWCA (LIGHT INDUSTRIAL, LAKE WYLIE PROTECTED AREA, LAKE WYLIE CRITICAL AREA), B-2 LWPA LWCA (GENERAL BUSINESS, LAKE WYLIE PROTECTED AREA, LAKE WYLIE CRITICAL AREA, R-3 LWPA LWCA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA, LAKE WYLIE CRITICAL AREA) TO R-12MF (CD) LWPA LWCA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA, LAKE WYLIE CRITICAL AREA).**

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, thank you. 2022-160. That's 24.13 acres on Mount Holly Road just at the intersection with Creston Circle. It is currently zoned to I-1 and B-2 as well as I think some R-3, all with Lake Wylie Protected Area as an overlay on that. The proposed zoning is if or R-12 multi-family, conditional, which would also then maintain that Lake Wylie Protected Area as well. The Policy Map does recommend both Neighborhood 1 and Manufacturing and Logistics back on that far corner of the site.

The proposal is for up to 288 multi-family residential dwelling units at a building height of 48 feet. It does commit to construct multifamily structures to meet Green Building Standard Bronze Specifications. Establishes a 30-foot building and parking setback from the future right-of-way of Mount Holly Road and the existing right-of-way of Creston Circle. Would contribute up to \$125,000 to the City of Charlotte Affordable Housing Trust Fund prior to the issuance of the last certificate of occupancy. Also would dedicate a significant portion of the site along Long Creek to Mecklenburg County for future greenway development. You can see that there on plan right in that green hatched area. Would provide for a 50-foot Class C buffer when adjacent to single family zoning. Would also commit to installing ADA compliant CATS (Charlotte Area Transit System) bus waiting pad on Mount Holly Road. Would also provide a minimum of 8,000 square feet of improved open space, and then proposes a number of transportation improvements including several turn lanes as well as a 12-foot multi-use path along Mount Holly Road along the frontage of their site, and also the improvement of Creston Circle to enhance that with pedestrian infrastructure.

As mentioned, staff does not recommend approval of this petition in its current form. We would like the petitioner to consider a reduction in unit count and development outcomes that better align with the Neighborhood 1 Place Type. So, some different building forms perhaps with duplexes, triplexes, perhaps even quadrplexes in some areas. I feel like that would at least get us a little bit closer to that Neighborhood 1 Place Type while maybe allowing some moderate density. Just a straight multi-family project in this area is something that staff didn't find a context or a policy support for. That's why we have our concerns and our recommendation as is. It is inconsistent with the Policy Map recommendation for the Neighborhood 1 and the Manufacturing and

Logistics Place Type. We'll be happy to take any questions following the petitioner's presentation. Thank you.

**Keith MacVean, 100 North Tryon Street, Suite 4700** said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean with Moore and Van Allen. We're assisting the petitioner Penler Development with this request. With me tonight representing the petitioner is Will McGuire and Brian Metzler. They're available to answer questions as well as Thomas Haapapuro with Design Resource Group, our Civil Engineer for the site. Also, with us tonight, we have some of the neighbors from Creston Circle and Breton. With their help, we had an additional meeting with the residents adjacent to this site. Met on the site to discuss the petition and they're here to speak for the petition.

Just a little bit about Penler. Penler's a full-service real estate company based in Atlanta providing services and acquisition development and asset management. As Dave mentioned, this is just slightly under 24 acres located on Mount Holly Road between Mount Holly-Huntersville Road and I-485 in very close proximity to an existing retail shopping center. Good access to CATS bus route number 18 which then provides transit service to employment centers near the area both the Corning Headquarters on Highway 16, and transit services to employment uses on Mount Holly, Brookshire as well as downtown. As Dave mentioned, one of the things we looked at here in terms of existing zoning, we do have a combination of industrial here and here. There's MX-3 that was part of the original whitewater rezoning and was contemplated and is actually zoned for additional non-residential development. Then there's existing B-2 along the site's frontage on Mount Holly.

We are inconsistent with the 2040 Policy Map, and this is we think a unique location where N-2 Place Type could be considered. To some degree, what the Policy Map does not recognize is that there is existing non-residential surrounding us both on Mount Holly and behind us that stays in place. We'll transition to ML-1 and General Commercial zoning district. Our request also has the following benefits in terms of Housing Trust Fund contribution, a Bronze Building Standard in terms of a building commitment to design building commitment, enhanced EV parking standards as well as dedication of over 8 acres to the County which is about 36 percent of the site. There's a number of goals of the 2040 Plan this site meets. Mainly because of it's proximity to both the existing shopping center, access to transit, access to the future greenway, the commitment to a large component of open space, and the Housing Trust Fund contribution, the contribution to the County for like I mentioned, a greenway, a multi-use path along Mount Holly as well.

One thing I'd like to point out, I know we're inconsistent with the 2040 Plan, but if you'll look back at the small area plan that was done for this site and approved in 2010, it specifically looked at the unique circumstances that occurred in this particular area around Mount Holly between Mount Holly-Huntersville and the railroad track and I-485. If recommended that if that parcels could be assembled, then in this case up to 8 parcels are being assembled, that residential density is up to 12 units to the acre. So, prior to the adoption of the 2040 Plan, this request would've been consistent with the area plans for the site and our point here is the Catawba Area Plan, because it focused on a smaller geography, could focus on the unique circumstances in this area and make a more nuanced recommendation in terms of land use, where a slightly higher density could be appropriate.

As Dave mentioned, our height is limited to 48 feet. That's consistent with Neighborhood 1 Place Type. It's a residential use and there are additional properties around us that can also make a transition to a lower density as those develop. The proposed site plan has a new network street that connects Mount Holly to Creston, will improve Creston with wider roadway, sidewalks, planting strips, multi-use paths as I mentioned along Mount Holly. A large donation to the park for the Long Creek Greenway. The Long Creek Greenway, when it's built out, will provide this site access to the river and Whitewater Center as well as all the way back to Northlake Mall through the greenway system.

There are a good number of roadway improvements. Two left turn lanes, one for the site and one to existing Creston to help the other property owners within the area to access their homes, as well as right turn lane and a multi-use path as well as a left turn lane to access the property on the other side of Mount Holly Road. It's some images of what we believe will actually occur here in terms of buildings. Some developments in other parts of the southeast that Penler has done. The quality here would be similar to these developments. That's were I end in terms of our presentation. We're happy to answer questions.

**Shelia Clark** said good evening and thank you for allowing me to be here to speak in front of you Mayor Pro Tem and the Council. I thank you again for letting us be here as the community. My name is Shelia Clark and my husband is [INAUDIBLE] Clark and he's sitting up there. Thank you again for allowing me to come to speak on this beautiful Carolina day. I am a Governmental Center pioneer. I was here when this building opened. I worked for Department of Transportation, I worked for Bill Finger. So, I still have my little commemorative coffee mug that they gave us and it's nice to be back in this beautiful building again. I was a traffic surveyor for Bill Finger for the Planning Division for Charlotte's Department of Transportation. For about 10 years I gathered traffic information so that this small-town City could grow into this beautiful large City that we now live in.

Then I went to barber school and I became a barber and I worked that for 25 years. My husband retired from the City of Charlotte from the Charlotte Mecklenburg Utility Department where he worked under Barry Gullet at the Catawba River Pumping Station on Mountain Island Lake for 30 years. He also retired from the North Carolina Army National Guard after 23 years in the Service Battery. He was born at Presbyterian Main downtown 66 years ago. He attended Harding High School. We have been married for almost 42 years or as he would say, "That's 294 years in dog years."

So, we live at 419 Creston Circle and we're adjacent to the property up for rezoning. We've always lived in Mecklenburg County. We lived over by the Whitewater Center and then we sold our home of 35 years and we moved to Creston Circle for the obvious reason. We all have watched Charlotte grow from a very small city with all the banking and the airport expansion, with Amazon and the Panther's Stadium, the Whitewater Center and 485, and now with the greenway coming about. We all knew this was coming one day. Some were happy and some were not, but in the name of progress and in neighborhood enhancement, our little secret has been found. As we welcomed all the many neighbors for over the past 20 plus years, our little neck of the woods is up to bat now. We welcome all of the new neighbors. So, with that we are here in support of this rezoning process. I truly hope you all will consider passing this petition. Thank you again. The residents of Overhill Acres. Thank y'all again.

**Councilmember Graham** said just want to thank Ms. Clark and her husband for being here tonight and representing the adjoining neighborhood and the petitioner for laying it out. I certainly will take it under advisement and see you next month.

Ms. Clark said thank you sir.

Motion was made by Councilmember Ajmera, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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**Councilmember Driggs** said congratulations on 42 years.

Ms. Clark said thank you.

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**ITEM NO. 39: HEARING ON PETITION 2022-089 BY TAYLOR MORRISON FOR A CHANGE IN ZONING FOR APPROXIMATELY 43.72 ACRES LOCATED ON THE SOUTH SIDE OF MT. HOLLY-HUNTERSVILLE ROAD AND NORTH SIDE OF**

**INTERSTATE 485, WEST OF OAKDALE ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO MX-2 INNOV LWPA (MIXED USE, INNOVATIVE, LAKE WYLIE PROTECTED AREA).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-089. It's just over 43.5 acres off Mount Holly-Huntersville Road in Oakdale, just there off of east I-485. The zoning is R-3. The proposed zoning is for MX-2 innovative. Both maintain the Lake Wylie Protected Area overlay. It is currently recommended for Neighborhood 1. You can see some Neighborhood 2 really just somewhat adjacent, just a parcel removed, that drive way for the utility substation separates that. You do have some Neighborhood 2 to the south on the other side of the highway and then also to the west just off of Oakdale Road where we have a petition for upward consideration later this evening.

This proposal for 2022-089 would allow up to 313 single family detached, essentially duplexes and triplexes are the units that are being proposed. So, building form wise, they do match up with Neighborhood 1 design wise. It's more akin to a planned multi-family project because the units are not on their own individual lots or they don't all front a public street as well. So, Neighborhood 1 in building form, but Neighborhood 2 in site design. So, that's where we'll talk a little bit about that inconsistency as we get to the next slide, but continuing on this one. We do have an 8-foot planting strip and 12-foot sidewalk being proposed along Mount Holly-Huntersville Road. It would provide an amenity corridor which would include three things such as covered pavilions or benches, picnic tables, fitness facility, gathering room, pool, garden, dog park etc. It does provide walkways which would connect all residential entrances to sidewalks along public and private streets. Provides an easement over the amenity corridors for public access. That would be coordinated with Mecklenburg County Park and Rec. Also, would provide architectural standards to include building materials. Innovative standards are all programmed into the project to allow this type of product.

So, that would be things like not having internal private streets, would have public access easements, there'd be no minimum lot size or width. Individual units would not be required to have frontage on a public or private street, but would comply with the 400-foot rule, reduction setback from 14 feet at back of curb. All yards and setbacks will be provided for the overall parcel and not applied to each individual unit. Also building separation internal to the site would be a minimum of 10 feet. As we discussed, staff does recommend approval of this petition. We do have some outstanding issues related to transportation. We do have that inconsistency with the Neighborhood 1 Place Type. Again, building form of duplexes and triplexes are found within the Neighborhood 1 Place Type but they are required to be on their own individual lots. This is essentially one large lot for the project area with all the units functioning on that large parent lot and not on their own individual ones. So, that's really what makes some of those differentiations to more of a Neighborhood 2 and generates some of that inconsistency. So, with that, I'll turn it over to the petitioner team and we'll take any questions you may have following their presentation. Thank you.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said Collin Brown on behalf of the petitioner Taylor Morrison. The Taylor Morrison team has been in front of you several times this year working on some projects bringing this new kind of missing middle housing to the market or doing their best to adapt their product to what our ordinances are calling for. So, on this site on Oakdale as Dave mentioned, again great access to 485 here. Here's the interstate. We've got a Duke Substation at this location. What I think is important is the Neighborhood 1 zoning district calls for single family, duplex and triplex units. So, Taylor Morrison has been trying to adapt their plan to do that. This plan now has only single family, duplex, and triplex units.

What is a little bit different is again, kind of the design and layout of that. These are for rent products and what Taylor Morrison is trying to do, they're not trying to compete with single family. Rather this is to give folks that would otherwise be in an apartment community kind of a different living style one level living, having a yard, having open

space, having those amenities. So, we very much tried to tailor it in to what would be in the surrounding N-1. There you can see their percentages, almost 20 percent single family homes, 37 percent duplexes and 45 percent triplexes. Of course all the triplexes are to the interior of the site with the single family and duplexes around the edges.

So, I think they've been pretty innovative in their design, this is just a concept to show you how this kind of hugs up on 485. There's the Duke Substation, and again, great access to 485. I think you've probably seen these in prior hearings. This is how the product type works. So, again, this is for folks that are not homebuyers but don't want to be in a traditional apartment. They want to have an outdoor area, they may have pets, they may be families. So, it gives them a little more room. Happy to take any questions you have. Pleased to have staff's support. We wish we were completely consistent with N-1. So, we think we're meeting the spirit with a single family duplex and triplex product.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, and carried unanimously to close the hearing.

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**ITEM NO. 40: HEARING ON PETITION 2022-090 BY HARRIS AND ROCKY LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.2 ACRES LOCATED ON THE EAST SIDE OF WEST W.T. HARRIS BOULEVARD, NORTH OF INTERSTATE 485, AND SOUTH OF MT. HOLLY-HUNTERSVILLE ROAD FROM R-17MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-22MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-090, 4.2 acres on Harris Boulevard just off I-485. The existing zoning is R-17 MF, conditional. Proposed zoning is R-22 MF, also a conditional district. Adopted Place Type on the Policy Map does recommend Neighborhood 2. So, this petition would be consistent with that. The proposal is for up to 92 multi-family residential units that would be together with any accessory uses allowed in the R-22 MF zoning district. Building height is limited to 50 feet, 28-foot Class C buffer along the north and east property lines is being proposed. Also illustrates an amenity common open space area. Open space would be improved with landscaping, seating, hardscape elements and shade structures. Design standards related to primary building material, façade orientations, blank wall limitations, architectural base features and parking lot placement standards have been incorporated into the project. Does provide right-in/right-out access from West W.T. Harris Boulevard, and also provides a right turn lane at the entrance with 100 feet of storage. It does commit to a 12-foot multi-use path and 8-foot planting strip along West W.T. Harris Boulevard.

Just to touch on this last slide very quickly and the petitioner will allude to this as well. This property had already been through the rezoning process I believe about two years ago for a project that went to that R-17 district. That was primarily focused on senior living and that project from what I understand is not valid at this point. So, the petitioner is coming back with this proposal which would add some units, nothing significantly substantial, but it does take it up to that R-22 category. I'm sure they'll get a little bit more background but just wanted to give you a little bit of a high-level overview from staff on this one if it looks familiar to some of y'all that may have been on when this was through the process once before. As mentioned, staff recommend approval of this petition. Does have outstanding issues related to transportation and site and building design to work through. It is consistent with the 2040 Policy Map recommendation. We will take any questions you may have for staff following the petitioner's presentation. Thank you.

**Russell Fergusson, 933 Louise Avenue** said thank you. Good evening, Mayor Pro Tem, Council, Zoning Committee. Dave highlighted a lot of what I was going to go

through here. So, I'll try to be quick. So, this is a slight increase in the density of this project. It was already zoned for multi-family in 2020 and I think the question is, "Well why come back to rezoning." That was a prior petitioner that was working with a tax credit based, age restricted housing program. The underwriting and the requirements underneath that program changed to not allow that development to happen in this close proximity to 485. So, they weren't able to move forward. That's my understanding of it from the brokers and the property owner.

So, my clients have come here with this petition to seek a slight increase of the density, but try to keep the spirit of that rezoning alive with a buffer. There's a little bit of the location there. As Dave mentioned, it's across the street from business properties, from a QT and it's right up against the off ramp from I-485 on W.T. Harris. As an overview, I think we already addressed that, 21 additional units, keeping the same height, same mass. Some of what changes is internal because of the size of hallways and bathrooms in an age restricted unit. So, it's similar in scope to what that is. Retains a 30-foot undisturbed tree buffer around the outside of this between single family and this project. That was already there. We have a 12-foot multimodal path with a large sidewalk across the front, improving the streetscape taking it all the way down to the corner across from the QT. It's also, for this size of a project, substantial roadwork to add a deceleration lane, a right turn right only with a very deep median. I'm going to come back to that in a second. It meets the policy guidelines of the City. It matches the 2040 Plan for a Neighborhood 2 here.

We worked with Planning Staff prior to submitting this to try to find the right fit to find something that would be appropriate. We have reached out to the neighbors and had our community meetings. We didn't make a significant change after meeting with the neighbors. One more point, that triangle up to the north is a Food Lion. So, it's about 0.2 miles from a grocery store. There's Target down to the south of 485. So, in both directions, and Northlake's over there. This is what the current entitlement is. It was in 2019, it got approved at the end of 2020 unanimously and had a lot of support for it. What we did was keep the similar mass of the building, but after talking to the neighbors and talking to NCDOT and C-DOT, we changed the orientation to bring the building forward. Everybody likes it. I think it's great for a lot of great reasons because it brings the building forward to the street. It interfaces better with the street. It brings the building further away from the adjacent single family. We're still able to keep all of the buffers, the undisturbed tree buffers. These are big trees out there. I think in the last position, they had a lateral view of it showing the height of those trees in relation to the building, which as that point was much closer to the single family. We've had some contacts with neighbors on both sides of the street. Thank you. I'll take your questions.

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

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**ITEM NO. 41: HEARING ON PETITION 2022-126 BY TRIBUTE COMPANIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 48.09 ACRES LOCATED SOUTH OF NORTH TRYON STREET, EAST OF TREVI VILLAGE BOULEVARD, AND NORTH OF UNIVERSITY CITY BOULEVARD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-126, just over 48 acres. It is off of North Tryon Street, east of Trevi Village Boulevard and north of University City Boulevard. This next slide here gives you a little bit more context. It's just there like I said off of 29, just really at the Cabarrus County line. This petition is zoned R-3. The proposed zoning is for R-8, multi-family conditional. The adopted Place Type does call for Neighborhood 1 in this area. We do have some commercial just there off Trevi Village Boulevard, which is a larger mixed-use project with office retail residential. This

proposal is up to 285 single family attached townhome units. Does have an existing 93-foot-wide overhead power transmission across the portion of the rezoning site.

You can see that just along the bottom, just about where the neighborhood park label is. Does propose architectural standards for the buildings as well as a 50-foot Class C buffer along the portion of the north property line and along east, south and west property lines, essentially all that area ringed in green. It does illustrate a 100-foot stream buffer and possible tree save areas. Would illustrate an approximate 6.5-acre neighborhood park in the lower portion of the site. That would be dedicated and conveyed to Mecklenburg County Park and Rec. Illustrates a 12-foot multi-use path running along the southern portion of the site, connecting sidewalk along opposite sides of proposed Public Street C.

Also prior to permitting, coordination will be made with the City of Charlotte and Mecklenburg County to accommodate a future segment of the Cross Charlotte Trails through the southern portion of the property as needed. Also, the following transportation improvements have been proposed, ingress and egress would be connection to a proposed street that would match up with a project just to the north of us that was recently rezoned I believe back in 2021 as Petition 2021-150. So, where you see that top red arrow, that connects through a project that was already approved and is in permitting. That would connect the street network all the way back up to 29. That project was for all multi-family apartments.

So, this would essentially be a Phase 2 at a lower density from that project that was already approved. So, providing some of that transition back from the multi-family that's under construction back to some lower density townhomes at this portion of the site. It does propose an internal network of public streets, as well as proposed road stubs for future connections. You can see those in the two arrows pointing left and right on each side of the plan. Also proposes to complete improvements as outlined in the improved traffic study through coordination with C-DOT and NCDOT at the intersection of North Tryon and Morehead Road and at the intersection of North Tryon and the site's access.

So, staff does recommend approval of this petition. We do have some outstanding issues with transportation and site and building design that need to be worked through. While it is inconsistent with that Policy Map recommendation as we talked about earlier, do feel like it provides a reasonable transition from the multi-family that was approved back through 2021-150. Really doesn't have a lot of single-family adjacencies and I believe this may also be part of some projects that straddle both Mecklenburg and Cabarrus Counties, but the petitioner can certainly allude to some of that. So, we'll be happy to take any questions following their presentation. Thank you.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said Collin Brown, on behalf of the petitioner, the Tribute Companies. The Tribute Companies' Mark Maynard is here with me. It's also the group doing the 180-acre petition that we talked about first tonight. So, familiar with some of the issues in the area. As Dave mentioned, this is literally on the Cabarrus County line. So, this will be maybe one instance where Mecklenburg County is providing some bedroom communities for folks that are actually going to Concord for employment rather than vice versa as we usually see. There we are, County line and as Dave mentioned, Tribute rezoned and is in the process of developing this parcel right off 29, right there. So, this as Dave mentioned, would be kind of a Phase 2.

Of course, in Tribute's first petition tonight, we talked about a school site, parks, transportation. The site does not include a school, but it does include a significant park dedication, provisions for the Cross Charlotte Trail and transportation improvements. This is kind of Phase 1 and it would connect to kind of Phase 2 here as Dave mentioned. Townhome products, commitment to a 6.5-acre neighborhood park, and then a 12-foot multi-use path to accommodate the segment of the Cross Charlotte Trail, as well as these transportation improvements which Dave highlighted. Here's a color rendering of the site so you can see what a significant portion of the site remains undisturbed. You can see the park area and then the kind of rendered out trail network.

We did not have attendees at the community meeting. Councilmember Johnson has connected us with the folks in the Settlement Neighborhood who we've been in communication with. They'd had some trouble scheduling, but we expect that we'll meet with them between now and the approval. That's all I have. Happy to take questions.

**Councilmember Johnson** said yes, this is one where I do want to continue to be engaged and find out the feedback from the residents, but right now I appreciate all of the amenities.

Mr. Brown said we tried to meet with them before.

Ms. Johnson said yes.

Mr. Brown said we'll continue.

Ms. Johnson said okay. Have you met with University City Partners on this one?

Mr. Brown said this is beyond the scope for them. We kind of showed them everything we got and literally on the edge of Cabarrus County. So, we've showed it to them, they've had no comments as it's so far afield.

Motion was made by Councilmember Johnson, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.
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**ITEM NO. 42: HEARING FOR PETITION 2022-130 BY THOMAS ELROD FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.04 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF CARMEL ROAD AND LITTLE AVENUE, NORTH OF PINEVILLE-MATTHEWS ROAD, AND EAST OF JOHNSTON ROAD FROM B-1 (CD) (GENERAL BUSINESS, CONDITIONAL) TO O-1 (CD) (OFFICE, CONDITIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright 2022-130, just over an acre at Carmel Road and Little Avenue. It's currently zoned B-1 conditional, proposed zoning is for O-1 conditional. It is in a Community Activity Center Place Type. So, the petitioner request would be generally consistent with that. Does propose up to 17,200 square foot building with a maximum height that would be built to ordinance standards, however they did limit the building height to 2 stories and 22 feet. Would allow all uses in the O-1 zoning district which does include offices, does remove the existing driveways on Little Ave and Carmel Road and it does install one new driveway on Carmel. So, that would just reduce those points of ingress and egress down to one. Would construct an 8-foot planting strip and 12-foot multi-use path along the frontage. You can see that in that bold maroon stripe there along the frontage. Provides architectural standards related to building placement and design such as the buildings would be placed to present a front or a side to all streets, and also notes that sidewalk along Carmel may meander to preserve some of the existing trees that are out there on the site. We do recommend approval of this petition. We do have some outstanding issues and technical revisions to clean up. It is consistent with the Policy Map recommend for Community Activity Center. We'll be happy to take any questions following the petitioner's presentation. Thank you.

**John Carmichael, 101 North Tryon Street, Suite 1900** said thank you Mr. Mayor Pro Tem, members of Council and the Zoning Committee. I'm John Carmichael here on behalf of the applicant Thomas Elrod. Thomas is with me tonight as is Jennifer McAdams with American Engineering. Mr. Pettine did a good job going through the proposal. I'll be really brief. The site's on Carmel Road and Little Avenue. Contains a little over an acre. It's zoned B-1 CD. The conditional rezoning plan limits the size of the

building to 3,500 square feet and I believe to a restaurant use, but the site is surrounded by office zoning except you've got some MUDD-O to the south. The request, as Mr. Pettine stated is to rezone the site to O-1 CD to allow a two-story office building on the site that would contain up to 17,200 square feet of gross floor area. The site plan has changed a little bit, and once again it is consistent with a Community Activity Center Place Type. The office buildings change a little bit. This is the new plan that we'll turn in on Thursday, but other than that it's just the shape of the building that's changed. It's not linear along Little Avenue anymore, but still two stories, 17,200 square feet, access point on Carmel Road. A multi-use path along Carmel. Happy to answer any questions that you may have.

Motion was made by Councilmember Bokhari, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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**ITEM NO. 43: HEARING ON PETITION NO. 2022-147 BY SOUTHPARK TOWERS PROPCO, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.94 ACRES BOUND BY THE SOUTH SIDE OF FAIRVIEW ROAD, EAST SIDE OF PIEDMONT ROW DRIVE SOUTH, AND THE NORTH AND WEST SIDE OF BARCLAY DOWNS DRIVE FROM O-3 (OFFICE) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said okay, 2022-147. It's just under 10 acres on Fairview and Piedmont Row Drive. So, the site's split by Liberty Row Drive and bounded by Barclay Downs Drive to the south. It is currently zoned to O-3. It is proposed to go to MUDD-O. You can see we've got quite a bit of O-3 and O-2 and O-1 in the area, then a lot of MUDD-O surrounding the rest of that. Then the Policy Map does recommendation this all for Regional Activity Center. So, we do have consistency with the request and the Place Type.

The proposal contains up to 535,000 square feet of existing office uses and 13,000 square feet of existing EDEE uses to remain. That would be in Area A and B where the existing office towers are. Those are again proposed to remain as is. Then the proposal would be for up to 112,000 square feet of medical office of 224 hotel rooms subject to conversions in Area A, 300 multi-family dwelling units in Area C and/or D and then 25,000 square feet of retail EDEE, personal service or other commercial uses in Areas A, B, C and D as well. Conversion of unused medical space would go towards lodging or retail uses. Does prohibit things like car washes, gas stations, EDEEs with drive-throughs and climate controlled self-storage. Also commits to offsite transportation improvements per the traffic study findings which would include things like a signal and crossing modifications at Fairview Road and Tyvola Road and Park Road intersection and also signal modifications and loop-branded crosswalks at Fairview Road and Park South Drive intersection.

Does propose to install SouthPark Loop along the site's Piedmont Row Drive frontage, also two benches and bike rack are proposed to be installed at Piedmont Row Drive and Fairview Road. A 12-foot multi-use path and 8-foot planting along the Fairview Road frontage, and then a minimum of 8-foot planting strip and 5-foot sidewalks along Barclay Downs Drive. Upgrades to ramps and crosswalks on Fairview and Piedmont Row Drive have been included in the conditions as well, along with construction of new ADA compliant CATS bus pad at the current bus stop location. Design guidelines for new constructions related to allow building materials, activated facades, screened parking and internal and screened dumpster locations are incorporated into the project. Petitioner will also make effort to design and construct buildings following Green Building Guidelines and commit to installing EV charging in new parking decks at a ratio of 2 percent of spaces provided, as well as provision for future charging stations at a ratio of 5 percent of the total spaces provided. Would also provide two times the amount

of open space required for new buildings over 50,000 square feet. That may be phased with the completion of each new building over 50,000 square feet, and also requests optional provisions to increase height to 220 feet and allow existing parking and maneuvering in Area A.

Staff does recommend approval of this petition. We do have some outstanding issues as mentioned with transportation, site and building design as well as some technical revisions to take care of. Petition is consistent with the 2040 Policy Map recommendation for Regional Activity Center, and we will take any questions following the petitioner's presentation. Thank you.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said Collin Brown on behalf of the petitioner. Very quickly, Crestlight is the lead developer on the project. They're working fairly closely with Lincoln Harris at this point in the process. Land Design, LS3P and DRG are all involved. This is just the type of development we need to see. These are the tallest office towers in SouthPark. They've got some age on them. They need to be refreshed. So, that is what Crestlight is doing. Happy that we don't have opposition tonight. I think there's some reasons for that. Really, you've got this tower, you've got everything that SouthPark's trying to do for the loop, make it urban and on the main feature corner, you've got a large surface parking lot. So, this is taking that out, bringing in mixed uses. Let me find the pretty picture. That was that parking lot I showed you. So, new building going in that area, new retail building on the other side providing the type of activity we'd like along the frontage. Also, the ability to add a new building on this location. You heard 220 feet of height. I think that's not scary because there's that much height on the site already.

So, pleased to have staff's support. Pleased to have no opposition from the neighborhood. We have received a letter from SPAN (SouthPark Association of Neighborhoods) with a list of requests related to pedestrian improvements. We think we have generally provided significant ones already, but we expect that we will respond to those and address as many of those as we can in our resubmittal this week.

**Councilmember Bokhari** said yes, appreciate you making that last comment. I saw the items particularly around the pedestrian stuff. We'll get together and kind of coordinate that through in the next couple of weeks.

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

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**ITEM NO. 44: HEARING ON PETITION NO. 2022-149 BY FLYWHEEL GROUP/TONY KUHN FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.91 ACRES LOCATED ON THE NORTH SIDE OF NORTH TRYON STREET AND EAST SIDE OF ATANDO AVENUE, WEST OF WEST CRAIGHEAD ROAD FROM CURRENT ZONING: I-1 (LIGHT INDUSTRIAL), I-2 (GENERAL INDUSTRIAL) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT - URBAN CENTER), TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-149 is 5.9 acres at North Tryon and Atando Avenue just to the east of East 36<sup>th</sup> Street and west of West Craighead Road. It is currently zoned to I-1 and I-2 and the proposed zoning is for TOD-UC. That would be the piece that's on the front end along North Tryon Street, and then TOD-NC is the smaller piece that's along the backside of the project rezoning boundary. The Policy Map does call for Manufacturing and Logistics picking up a lot of the existing industrial zoning in that area. You can see we do have Community Activity Center on both sides of this project to the west and to the south. We're about a quarter mile from the 36<sup>th</sup> Street station. So, really not very far from that transit station stop. Staff does

recommend approval of this petition. It is inconsistent with that Manufacturing and Logistics Place Type, but it is generally consistent with the pattern of development and redevelopment investment we've seen in the North Tryon corridor particularly around some of these light rail stops in the North Davidson area. So, again staff does support and recommend approval of this petition. We'll be happy to take any questions you may have.

There being no speakers, either for or against, a motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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**ITEM NO. 45: HEARING FOR PETITION NO. 2022-163 BY CAROLINA HOLDINGS FIVE LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.55 ACRES LOCATED ON THE NORTH SIDE OF HART ROAD AND EAST SIDE OF SUSANNA DRIVE, WEST OF ROZZELLES FERRY ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-6 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-163 as mentioned is just over a half-acre on Hart Road and Susanna Drive currently zoned to R-3. Proposed zoning is R-6. Lake Wylie Protected Area is active on the site and will remain should the rezoning be approved. Adopted Place Type is for Neighborhood 1. That R-6 zoning designation would be consistent with the Neighborhood 1 Place Type. I believe that translates out to a Neighborhood 1 D. So, that'd be consistent again with that Neighborhood 1 Place Type that's recommended. This is a conventional petition. So, no site plan, no outstanding issues to talk though. Again, it is consistent with the Policy Map recommendation and staff does recommend approval and will be happy to take any questions following the petitioner's and public presentation.

**Russell Fergusson, 933 Louise Avenue** said Mayor Pro Tem, Council, Committee, I want to thank you for your time, thank staff for working with us again. We reached out early in the stages of the presale to try to make sure that we got the right fit for this area. It's a vacant property currently zoned to R-3 and I think it makes a lot of sense and it follows the Policy's 2040 Plan, the City's Initiatives. It's an opportunity to bring a few more residential units to the City of Charlotte. This is within the City of Charlotte and it's a corner lot. It's a really reasonable place to go. I think if you look around, this level of density is not out of place. It's not a new precedent in this area. If you look to the north, you can see some MX zoning, to the south immediately across that electrical easement, that dotted line, same thing. Has a density similar to what we're asking for and allowing it to be in the code and go through the regular conventional process makes sense for a site this size.

So, what you can see is a little distance to where you have even attached single family dwellings in the area. You also have within about a mile and a half, a mile and a quarter multiple retail hubs with grocery stores, restaurants, retail, the types of things that support N-1 areas. This is close to those and again this is vacant land in the City of Charlotte. Welcome your questions, comments.

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

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**ITEM NO. 46: HEARING FOR PETITION NO. 2022-164 BY CAROLINA HOLDINGS THREE LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.18 ACRES**

**LOCATED ALONG THE NORTH SIDE OF HART ROAD, EAST OF SUSANNA DRIVE, AND WEST OF ROZZELLES FERRY ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-6 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-164, 10.18 acres, Hart Road just off of Susanna Drive just a little bit further from the petition we considered in the last hearing. The zoning's similar, R-3, request is for R-6. So, essentially a Mayor petition, Lake Wylie Protected Area remains intact. Neighborhood 1 is the Place Type recommendation and again this is a conventional petition. So, no site plan, no conditions, outstanding issues to speak of. Again, it's consistent with the Policy Map recommendation. We do recommend approval and we'll take any questions you may have.

**Russell Fergusson, 933 Louise Avenue** said good evening, Mayor Pro Tem, Council, Zoning Committee. Russell Fergusson on behalf of the petitioner. As Dave just mentioned, this is very similar to the other petition, and it came from the same discussion of what is appropriate for this area. It's again in line with the 2040 Plan and the City's Policies. I guess I would summarize in saying it's a reasonable step in the right direction. R-3 to R-6. It allows a little bit more density. It's a larger lot, but again it's entirely vacant. So, this is adding housing stock without taking it away. Again, I can go through the picture again. It's literally the same presentation here. Again, with the proximity, it's not a new precedent. This is right in line with what's happening out there. Again, this is well within the City limits of Charlotte, and it certainly has some capacity to add housing. By going with the conventional route, it will have to follow the rules regarding tree save and all the other code requirements included street connectivity which is something significant out here. So, thank you very much and I'll just pop back up here in a minute and give away the rest of my time.

**Shirley Banai, 2308 Hart Road** said good evening. Thank you for your time. I know it's late. I appreciate your presence. I'm here to object their zoning proposal on our street on Hart Road. I'm here representing myself and 15 of my neighbors in an effort to protect our quality of life. My apologies for raising my hand earlier, but my jaw dropped because we're talking major increase in traffic in this entire area. Hart Road eventually connects to Mount Holly and we're talking immense amount of traffic leading into Mount Holly and with this particular proposal as well into our street, and that to me is just appalling. Both of those petitions 164 and 163 are proposing changing the zoning from R-3 to R-6 and specifically with Petition 164, it has the potential of quadrupling. So, not doubling, not tripling, but quadrupling the amount of people who would live across from our 15 family homes on Hart Road.

This proposal would allow the construction of roughly 60 units and apologies, I'm not a lawyer or whoever is representing the construction companies tonight, but I'm a person and I have no understanding of what does that mean in terms on designation changes. The little research that I was able to figure out was changing from 30 units to 60 units, but potentially also apartment complexes which would even triple the amount of units available for residential. That's just going to kill us. Our street, Hart Road is a quiet road. It can barely handle the current traffic that's coming right now from the adjacent neighborhoods to it and proposing to add potentially at best 100 cars potentially 200 or depending on how big this thing is going to be 10 acres is pretty big for our street, it would really physically hurt us. There's no infrastructure to support it. When I look at it, it's literally across from my house. So, I'm envisioning just traffic and getting caught in car accidents. The road is narrow, it's one way in each direction and it's kind along the lines of what we're seeing here today throughout the entire petitions that I've seen. It's like overpopulating areas that really shouldn't be. You're really hurting quality of life and the integrity of the community, and I really urge you to consider before approving such proposals, specifically mine, but I'm saying in large as well.

Another issue that's bothering me specifically, our street already suffered some devastating loss of vegetation and the tree canopy. When I moved in, across from my house there was a beautiful jungle. It's gone now. There are three ugly houses across from it sitting in a water shed hole literally. They're in a hole. It's kind of like a hole. There's no other way to describe it. They built three houses in a hole. I actually called the City I want to say two weeks ago because we had really bad rain and there was a river there and it needs to be managed. I don't know how the City approved building there. It's dangerous. That's a whole different story, but again, we're suffering from canopy loss. This area right now is filled with vegetation. If it's going to get completely deforested, we're all going to suffer. We're heavy traffic from the airport, the airplanes pass us by all the time. Loss of vegetation is going to hurt both air quality and it's going to hurt the audio. We're going to get more of a sound and it's just more pollution, more pollution, more pollution. That's just really going to hurt our quality of life.

The little 163 area next to us is not going to hurt us as much as this one, but again, it is a green area right now. We walk there in Susanna Drive and again, that's a concern. Again, the water shed management in that entire areas needs to be looked at. One of the things that bothers me the most is the way that this whole issue is being introduced to the neighborhood. My neighbors are not here, they were not available to come. Again, I'm not a lawyer. We didn't have time to research this. I don't know what the implications are. Basically, I feel like I'm being attacked, and I have no tools to deal with this. I have no money or resources to offer a lawyer to fight this. We definitely don't want a huge development in such a tiny area across from us, we will suffer greatly.

I moved here nine years ago from Southern California. I know what gridlock is. There's a reason why I moved to Charlotte. It's to avoid that lack of quality of life. Charlotte does have quality of life. What you guys are doing by approving all those massive proposals is taking it away, and you're going to end up driving us, the good citizens that live here and bringing in money, good money and paying taxes, you're going to drive us away. You really need to consider that. There's really good quality of life at the moment here, but the proposed changes are definitely going to hurt us. I have a little girl, she's almost six. I'm trying to give her a good life. Again, that's why I escaped Southern California and I think I chose well by coming to Charlotte, but now I'm turning to you guys to keep this up and not ruin it for us because you're going to end up losing this beautiful migration that came into Charlotte.

So, I definitely urge you. I'm a single mom and I work hard. I bought my house and I'm very proud of it. I moved a lot in my history. I'm not even originally from here. I was born and raised in Israel and it's my pride and joy that my daughter was born here. She's being raised as an American and I want her to have this house on Hart Road for the rest of her life, but I want to make sure that it's a quality life and not something dangerous and not something that's not sustainable. Another 100 units or 60 units with additional 120 cars is definitely going to hurt our quality of life. Again, the loss of greenery and vegetation, this entire stretch of street is leading up to the river and it's beautiful. Building and developing that area is going to kill it, completely kill it. So, I'm urging you please to consider it and reject the proposal and help us protect our homes and maintain good quality of life here in Charlotte. Thank you.

Mr. Fergusson said on behalf of the petitioner, we will reach out to have some communications and better explain what is in process here. Just to discuss a few points here. Regarding traffic and the change from this petition to what is currently available is the difference perceived at about 300 trips to 440 trips per day. It's not on the traffic study level. We are talking about a sort of a maximum on the 60-unit side, but obviously it's never more than that. There's going to be a lot to work out. This would go through subdivision planning and would be required to follow the Charlotte Policies for tree save, for buffers, for setbacks and this would likely include development of public or private roads within it internally. All of those policies along with the idea that this is appropriate to have R-6 rezoning are all in line with Charlotte Policy. 2040 Plan puts that here. To the greater picture, I think of where we talk about quality of life as sometimes as a society, you have to look at that as a whole and this is 10 acres of vacant land inside the City of Charlotte City limits that could be reasonably developed at an N-1 level to

provide more housing units for future citizens of our City. Thank you very much. Appreciate your time.

Mayor Pro Tem Winston said thank you very much. Before I recognize any of my colleagues, Ms. Banai, I'll just say that you might know a little bit more about the process and coming down and representing for yourself and your neighbors than you may know. I will also say the rezoning land use process is quite confusing, but our Planning Department and our planning resources or your planning resources on top of Mr. Graham's here as your District Rep, and we're all here as well to help folks like you better understand and to gain the tools. Mr. Fergusson, as representing the petitioner, I always encourage new neighbors to be good neighbors. So, reach out to us to continue to learn about this. I think you did a pretty good job as you're figuring it out.

**Councilmember Johnson** said I'd also like to say to the resident thank you for coming out and we appreciate you sharing your passion and your story and your advocacy for your neighborhood. So, thank you. This change is hard, you're absolutely right. The City is changing. We know that. So, thank you. I have a question for the petitioner. I just wanted to know why they are filed separately? Why are the two petitions filed separately? It's the same?

Mr. Fergusson said they were separated by like a block or so.

Ms. Johnson said oh, half a block. Okay. It's the same description. So, it looks like it's in the same location. Okay. Thank you. That's all my questions.

Motion was made by Councilmember Winston, and seconded by Councilmember Anderson to close the public hearing.

**Councilmember Ajmera** said Ms. Banai had me thinking a lot. I mean, there were a lot of concerns that you had raised around traffic, preserving our tree canopy, addressing stormwater issues, addressing a quality of life, our clean air, clean water. All of those are valid concerns that's really part of the policy discussion that we take into account. That's not just specifically for this rezoning, but just as a whole I think Council has been very intentional about making decisions that you all can be proud of, especially as we are growing at such a fast pace. Like my colleague said, we really appreciate you coming out here and advocating for you, your family and your community. We need more residents to continue to stay engaged in this process. While I understand this process can be convoluted, it can be very challenging to navigate through this, and that's where you can reach out to any one of us or even your District Rep. Some of the things you shared really resonated with me and I just wanted you to know I very much appreciate it. So, that's all I have. Thank you.

The vote was taken on the motion and recorded as unanimous.

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**ITEM NO. 47: HEARING ON PETITION 2022-166 BY BOULEVARD REAL ESTATE ADVISORS LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRES LOCATED ON THE SOUTH SIDE OF WEST PETERSON DRIVE, WEST OF SOUTH TRYON STREET, AND EAST OF INTERSTATE 77 FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-166. It's about a quarter acre on West Peterson just off of South Tryon. It is currently zoned to R-5 and the rezoning request is for TOD-NC. You can see a good bit of the surrounding area has been rezoned to TOD-NC through some previously approved petitions. This Policy Map does call for a Neighborhood 1 at this site. You can see Neighborhood Center where

the TOD-NC districts are located really along West Peterson and South Tryon. From staff's understanding, this petition would incorporate this one parcel into the large TOD-NC holdings that are just adjacent there on South Tryon Street to continue to create a little bit more of a comprehensive development pattern, development outcome in this area. I know they had hoped to incorporate this into the initial rezoning, just the timing didn't come together for that one. So, that's why we're seeing this as a bit of a one off piece, but it is intended to be a part of the larger project that is proposed for the TOD-NC that's existing like I said, just adjacent to this.

So, staff does recommend approval of this petition. It is inconsistent with that Neighborhood 1 Place Type. We are within a mile walk of Scaleybark and we do have that TOD-NC adjacent. A lot of this will be incorporated into that larger project to just again continue to create a little bit of a cleaner edge for that Neighborhood Center Place Type. So, with that, we'll turn it over to the petitioner and take any questions that you may have following their presentation. Thank you.

**John Carmichael, 101 North Tryon Street, Suite 1900** said thank you Mr. Mayor Pro Tem, members of Council and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner. With me tonight is Chris Branch and Chris is available to answer any questions you may have. As Mr. Pettine stated, the site contains about just over 0.2 of an acre located on the south side of West Peterson Drive, just to the west of South Tryon Street. These are a series of aerial photographs of the site. So, Tryon Street here, this is Peterson here. The site is about 0.6 of a mile walking distance from the Scaleybark Transit Station. The site's currently zoned R-5. You've got TOD-NC zoning to the north, east and south of the site. You've got R-5 and UR-2 CD zoning to the west. This is a slide that zooms out a little bit and shows you the site here and then some TOD zoning that is around the site, adjacent to the site and in close proximity to the site.

The request once again is to rezone the site from R-5 to TOD-NC to allow uses that are permitted in a TOD-NC zoning district on the site. As Mr. Pettine stated, the site would be incorporated into the development of the adjacent parcels. We're happy to answer any questions that you may have. I as mentioned, Mr. Branch is here as well. Thank you.

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

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**ITEM NO. 48: HEARING ON PETITION NO. 2022-169 BY KENNEDY PROPERTIES LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.89 ACRES LOCATED ON THE EAST SIDE OF LAMBETH DRIVE, NORTH OF NORTH TRYON STREET, AND WEST OF WEST EASTWAY DRIVE FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, so, 2022-169 is 1.89 acres off Lambeth Drive which is just off of North Tryon Street and really in some close proximity to a light rail station. I believe it's Old Concord Road. Yes, it's Old Concord Road Station. So, you are within that distance for a TOD district. The current zoning is B-2 conditional, and the proposed zoning is for TOD-NC. So, we go to the Place Type Map, you can see there's some Neighborhood Center all around this and this would continue that Neighborhood Center development pattern, that platform way that you see just off to the side there. That would be a road that would also continue through this project. That's a subdivision required road, so that would punch through and provide connectivity over to Lambeth. Again, it's within a half-mile of the Old Concord Road Station. So, TOD-NC is applicable. Staff does recommend approval of this petition. It's a conventional petition. So, there's no site plan, there's no conditions, at this time, no

outstanding issues. While it is inconsistent, we do feel it would continue that Neighborhood Center Place Type which would be appropriate within that area within the Old Concord Road Station. It's actually within a half-mile walk of that station there at Old Concord. So, with that we'll turn it over to the petitioner. We'll take any questions you may have following their presentation. Thank you.

**Erik Winer, 220 Lambeth Drive** said okay, great. I'd like to save a minute for Tom at least, as he's been here graciously enough for five hours and would like to do that. So, my name is Erik Winer. My day job is I work for INTEC Group, an architectural firm in Charlotte here. Actually, I'm representing Kennedy Properties as one of three equal partners in that property. We're a diverse group that came together really because we had a lot of discussions a couple of years ago about what was happening with what we saw with development with livability and upward mobility and also just not taking advantage of transit-oriented development and pedestrian oriented development and 10 minute communities. We really saw things kind of weren't coming together how we'd like to do, from some of the national developers, some of the people doing bigger developments and we wanted to find our own little white piece. Not just talking to people, but actually find a site to do that. We really identify this unique opportunity to bring [INAUDIBLE] through more connection, do what this neighborhood has been talking about to people, but maybe doesn't have the same loud voice as some of the other neighborhoods in Charlotte have yet, because development hasn't gotten there. The big money hasn't got there. So, we saw an opportunity as just local diverse. We've got a business owner. Like I said, I do architecture and we've got someone that works for one of the large [INAUDIBLE] organizations in management, and we all just kind of saw this need and [INAUDIBLE] unique voice. The common thread is we all on this side have some housing and stuff that we see. So, we think this is consistent and will do great things.

**Tom Wilson, 4700 Fireside Drive** said yes, we do have a voice. I'm Tom Wilson, I'm the Vice President of NorthEnd Partners and we support what they're doing and I'm a live-in resident of Hidden Valley. It's an amazing thing that's going on out there. They're going to help it. I want to piggyback off that and say you built a \$40 million recreation center at Eastway. The third largest community in North Carolina, Hidden Valley, doesn't have access to it. The kids can't get across the street. The seniors can't get across the street. Please do something about it. That's it.

**Councilmember Ajmera** said Mr. Wilson, thank you for shedding light on that issue, especially access to the recreation center. Eastway Recreation Center is a great facility that really addresses the void in that area. I will certainly relay that to our County Commissioners who are in charge of our Parks and Recreation. I believe Commissioner Mark Jerrell is the representative for that area and I'll certainly relay that, but I'll also encourage you to reach out to them directly and speak at one of their public forums. Thank you.

**Councilmember Anderson** said thank you Mr. Wilson. Mr. Wilson has probably already spoken to Mr. Jarrell because he's everywhere doing great work in being a voice of the community. So, thank you for that. I also want to thank you Erik for being thoughtful about this neighborhood, this community and how you can bring something to the neighborhood that's complimentary and also aspirational for the neighborhood. So, I know a lot of work has been done over the last year in working on this and getting input from the community and working with individuals like Mr. Wilson to come up with ultimately a better solution. So, thank you for having an open mind and having an active listening ear and working with everyone to create something even better in that corridor. Thank you Mayor Pro Tem.

Mr. Wilson said may I say thank you to a wonderful City Council.

Mayor Pro Tem Winston said thank you very much.

Motion was made by Councilmember Graham, and seconded by Councilmember Winston to close the public hearing.

**Councilmember Molina** said I don't even like to speak after the District Rep. I like to let the District Rep have that last word because she's the one who's really been communicating with you guys, but I actually can't let this go by without saying I'm really happy to see somebody who was in a position, and I don't even know why you were against, but for you to come, this is what makes our job. This is the best part, when we actually get to see the community and the petitioner come to a favorable agreement where both hearts and minds are at ease, and the ultimate solution is something that we can agree on. So, I'd like to commend you both for having those conversations with your District Representative present. Thank you for the wonderful compliment. We don't get to hear that very often. What we hear is often different at times. So, thank you for believing in us and we definitely believe in y'all and this is what makes our job. This is an exclamation point on what we get to do.

The vote was taken on the motion and recorded as unanimous.

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**ITEM NO. 49: HEARING ON PETITION 2022-170 BY CANVAS RESIDENTIAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 11.23 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF OAKDALE ROAD AND MT. HOLLY-HUNTERSVILLE ROAD, NORTH OF INTERSTATE 485 FROM R-3 FEMA (SINGLE FAMILY RESIDENTIAL, FEMA FLOODPLAIN) TO R-8MF (CD) FEMA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, FEMA FLOODPLAIN).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-170, just one point of clarification. When we get to it on the zoning site, I'll get to that in one second. It's 11.23 acres on Oakdale Road and Mount Holly-Huntersville. Again, we just had a petition just to the west of this. This petition is for R-3. It's in the Lake Wylie Protected Area. Not sure how that got translated in the mapping process to a FEMA floodplain. I don't see any FEMA delineations on our GIS (Geographic Information System) side. So, that may have just been a typo from the Lake Wylie Protected Area. I'm not sure, I'll work with our mapping staff on that one, but it's R-3. The proposed zoning is for R-8, multi-family conditional with the Lake Wylie Protected Area as well. The Policy Map does call for a Neighborhood 2 which the R-8 MF CD would be consistent with. The proposal is up to 88 single family attached units in 21 buildings. No more than five per building. Would provide architectural standards for the project. Amenity areas would be included and would also include things like hardscape, seating, gathering areas, with an ordinance required buffer along I-485. Vehicular access would be from a new private street that would connect from Oakdale Road to a connection with the adjacent development, which is there on Bluedale Road. Units are located along a private street and along a network of internal alleys. Would install an 8-foot planting strip and 12-foot multi-use path along both Oakdale and Mount Holly-Huntersville Road, as well as construct a 6-foot sidewalk and 8-foot planting strip along both sides of Private Street A, and provides sidewalks along one side of each alley with connections to the multi-use path on Oakdale at Private Street A and then one pedestrian connection to the multi-use path along Mount Holly-Huntersville Road at the northeast corner of the site. This is similar to an earlier proposal we had where this is somewhat of another phase of the project there just to the east off Bluedale Road and Glenn Teague.

Again, staff does recommend approval of this petition. There are some outstanding issues that we need to work through, but it is consistent with the 2040 Policy Map recommendation for Neighborhood 2 and we'll take any questions following the petitioner's presentation. Thank you.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use and Development Consultant with Moore and Van Allen. Pleased to be here on behalf of the petitioner. Dave did a great job on the presentation. We're pleased to say that we're consistent with the adopted 2040 Plan. As he mentioned, this is really a second phase to the initial phase that was approved back in 2021. So, I've put up the colored rendering and I'm happy to answer any questions.

Motion was made by Councilmember Ajmera, and seconded by Councilmember Driggs to close the public hearing.

Mayor Pro Tem Winston said motion has been made and properly seconded. I would just like to confirm about that floodplain. I've never seen that before.

Mr. Pettine said yes. Again, I don't see anything on our Charlotte Explorer Map. The floodplain is actually on the south side of I-485. So, again not sure where that would've come from, but we'll get it looked at and get it cleaned up.

**Councilmember Johnson** said I do have a question. Thank you Bridget. Have you met with the community? Has there been any feedback?

Ms. Grant said we had our required community meeting and we did not have any attendees.

Ms. Johnson said okay.

Unknown said yes, I saw that.

Ms. Johnson said thank you.

Ms. Grant said you're welcome.

The vote was taken on the motion and recorded as unanimous.

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**ITEM NO. 50: HEARING ON PETITION NO. 2022-171 BY PROVIDENCE GROUP CAPITAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.26 ACRES LOCATED ON THE EAST SIDE OF SOUTH TRYON STREET, NORTH OF REMOUNT ROAD, AND SOUTH OF DUNAVANT STREET FROM TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT - URBAN CENTER).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-171, 1.26 acres on South Tryon just south of Dunavant Street north of Remount Road. It is currently zoned TOD-NC and the proposed zoning as mentioned is TOD-UC. You can see we've got quite a bit of TOD-UC, some remaining TOD-NC on the other side there on Distribution Street. I'll say this is consistent with the changes we've seen from NC to UC once the Rampart Station which is just the one between New Bern Station and I believe east-west would be constructed just in this general area. So, that distance shrunk a little bit from what would be applicable for NC to UC. I think we're down to about less than a half mile to where that new station would come online. So, the Place Type does recognize this as a Neighborhood Center. You can see we have Regional Activity Center surrounding most of this. That's to recognize some of that transition that we've seen to TOD-UC surrounding these. This is again consistent with that pattern. Staff does recommend approval of the petition. It will take it from Neighborhood Center to a Regional Activity Center, but again that's consistent with what we've seen and within that proximity to that

proposed Rampart Station. So, we'll be happy to take any questions following the petitioner's presentation. Thank you.

**Keith MacVean, 100 North Tryon Street, Suite 4700** said thank you Mayor Pro Tem, members of Council, members of Zoning Committee. Keith MacVean representing Providence Group Capital. We're happy to answer questions. I think Dave has summarized the petition succinctly. It's a rezoning from TOD-NC to UC for parcels in close proximity to the proposed Rampart Station as well as the existing New Bern Station. We're happy to answer questions.

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

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**ITEM NO. 51: HEARING ON PETITION NO. 2022-174 BY ANDERSON PEARSON FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.34 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF SEIGLE AVENUE AND BELMONT AVENUE, NORTH OF HARRILL STREET FROM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) WITH 3-YEAR VESTED RIGHTS.**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-174 is at Belmont and Seigle Avenue. It is currently zoned to B-1 and the proposed zoning is for MUDD-O. They are requesting an additional year of vesting beyond the standard two. We'll get into that in just a moment. The Adopted Place Type does call for a Neighborhood Center in this location. You can see that's the predominant recommendation just on these corners, then we have some Neighborhood 2 and Neighborhood 1 that are dispersed around as well. This proposal calls for up to 9,000 square feet of building with a 50-foot maximum building height. You can see its orientation there facing that corner which is an important corner in the community. Would allow for the following different uses under MUDD. So, buildings for musical or cultural activities, bike sharing station, small scale learning businesses such as a culinary school, piano school, yoga, fitness classes, etc., EDEE Type 1 and 2 would be a permitted use. So, a lot of the uses that are found in MUDD are incorporated mainly to those that are kind of akin to the B-1 zoning district. So, there are a good variety of uses that could go in this building. Again, most of them are community and neighborhood serving types of uses that would serve the Belmont Community.

We do have a restriction on hours of operation for outdoor seating and no food or beverages or outdoor entertainment allowed between the hours of 11 p.m. and 8 a.m. Would prohibit things like a gas station, oil change facility, dry cleaning, car wash, adult establishments and accessory drive-in windows. It does provide architectural design standards. So, the building can fit in better context with the community. Optional provisions do include requests for existing tree canopy modifications for sight triangles, driveway locations. There are some existing trees that the petitioner is trying to work around a bit to try to preserve some of those. Also to facilitate ground floor commercial uses, they do request a 14-foot setback which really in some of the other buildings on some of the corners just on the other end here of Belmont and Harrill, it does kind of mimic those buildings already that are in place. Also a maximum building height of 50 feet. That wouldn't necessarily be an optional provision. So, that would just be a condition of the approval. The petition is also as I mentioned, requesting an extra year of vesting. This is I believe a brownfield site that's going to need some environmental remediation to be cleaned up so the project can continue to move forward. So, an additional year to us seems to make some sense just to make sure that process can be worked through accordingly and they can get the outcome to move forward with the project itself. Staff does recommend approval of the petition. We do have some outstanding issues to work through related to transportation, site and building design. It

is consistent with the Policy Map recommendation for a Neighborhood Center. We will take any questions following the petitioner's presentation. Thank you.

**Anderson Pearson, 3025 Selwyn Avenue** said thank you. My name is Anderson Pearson. I'm a local architect and the managing member of the developing entity 1030 Seigle LLC. My mom, sister and I combined nest eggs to purchase this property a year ago as a long-term family investment. I've had the pleasure of working with the Belmont neighbors and a couple are actually here with me tonight. They stuck it out. Discussing development possibilities for our property and how it might be a better contributor to the neighborhood. The resulting vision celebrates Belmont's unique character by combining its mill village history and its modern-day artistic vibe in a new walkable mixed-use corner shop concept. The hope will be to secure a bodega or urban market as a ground floor tenant with a neighborhood restaurant above. It will be a place for all of Belmont to gather, providing additional amenities, job opportunities and economic growth for the community.

Belmont is full of inspiration. Just two blocks away at Envision Charlotte's Innovation Barn, I'm researching how locally recycled materials can be integrated back into the community. The plastics lab Spring Clean and Resource Floor have shared their ideas that include turning food containers into siding for our bike shelter, weaving discarded clothing into acoustical panels for the restaurant, and recycling glass bottles into aggregate for concrete for the bodega.

One challenge is the property has been on NCDEQs (North Carolina Department of Environmental Quality) list of contaminated sites since 1996. We've been accepted into the Brownfield's program and are working toward an agreement which will protect soil and ground water in perpetuity. This is a time consuming and costly endeavor, but we believe it is the right thing to do.

An additional challenge is the location of two 10-foot-high retaining walls offset approximately 12 feet from the property line. These walls hold back neighboring trees and reduce the buildable area of the site from 1/3 to 1/4 of an acre, minimizing available space for the building footprint, parking and amenities. As a result, we are seeking provisions to allow 6-foot sidewalks to remain and that trees on the southwest property line be allowed to count towards tree save requirements. We are in conversations with staff on these items.

Mayor Pro Tem Winston said thank you very much. If you have additional comments, you can provide them to the Clerk, and they will be distributed to our Council.

Mr. Pearson said okay. Thank you.

**Councilmember Anderson** said thank you Mr. Pearson for your engagement with the community. I know the Belmont Neighborhood Association is very much engaged in all of the new development that occurs in the neighborhood. Your design and your thoughtfulness around a closed loop environment from a recycling perspective and mimicking some of the activities at the Innovation Barn, including it in your design is right in line with the mindset of Belmont Association members. So, thank you guys for staying late. I know you had some other individuals who were on the list to speak in support of this, but I just wanted to voice my thanks for you with the engagement and I'm very active with that association. So, I know that they've had their thumbprint on this. Thank you, Mayor Pro Tem.

Mayor Pro Tem Winston said I just have one question or a comment. Just heard keeping of the 6-foot sidewalks at the corner, and I understand about the concerns around the buildable area. This is really I guess a question for Mr. Pettine. You don't necessarily have to answer it now if you can't answer it now, but if that is to occur, is there an opportunity to do something creative with that corner from a traffic calming perspective or something that might kind of extend safe pedestrian area while also kind of calming that intersection so that we're not necessarily losing safe places of refuge for people that might be walking?

Mr. Pettine said yes. Certainly, I think that's something we can work. I'll probably have to follow up with C-DOT and have some conversation with them about what some of the options may be and what's being proposed and work with the petitioner and make sure that we can kind of bring all that together and keep that in mind as we're going through it. So, certainly we can explore that and give you some follow up on it.

Mayor Pro Tem Winston said yes, and if we need to talk a little bit more about that.

Mr. Pearson said there are some amenity spaces that I didn't point out that are actually adjacent to the sidewalk that are on the property side that are being offered. So, some tree amenity spaces, a fountain for people and pets, patio space. So, there are some amenities that are being offered as a trade.

Mayor Pro Tem Winston said maybe we can sit down and talk offline.

Mr. Pearson said yes, certainly.

**Councilmember Johnson** said to piggyback off what you were saying, is there an opportunity, Mr. Pettine, for the City to assist this small business with the environmental cleanup? I heard what you said about the requirements there. Is that something from an environmental or ED (Economic Development)?

Mr. Pettine said yes, that's a good question, and I don't know the answer to that. I'll have follow up with our ED staff and see if there's any kinds of programs or Environment Staff that may not be at the City level. I'm sure they've explored some of the state and federal options for some of that as well, but I'll check to see if there's any local opportunities for any kind of cost sharing or offset of some of those costs. I'm just not sure off the top of my head if they exist or not, but we'll certainly follow up and ask.

Ms. Johnson said yes, I don't know if that's something you would be interested in.

Mr. Pearson said actually there is a grant program that we've applied to and been accepted to. So, that's great. If there's more money we'll certainly entertain that too.

Ms. Johnson said it's an improvement to the community and just seems like an opportunity for a win-win-win situation. So, take a look at that. Thank you.

**Councilmember Ajmera** said there is a state grant for some of the difficult sites to develop. So, is that the grant that you applied for?

Mr. Pearson said yes. It's the Brownfield's.

Ms. Ajmera said yes, that's it, yes. It's through the State.

Ms. Johnson said yes, but if there's something, because this is cleaning up an area in the City.

Mr. Pettine said yes, it's an important corner in this community. So, yes we'll certainly take a look and see if there's options.

Ms. Johnson said thank you.

Motion was made by Councilmember Anderson, seconded by Councilmember Graham, and carried unanimously to close the public hearing.
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**ITEM NO. 52: HEARING ON PETITION NO. 2022-178 BY DIKILSON ALMONTE ABREU FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.39 ACRES LOCATED ON THE NORTHEAST SIDE OF BROOKSHIRE BOULEVARD, WEST OF**

**OLD PLANK ROAD FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said so this is 2022-178, 1.39 acres off Brookshire Boulevard just off Oakdale Road. It is currently zoned to I-1, proposed zoning is for I-2 conditional. The Adopted Place Type is for Manufacturing and Logistic. So, that zoning request would be consistent with the Policy Map. This is a conditional plan that's really just site condition. So, no site plan, just commitments to restrict some uses and have a commitment to the driveway access being located on the adjacent parcel which I believe is under the same ownership. Mr. Tosco can confirm that. It does state that the conditions at the site would be used for automotive sales, repair, parking, storage, and warehousing for tractor trucks and accompanying trailers. Additionally, petitioner reserves the right to use the site for uses allowed or permitted by-right together with accessory uses in the I-2 zoning district. It would prohibit things like abattoirs, adult care centers, agricultural industries, adult establishments, airports, animal crematoriums, cemeteries, etc. So, a lot of those I-2 uses that we consider to be a little bit more on the concerning side of being prohibited through the conditions proposed for this petition. So, not a site plan, but again, just conditions that would be applied to the site in regard to uses and access. Staff does recommend approval of this petition. We do have just some transportation items to work through and clean up. It is consistent with Manufacturing and Logistics Place Type. With that, we'll take any questions following Mr. Tosco's presentation. Thank you.

**Nick Tosco, 301 South College Street, Suite 2900** said thank you Mayor Pro Tem, members of the Council. Nick Tosco with Poyner Spruill, and I do represent Mr. Dikilson Almonte Abreu. I think this is the first time I've spoken after 10:00 p.m. So, I'm going to be very brief for you all. I did want to share a little bit of background. Mr. Almonte Abreu is an immigrant from the Dominican Republic. He came here in 2012 as a small business owner and as a truck driver and he purchased his property to try to develop it for the sole purpose of renting it out for rents to park semitrucks and tractor trailers. The I-1 zoning that it's currently zoned for allows for the truck repairs, but not for the truck parking and so he is seeking the I-2 CD rezoning to allow for that. It's just one outstanding issue and that is related to constructing a bus pad on the property and we've agreed to assist in that process. So, all the outstanding issues are handled. There's been no opposition or any major concerns and it is consistent with the 2040 Policy Map and the 2040 Comp Plan. So, we think this is a good way to boost a small business owner and somebody that's looking to develop this parcel consistent with the rest of the corridor. So, we're happy to answer any questions. Mr. Almonte Abreu is here as well. So, thank you for your time and considering.

**Councilmember Graham** said thank you for the presentation and it's helping us solve a problem that's impacting our community. So, yes, I think this is a good proposal.

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

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**ITEM NO. 53: HEARING ON PETITION NO. 2022-194 BY RC VENTURES LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.512 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF BEATTIES FORD ROAD AND GILBERT STREET, WEST OF NEWLAND ROAD, AND SOUTH OF INTERSTATE 85 FROM B-1 (NEIGHBORHOOD BUSINESS) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said our last petition this evening. Thank you everybody for sticking with us. 2022-194, 0.512 acres approximately on Beatties Ford Road and Gilbert Street. It is currently zoned B-1. The proposed zoning is for TOD, Neighborhood Center. The Place Type on the Policy Map, you can see this north of Gilbert Street, you have Neighborhood 2, south of that as well as on the other side of Beatties Ford, you see a lot of the Neighborhood Center. The TOD-NC district would be consistent with that Neighborhood Center Place Type.

So, really what we're looking at is an extension of the Neighborhood Center just a little bit north on Gilbert Street along this portion here right along the Beatties Ford Road frontage. This is in an area where you do have a future Gold Line and there is a stop I believe at Montana Drive that would literally be a stone's throw from that intersection to this site. This site was part of a previous petition which was on the docket and withdrawn earlier this evening 2019-007. That was I believe for an EDEE with a drive thru which had lots of concern from the community and I believe the District Rep at the time.

So, that petition has been formally withdrawn and we are now looking at a petition to again rezone this conventionally to TOD-NC. It is inconsistent with that Neighborhood 2 Place Type, but staff does feel that TOD-NC district given the Neighborhood Center around it and that future potential investment in the Gold Line would make some sense in this location and allow for some redevelopment on this parcel. So, with that we will turn it over to the petitioner and we'll be happy to answer any questions you may have following anything they'd like to share this evening. Thank you.

**T. Anthony Lindsey, 15829 Taviston Street, Huntersville** said thank you very much Mayor Pro Tem and Council members, Zoning Committee members. My name is Anthony Lindsey. I represent Steel Skin Realty. I'm the head of Community Development Services for our real estate firm. I have with me tonight the petitioners and the owners and investors in that property. RC Ventures, Roger and Claudette Parham who are making a major investment in the Beatties Ford Corridor, not only with this project, but also in other properties along the corridor.

So, we're excited to make sure that there's not going to be a fast-food restaurant on this site. We're looking to bring a project that will provide essential services to the community, hopefully create some jobs and provide for a small business expansion and growth. So, we're looking forward to doing something that's going to be iconic to represent the former historic Dalebrook Center which was in 1963, one of the first projects that was done on Beatties Ford Road to provide access for commercial professionals to be able to provide services to the community.

So, we want to do something that's iconic that continues that legacy and represents the community and so far, we've had a very positive response from the community. We had a meeting on Saturday to give them an opportunity to express their thoughts about what we're doing and what we're proposing. So, we're being very positively received and we're working closely with the neighborhood to make sure that it's a success. So, we would appreciate your support and happy to answer any questions you might have.

**Councilmember Graham** said very good project, very good stakeholders for the Beatties Ford Road corridor. Helps with the parking situation for lots that really need development as well as parking. So, I'm very excited to support this and willing to learn more.

**Councilmember Driggs** said thank you for spending the evening with us.

Mr. Graham said very good project.

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

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### ADJOURMENT

Motion was made by Councilmember Driggs, and seconded by Councilmember Graham to adjourn the meeting.

**Councilmember Johnson** said so, I had a town hall scheduled this Saturday and I just want anyone who's planning to come to know that it's postponed.

**Mayor Pro Tem Winston** said thank you. Ms. Johnson's town hall is postponed.

Ms. Johnson said thank you.

The vote was taken on the motion and carried unanimously.

The meeting was adjourned at 10:08 p.m.

  
Billie Tynes, Deputy City Clerk

Length of Meeting: 4 Hours, 54 Minutes  
Minutes completed: June 4, 2024