

December 15, 2025
Zoning Meeting
Minute Book 161, Page 596

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, December 15, 2025, at 5:01 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Council members present were Danté Anderson, Tiawana Brown, Ed Driggs, Renee Johnson, Lawana Mayfield, James Mitchell, Marjorie Molina, Edwin Peacock III, and Victoria Watlington.

ABSENT: Mayor Vi Lyles, Councilmember Dimple Ajmera

ABSENT UNTIL NOTED: Councilmember Malcolm Graham

Councilmember Driggs said December 15, 2025, Meeting of the Charlotte City Council, our last meeting of the year, and you can see we're all feeling very festive here, I hope you are too. My name is Ed Driggs. I'm the Charlotte City Council member for District Seven, and I Chair the Transportation, Planning and Development Committee, and in that capacity, I'm going to be leading our discussion tonight. We will start with introductions.

INVOCATION AND PLEDGE

Councilmember Mitchell gave the Invocation and the Pledge of Allegiance to the Flag, which was recited by everyone in attendance.

BUSINESS

ITEM NO. 2: PROPOSED CITY COUNCIL MEETING SCHEDULE

Councilmember Graham arrived at 5:05 p.m.

Councilmember Driggs said so tonight is a Zoning Meeting, and I will explain that in a minute, but we do have one business item that was held over from our meeting last week, and that has to do with our calendar. So, this is the proposed 2026 City Council Meeting Schedule. Colleagues, you may remember this was up last week, and we had some discussion about certain items in it, and therefore, tonight we will vote on a modified schedule that I hope is acceptable to everyone.

Motion was made by Councilmember Watlington, seconded by Councilmember Mayfield and carried unanimously to approve the 2026 City Council Regular and Budget Meeting Schedule.

EXPLANATION OF THE ZONING MEETING PROCESS

Councilmember Driggs explained the Zoning Meeting rules and procedures.

INTRODUCTION OF THE ZONING COMMITTEE

Douglas Welton, Chairman of the Zoning Committee said my name is Douglas A. Welton. I am the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce my fellow committee members. They are Melissa Gaston, Erin Shaw, Theresa McDonald, Robin Stuart, Carolyn Millen, and Michael Caprioli. The Zoning

Committee will meet on Tuesday, January 6, 2026, at 5:00 p.m. At that meeting, the Zoning Committee will discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome to those meetings, but please note it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you are welcome to contact us to provide input. You can find contact information and information about all of the petitions that are on the agenda tonight at the city's website at charlotteplanning.org. Thank you very much.

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DEFERRALS/ WITHDRAWALS

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and carried unanimously to defer: a decision on Item No. 7, Petition No. 2025-076 by Kevin Nguyen, LLC to January 20, 2026; a decision on Item No. 13, Petition 2025-021 by Harold Jordan to January 20, 2026; a decision on Item No. 14, Petition No. 2025-027 by Mission City Church and Freedom Communities to January 20, 2026; a decision on Item No. 15, Petition No. 2025-039 by Christopher Martin to January 20, 2026; a decision on Item No. 16, Petition No. 2025-098 by High Street District Development, Inc. to January 20, 2026; a decision on Item No. 19, Petition No. 2025-025 by Angelo Tillman to January 20, 2026; a hearing on Item No. 26, Petition No. 2025-063 by Northwood Ravin to January 20, 2026; a hearing on Item No. 27, Petition No. 2025-091 by Embark Development Company, LLC to January 20, 2026; a hearing on Item No. 28, Petition No. 2025-102 by Olympia & Wright Homes to January 20, 2026; a hearing on Item No. 31, Petition No. 2025-088 by Northway Homes, LLC to January 20, 2026; a hearing on Item No. 32, Petition No. 2025-094 by Atapco Properties, Inc. to January 20, 2026; a hearing on Item No. 34, Petition No. 2025-085 by HK Cedarvale, LLC to January 20, 2026; and a hearing on Item No. 35, Petition No. 2025-004 by The Charlotte-Mecklenburg Hospital Authority to January 20, 2026.

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CONSENT AGENDA

ITEM NO. 3: CONSENT AGENDA ITEMS 4 THROUGH 12 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.

Councilmember Driggs said so now we will move on to our decisions, and first decisions we consider are the ones on our consent agenda, rezoning petition Item No. 4 through 12, with the exception of Item No. 7, which has been pulled. Please note that these petitions meet the following criteria. They had no public opposition to the petition at the hearing, the staff recommends approval, the Zoning Committee recommends approval, and there were no changes after the Zoning Committee's recommendation. So, at this point, I'd like to ask if anybody would like to have one of these items pulled out for a separate vote or discussion?

Councilmember Mayfield said Item No. 5, 8, and 10 for separate vote.

Motion was made by Councilmember Owens, seconded by Councilmember Mayfield and carried unanimously to approve the consent agenda as presented with the exception of Item No. 5, Item No. 8, and Item No. 10 which were pulled for a separate vote, and Item No. 7 which was deferred.

The following items were approved:

Item No. 4: Ordinance No. 1059-Z, Petition No. 2025-023 by Anthony Kuhn amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.49 acres located on the west side of Greensboro Street, north of Raleigh Street, and east of East Sugar Creek Road from TOD-M(O) (Transit Oriented Development - Mixed Use, Optional) to TOD-CC (Transit Oriented Development - Community Center).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Millen) 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 final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Community Activity Center Place Type. Therefore, 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 site is under a half mile walk to the Sugar Creek Light Rail Station along the LYNX Blue Line. The proposed TOD-CC zoning district aligns with the TOD-CC zoning to the north, south, and east of the site. TOD districts are intended for areas that are transitioning away from automobile-centric orientation toward a more walkable, well-connected, moderate intensity, mix of retail, restaurant, entertainment, office, and personal service uses. The TOD-CC District is appropriate for parcels near moderate-intensity rapid transit stations. The rezoning site is less than half a mile to two different bus stations (Sugar Creek Station Bay and Sugar Creek at Greensboro Street stops). This petition could help advance the goal of creating 10-minute neighborhoods because of its location within the Community Activity Center and to the Light Rail which could provide access to amenities, goods, and services for the communities it serves. The petition's request to rezone to TOD-CC could help support transit-oriented development along the LYNX Blue Line. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 137-138.

Item No. 6: Ordinance No. 1061-Z, Petition No. 2025-061 by Living Spaces amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 20.95 acres located north of Tyvola Road, east of I-77, and west of Seventy-Seven Center Drive from ML-2 (Manufacturing and Logistics-2) to ML-1(CD) (Manufacturing and Logistics-1, Conditional).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Millen) 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 final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Manufacturing & Logistics Place Type. Therefore, 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 would allow for uses permitted in ML-1 district while eliminating the possibility of more noxious uses that would otherwise be permitted under the existing ML-2 zoning. The proposed retail goods showroom is more compatible with the adjacent office and commercial uses than development that would be permitted under the ML-2 zoning. The petition would facilitate development of a parcel that has remained vacant while all surrounding parcels have been developed. Retail goods showrooms along with several other commercial uses are not permitted in the ML-2 district while they are allowed in ML-1, necessitating a rezoning for this site to be able to accommodate the proposal. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 141-142.

Item No. 9: Ordinance No. 1063-Z, Petition No. 2025-093 by Flywheel Group amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.43 acres located south of North Tryon Street, east of Matheson Avenue, and north of Chick Godley Road from ML-2 (Manufacturing

and Logistics-2) to TOD-NC (Transit Oriented Development-Neighborhood Center).

The Zoning Committee voted 6-0 (motion by McDonald, seconded by Millen) 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 final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Innovation Mixed Use Place Type for this site. Therefore, 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: While the 2040 Policy Map (2022) recommends the Innovation Mixed Use Place Type for this site, the proposed TOD-NC zoning district is more consistent with the surrounding zoning context and offers a better fit with adjacent parcels. The site is 0.43 acres. Given the site's small size, it is appropriate to include it within the larger adjacent TOD-NC zoning districts to continue the established development pattern. TOD districts are intended for those areas that are transitioning away from automobile-centric orientation toward a more walkable, well-connected, moderate intensity, mix of retail, restaurant, entertainment, office, and personal service uses. The TOD-NC District is appropriate for parcels near moderate-intensity rapid transit stations. The site is near the 36th Street station. This section of North Tryon Street is undergoing a transition from traditional industrial uses toward a more transit-oriented development pattern, driven in part by its proximity to the LYNX Blue Line. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 145-146.

Item No. 11: Ordinance No. 1065-Z, Petition No. 2025-103 by Pappas Properties amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 11.78 acres located east of Smith Farm Road, south of Sugar Magnolia Drive, and north of Brookshire Boulevard from CC (Commercial Center) to CC SPA (Commercial Center, Site Plan Amendment).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by McDonald) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Community Activity Center Place Type. Therefore, 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: This petition is a site plan amendment (SPA) requesting to eliminate the 200-room hotel use and permit the conversion of the hotel's square footage into additional office, medical office, and retail square footage, and to add a financial institution use with an accessory drive-through. The site is located within the existing Riverbend Village development which contains a variety of retail, restaurant, office, and personal service uses as well as adjacent to a development with a mix of multi-family residential uses. The Community Activity Center (CAC) Place Type supports the development of office, medical, retail, and financial institution uses as they provide essential goods and services to nearby residents. The CC (Commercial Center, conditional) zoning district from the Legacy Zoning Ordinance is intended to accommodate a wide range of commercial and service uses that serve a broad area and are located at the intersection of major thoroughfares. The site is located within a quarter mile of both the Interstate I-485 interchange with Brookshire Boulevard and the intersection of Brookshire Boulevard and Mount Holly-Huntersville Road. The site plan amendment does not significantly alter the previously approved rezoning, petition 2016-128, and its subsequent Administrative Amendments. The Riverbend development is the terminus of the 88x express bus providing commuter access to Uptown. As well as within a quarter mile of the CATS (Charlotte Area Transit System) number 1 and 18 local buses providing transit access between the Callabridge Commons Walmart and the Charlotte Transportation Center (CTC) and the Rosa Parks Community Transit Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 149-150.

Item No. 12: Ordinance No. 1066-Z, Petition No. 2025-105 by Zealous Empowering Nurturer amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.18 acres located east of Prosperity Church Road, north of White Cascade Drive, and south of Katelyn Drive from R-8MF(CD) (Multi-Family Residential, Conditional) to N1-A (Neighborhood 1-A).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Shaw) 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 final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place type for this site. Therefore, 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 site is designated as a Neighborhood 1 Place Type by the 2040 Policy Map. The proposed zoning of N1-A is consistent with the Policy Map recommendation. The site is presently zoned R-8MF(CD), a multi-family legacy zoning district that was conditionally rezoned in the 1990's (RZP 1994-059) to allow only daycare use. The proposed zoning is N1-A, which represents a lower-intensity, single family zoning district consistent with the surrounding neighborhood. Single family detached homes are the primary use in this zoning district. Duplexes, triplexes, civic uses, and recreation and agricultural uses may also be found in this zoning district. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 151-152.

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ITEM NO. 5: ORDINANCE NO. 1060-Z, PETITION NO. 2025-052 BY THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.81 ACRES LOCATED SOUTH OF SOUTH TRYON STREET, WEST OF STEELECROFT PARKWAY, AND NORTH OF STEELE CREEK ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO OG (GENERAL OFFICE).

The Zoning Committee voted 6-0 (motion by Millen, seconded by Shaw) 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. 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 proposal brings the site into alignment with the 2040 Policy Map recommendation for the Campus Place Type, which supports office, institutional, and civic buildings designed to serve as employment and service destinations within established community areas. The proposed district aligns with the intent of the Campus Place Type by accommodating medical, administrative, and professional office uses that complement adjacent health facilities and institutional development already present in the Steele Creek area. The site's location along South Tryon Street, a major roadway, provides accessibility to the property. The site is surrounded by a blend of institutional, office, and residential districts, including medical offices and commercial uses to the east and south, multi-family residential development to the north, and Neighborhood 1 housing further to the west, making the proposal of this petition compatible with the existing transition between residential and non-residential uses on South Tryon Street. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Mayo, and seconded by Councilmember Mitchell, to approve 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 final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Campus Place Type. Therefore, 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 proposal brings the site into alignment with the 2040 Policy Map recommendation for the Campus Place Type, which supports office, institutional, and civic buildings designed to serve as employment and service destinations within established community areas. The proposed district aligns with the intent of the Campus Place Type by accommodating medical, administrative, and professional office uses that complement adjacent health facilities and institutional development already present in the Steele Creek area. The site's location along South Tryon Street, a major roadway, provides accessibility to the property. The site is surrounded by a blend of institutional, office, and residential districts, including medical offices and commercial uses to the east and south, multi-family residential development to the north, and Neighborhood 1 housing further to the west, making the proposal of this petition compatible with the existing transition between residential and non-residential uses on South Tryon Street. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 8: Diverse & Resilient Economic Opportunity.

Councilmember Mayfield said question for staff and just for clarification. We have five previously approved rezonings. Just wondering, are we tracking to see if those five that have previously been approved have actually been completed?

Holly Cramer, Planning, Design & Development said in the vicinity of this area? Are you referring to the ones on the Rezoning History Map?

Ms. Mayfield said correct.

Ms. Cramer said I can provide that information to you in a follow-up report. I will just note, we have a new staff analysis coming online in the new year, and in that Rezoning History Map, we will provide updates on those projects listed in the Rezoning History Map, so you would have that information on hand in the staff analysis directly.

Ms. Mayfield said thank you, and for colleagues, we have a couple of projects out there that were approved, land may have been cleared. We even have one where streets have been identified, that project came to a halt back January 5, 2025, and no development has happened. So, as we're looking at moving forward, I appreciate the fact that staff is going to start giving us the updates, so I wanted to have a chance for that to be presented.

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

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 139-140.

ITEM NO. 8: ORDINANCE NO. 1062-Z, PETITION NO. 2025-092 BY TOLL BROTHERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 27.82 ACRES LOCATED EAST OF OLD STATESVILLE ROAD, SOUTH OF WEST W.T. HARRIS BOULEVARD, AND WEST OF OLD POTTERS ROAD FROM MX-3 (MIXED-USE, CONDITIONAL) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Millen, seconded by McDonald) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent from staff analysis 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: This majority of the site is designated as the Neighborhood 1 Place Type by the 2040 Policy Map. The proposed zoning of N2-A(CD) (Neighborhood 2-A, conditional) is inconsistent with the Policy Map recommendation. However, the site is currently zoned MX-3 (Mixed-Use, conditional), per petition 2007-080, and is a portion of a larger site primarily designated as the Community Activity Center Place Type by the 2040 Policy Map that contains multi-family attached development. This proposal is compatible with the previous MX-3 entitlements. The site is located near the intersection of Old Statesville Road and Pete Brown Road and generally in an area with a mix of industrial, commercial, multi-family, and single family uses. The petition commits to dedicating a greenway easement to Mecklenburg County Park and Recreation. The site is located along the proposed LYNX Red Line commuter rail and is within three-quarters of a mile of the proposed Harris Station. The site is located along the route of the CATS number 21 local bus route providing transit access to the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development. 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.

Motion was made by Councilmember Graham, and seconded by Councilmember Mitchell, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent from staff analysis 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: This majority of the site is designated as the Neighborhood 1 Place Type by the 2040 Policy Map. The proposed zoning of N2-A(CD) (Neighborhood 2-A, conditional) is inconsistent with the Policy Map recommendation. However, the site is currently zoned MX-3 (Mixed-Use, conditional), per petition 2007-080, and is a portion of a larger site primarily designated as the Community Activity Center Place Type by the 2040 Policy Map that contains multi-family attached development. This proposal is compatible with the previous MX-3 entitlements. The site is located near the intersection of Old Statesville Road and Pete Brown Road and generally in an area with a mix of industrial, commercial, multi-family, and single family uses. The petition commits to dedicating a greenway easement to Mecklenburg County Park and Recreation. The site is located along the proposed LYNX Red Line commuter rail and is within three-quarters of a mile of the proposed Harris Station. The site is located along the route of the CATS number 21 local bus route providing transit access to the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development. 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.

Councilmember Mayfield said looking at this, this is another one that we have identified as partially being inconsistent, and I just want to get clarification on staff's recommendation, considering this is an additional 113 multi-family units coming into this area?

Holly Cramer, Planning, Design & Development said yes, that's a great question. So, when we looked at this inconsistency, we were judging it against variables when we're looking at a potential change to a Neighborhood-2 Place Type. So, there's items such as, what are the adjacent Place Types that it is next to? What type of road does it front? What is the minimum acreage? What are the locational criteria items that it is meeting?

So, it meets some of those preferred adjacencies. It is directly abutting a Community Activity Center, we know has mixed-use entitlements on it. It has also preferred adjacency of Neighborhood-1. It also meets some of the locational criteria in terms of being near some bus routes. There's also a greenway easement that would be located along the site itself. It's generally located near large transportation corridors along Old Statesville Road, and meets some of those items that we would look for when looking at a Neighborhood-2 Place Type designation for this site. It's within three-quarters of a mile of the future Red Line Commuter Rail and the Harris Station that would be there along the Red Line.

Ms. Mayfield said thank you.

The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Johnson, Mayo, Mitchell, Owens, and Watlington

NAYS: Councilmembers Mazuera Arias and Mayfield

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 143-144.

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ITEM NO. 10: ORDINANCE NO. 1064-Z, PETITION NO. 2025-099 BY CRESCENT RIVER DISTRICT LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 62 ACRES LOCATED ON THE WEST SIDE OF DIXIE RIVER ROAD, NORTH OF WESTBOUND DRIVE, AND SOUTH OF SADLER ROAD FROM N1-A (NEIGHBORHOOD 1-A) AND MX-2 (INNOV) (MIXED-USE, INNOVATIVE) TO MX-2 (INNOV) SPA (MIXED-USE, INNOVATIVE, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by McDonald) 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 the Community Activity Center Place Type. 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 is consistent with the 2040 Policy Map recommendation for the Community Activity Center (CAC) Place Type. The CAC Place Type promotes a variety of uses such as retail, restaurant, office, and multi-family residential in a walkable and transit-friendly environment. The petition proposes to incorporate a one-acre parcel into a previously approved plan and to add a proportional number of residential dwelling units to the site. The petition maintains all previous commitments for development standards and transportation improvements. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

Motion was made by Councilmember Mayo, and seconded by Councilmember Mayfield, to approve 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 final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Community Activity Center Place Type. Therefore, 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 is consistent with the 2040 Policy Map recommendation for the Community Activity Center (CAC) Place Type. The CAC Place Type promotes a variety of uses such as retail, restaurant, office, and multi-family residential in a walkable and transit-friendly environment. The petition proposes to incorporate a one-acre parcel into a previously approved plan and to add a proportional number of residential dwelling units to the site. The petition maintains all previous commitments for development standards and transportation improvements.

The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

Councilmember Mayfield said this is for the petitioner and staff. I would like to do a check-in. When this was originally negotiated back in 2017, there was a commitment and a contract for us to have workforce, both in multi-family and for-sale product. Up to this point, I haven't seen where, in the for-sale product, that particular part of the commitment has been identified. So, I would like to get an update with the team on where we are on that. Thank you.

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

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 147-148.

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DECISIONS

ITEM NO. 17: ORDINANCE NO. 1067-Z, PETITION NO. 2024-127 BY WOOD PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 19.49 ACRES LOCATED ON THE WEST SIDE OF PROSPERITY CHURCH ROAD, ALONG EITHER SIDE OF NADA PARK CIRCLE AND BUTNER TRAIL LANE, SOUTHEAST OF BENFIELD ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-C(CD) (NEIGHBORHOOD 2-C, CONDITIONAL) AND NC(CD) (NEIGHBORHOOD CENTER, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Caprioli) 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. 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 is appropriate and compatible with the surrounding uses and context of the area as it increases the variety of housing types in the area. The site is immediately adjacent to a Community Activity Center Place Type providing direct pedestrian and vehicular access to amenities, goods, and services. In addition, the site proposes up to 25,000 square-feet of commercial uses in the NC portion of the site. Access to housing is a priority need in this area according to the Equitable Growth Framework Community Reports. The petition proposes 395 residential units. The site is within the Prosperity Village CNIP (Comprehensive Neighborhood Improvement Program) which will improve Prosperity Church Road between Old Ridge Road and Benfield Road to provide curb & gutter, sidewalk, storm drainage, bicycle lanes, on-street parking, and install a roundabout at Prosperity Church Road and Prosperity Ridge Road. The petition commits to a workforce housing program so that no fewer than 5% of the total residential units within Development Area Two on the site, for a period of not less than 15 years, maintains monthly rents or sale prices that are income restricted for households earning 80% or less of the area median income. The petition serves as a transition between lower density residential development and the higher density, mixed-use Prosperity Village area to the south. The petition provides a well-connected street network providing multiple route options to better accommodate walking and cycling. The site is within a quarter mile walk of the 52X bus stop, providing transit options for current and future residents in the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods. 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 and the Neighborhood Center Place Types for the site.

Motion was made by Councilmember Johnson, and seconded by Councilmember Mayfield, 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 (2022) 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: This petition is appropriate and compatible with the surrounding uses and context of the area as it increases the variety of housing types in the area. The site is immediately adjacent to a Community Activity Center Place Type providing direct pedestrian and vehicular access to amenities, goods, and services. In addition, the site proposes up to 25,000 square-feet of commercial uses in the NC portion of the site. Access to housing is a priority need in this area according to the Equitable Growth Framework Community Reports. The petition proposes 395 residential units. The site is within the Prosperity Village CNIP (Comprehensive Neighborhood Improvement Program) which will improve Prosperity Church Road between Old Ridge Road and Benfield Road to provide curb & gutter, sidewalk, storm drainage, bicycle lanes, on-street parking, and install a roundabout at Prosperity Church Road and Prosperity Ridge Road. The petition commits to a workforce housing program so that no fewer than 5% of the total residential units within Development Area Two on the site, for a period of not less than 15 years, maintains monthly rents or sale prices that are income restricted for households earning 80% or less of the area median income. The petition serves as a transition between lower density residential development and the higher density, mixed-use Prosperity Village area to the south. The petition provides a well-connected street network providing multiple route options to better accommodate walking and cycling. The site is within a quarter mile walk of the 52X bus stop, providing transit options for current and future residents in the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods. 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 and the Neighborhood Center Place Types for the site.

Councilmember Johnson said as the Council woman representing the District, I want to be very clear about both my vote and my responsibility to the residents affected by this rezoning. I am deeply sympathetic to the families who will be displaced as a result of this development. Many residents made a significant investment by owning their mobile homes, and it's especially painful when stability is disrupted through no fault of their own. I do not minimize this hardship. However, under North Carolina law, City Council does not have the authority to prevent the sale of privately-owned land to deny a rezoning solely to stop displacement. Mobile homes are treated as personal property, and the underlying landowner has a legal right to sell this property. For that reason, while this outcome is difficult, our hands are tied in respect to stopping the transaction itself. I would also add that a letter was actually hand delivered to residents today. It was a notice to vacate by June 21, 2026. Because of these limitations, my focus has been on the mitigation and advocacy. Since learning of this sale, I've worked to ensure residents received clear information, language access through translators in multiple meetings, and opportunities to understand the law and their options. As a result, the developer responded and engaged with the residents, and the developer has now offered.

Councilmember Driggs said so, Ms. Johnson, we can't discuss any arrangements between the developer and the residents.

Ms. Johnson said I've talked to our legal department today.

Terrie Hagler-Gray, Senior Assistant City Attorney, said yes, we did speak with Ms. Johnson about what she may speak about with respect to this hearing.

Mr. Driggs said alright, so you have worked that out? Thank you.

Ms. Johnson said yes, you're welcome. So, the developer has offered financial assistance, additional rent relief, and a move-out timeline to be extended to reduce the disruption for children and families. Residents are being notified, and another letter again was handed out today advising them that they have six months to relocate. While this timeline is not ideal, I will continue to advocate for resources, connections to alternative housing options, and support through this transaction. My vote to approve this rezoning does not reflect a lack of concern for the residents impacted. It reflects the legal framework within the City that we must operate. I remain committed to standing with the affected families, and working to ensure they receive every possible support as they navigate this transition. Thank you. So, I will be supporting it.

Councilmember Mazuera Arias said I want to first start off by thanking Councilwoman Johnson for your efforts during this process. I also want to recognize the reality we're facing right now, as Latinos and Hispanics, in a community that's continuously under attack and criminalized. This is unfortunate. This is devastating. Rest assured you've had a Council member and other Council members on this dais making sure that the communication has been effective, and that the least amount of harm has been done to this community. Although, I will be supporting this rezoning, I want to say that you all can count, because I see some members in the community here, on us for support and for access to resources and communication about what's next and next steps. If you don't mind, Mr. Driggs, I'll address the community members in Spanish.

(Spanish/Español) Hola, ¿cómo están? Gracias por estar acá hoy. Quiero darles el agradecimiento a la concejal Johnson por el trabajo que ha hecho durante este proceso tan difícil. De igual manera, estamos viviendo una época en la que nuestra comunidad ha sido atacada y criminalizada solo por ser latinos e hispanos. Desafortunadamente, esta decisión causa un dolor muy profundo en el corazón. De igual manera, hemos trabajado mucho para llegar a la solución a la que llegamos. Entonces, aunque voy a votar para aprobar esto, simplemente para que ustedes Tengan los recursos para navegar esta situación, lo lamento mucho y, por favor, asegúrense de que nosotros, como el ente municipal, podamos acceder a los recursos y la información necesaria durante este proceso inicial. Gracias por estar acá.

(English) Hello, how are you? Thank you for being here today. I want to express my gratitude to Councilwoman Johnson for the work she has done during this very difficult process. Likewise, we are living in a time when our community has been attacked and criminalized simply for being Latino and Hispanic. Unfortunately, this decision causes very deep pain in the heart. At the same time, we have worked hard to reach the solution we have arrived at. So, although I am going to vote to approve this, it is simply so that you have the resources to navigate this situation. I am very sorry, and please make sure that we, as the municipal entity, can access the necessary resources and information during this initial process. Thank you for being here.

Mr. Driggs said seeing no other comment, I'll just mention briefly, this was really difficult for all of us. In my 12 years, I've never seen a situation of this kind, but I just want to thank Ms. Johnson for her stewardship of the thing and steering us through to a result that I think was the right result and express my own sympathy with people who are disadvantaged as a result. Thank you, Ms. Johnson.

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

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 153-154.

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ITEM NO. 18: ORDINANCE NO. 1068-Z, PETITION NO. 2024-129 BY BROOKHILL INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 42.47 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET, NORTH SIDE

OF REMOUNT ROAD, EAST OF TOOMEY AVENUE, AND SOUTH OF TREMONT AVENUE FROM N2-B (NEIGHBORHOOD 2-B) TO N2-B (BVO) (NEIGHBORHOOD 2-B, BROOKHILL VILLAGE OVERLAY) AND CAC-1 (BVO) (COMMUNITY ACTIVITY CENTER-1, BROOKHILL VILLAGE OVERLAY).

The Zoning Committee voted 4-2 (motion by Gaston, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be mostly 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 2 Place Type for the site. The 15.23 acre portion of the site proposed to remain zoned N2-B (Neighborhood 2-B) is consistent, while the 27.24 acre portion proposed to be rezoned to CAC-1 (Community Activity Center 1) is inconsistent. 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: Approval of this petition would be in the best interest of the community and area residents. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) for the portion of the site proposed to be rezoned to CAC-1 to the Community Activity Center Place Type.

Motion was made by Councilmember Mayo, and seconded by Councilmember Mayfield, to approve this petition and adopt the following statement of consistency: This petition is found to be mostly 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 2 Place Type for the site. The 15.23 acre portion of the site proposed to remain zoned N2-B (Neighborhood 2-B) is consistent, while the 27.24 acre portion proposed to be rezoned to CAC-1 (Community Activity Center 1) is inconsistent. 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: Approval of this petition would be in the best interest of the community and area residents. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) for the portion of the site proposed to be rezoned to CAC-1 to the Community Activity Center Place Type, as modified.

Councilmember Anderson said I just wanted to say this has been a project and an effort that's been in progress and in process for a very, very long time. We've had conversations here in Zoning meetings and other Zoning meetings over the last several months. I have been working with Collin and Mr. Griffin and others. I've been out to the site several times. This is really and truly an opportunity to bring some economic vibrancy to an area that has been effectively stayed by the demolition of the Brookhill resident's community. As a former individual who used to stay in Brookhill, I'm very aware of the environment over in that area. We have a situation where just across the street there's a lot of growth and a lot of opportunity, but along the Southside Homes and Brookhill corridors, we've been in the same place for a very long time. I'm very excited about this opportunity to have a unique overlay to bring something that's very different than we've done here in the Queen City, and a unique situation where we have a finite amount of time on a ground lease. So, I will be supporting this effort, and I know that the petitioner has the best intentions around what can be brought to this area in honoring the past as we move forward in the future. So, I'm very excited that hopefully we've come to a place where we're in agreement. Thank you, Mr. Driggs.

Councilmember Johnson said so, this one is challenging for me given the fact that I just supported a very difficult petition, but I have a question for City staff, because our votes are based on land use, and there was a challenge with this petition on that land

use, and the City staff had, what was the issue, as far as approving it or why does City staff not support this?

David Pettine, Planning, Design & Development said yes, we had some challenges with the timing of the infrastructure improvements and the requirements of when they would be triggered, and who would be responsible for those, what would happen in the events of some developments that were a little more permanent in nature, not just temporary weekend events, or things like that. So, those are some areas we had some concern with, but I think we do have some solutions that have even arisen in the last hour, hour and a half, 10 minutes. I think we're in a better place, but I think that's going to be some directive from Council to staff that is aware of some of those solutions to kind of task us with getting those done, and also confirm that the petitioner would be consenting to those potential additional conditions that would help us to make that compromise and bridge that gap with staff.

Ms. Johnson said okay, thank you.

Mr. Pettine said yes.

Councilmember Mayfield said Dave, I want to thank you and your staff. I know this one has been a difficult one for you all, but I also want to thank the petitioners. This has been a challenge for the eight years that I was the representative for District Three, we tried to figure it out. Our biggest challenge is that he had a 100-year land lease on here. We've had I think this is iteration maybe five on this site. I had the opportunity to go out and visit, meet with, share some ideas. Considering this is a 24-year commitment, I had some concerns with some of the requests that we were looking for, as far as investment and whether or not that would be an investment that's financially feasible for this 24 years. So, I am glad to hear that we're trying to figure out how to make this overlay work to bring vibrancy to the area without further displacement. So, the fact that there has been a commitment and a relationship of maintaining, not only diverse price point housing, but also potentially creating an amenity that is going to welcome the entire community, those that have been there, as well as new residents coming into the area. I think it's a great compromise as we move forward, and I look forward to hearing how we move forward, but I am happy to support the District Three Representative on moving forward with this.

Councilmember Mayo said yes, thank you, Councilmember Mayfield.

Councilmember Watlington said I'll be brief. I just wanted to say thank you to the Griffin Brothers, to Collin, and Brittany over at Alexander Ricks, and to all of the staff members who have been working on this. As has been mentioned, this has been years and years in the making, and so I'm very, very happy to be supporting this, because to me this shows innovation and what we're willing to do to meet our unique community needs. We talk a lot about wanting to make sure that we are addressing Charlotte needs in a way that speaks specifically to what our community needs, and I think this is an example of that. So, I look forward to the programming that's going to happen. I look forward to seeing the investment that's made there. I look forward to even the tenants that are coming, that will help to create and enhance the sense of place there, and I look forward to visiting and having a good time as these events are put on. So, congratulations to all that have been a part of this and look forward to supporting.

Councilmember Driggs said so for one, I wanted to point out staff does not recommend approval. They're entirely right. This doesn't conform to the rules that we have in place, and therefore, our approval of this, in spite of their recommendation, does not reflect at all on the work they did. The thing is here, we are confronted with a really unusual situation, and I can tell you my wife used to have an office right next to Brookhill, and the condition it was in years ago was an eye sore to Charlotte. It was a blight. So, we're fortunate that we've seen those 89 units, the development occurred there, and that we now have the prospect of an activation. For that reason, the Council is going to exercise its discretion in the public interest and go ahead, I believe, and

approve this in spite of the very reasonable position being taken by the staff and the split vote on the Zoning Committee.

Ms. Mayo said so very excited to have worked with staff on this. We were talking at like 1:00 p.m. today, and really trying to figure out how we can make this work. I've been a part of this project for about year and a half, partly with my job, seeing the revitalization that ya'll have been doing at Brookhill. Very excited for the existing residents, even with the new projects that will be coming online with this. I think it's a unique opportunity to live, work, and play for many people who are disadvantaged, who sometimes don't have that opportunity to live within 10-minute cities. So, I think it's a unique opportunity for existing residents in Brookhill, and I'm excited to support this. Dave, do you mind telling a little bit about some of the things that you worked with the petitioner on in order to now recommend this?

Mr. Pettine said yes. So, I think the biggest point of clarification that we need to make is, a lot of the conversation again revolved around the infrastructure improvements, sidewalks, planting strips, street trees, and those were items that in the current iteration of this plan would essentially be exempt for the project. I think there was some general, maybe some miscommunication, on our side about the expectation of when those types of improvements are delivered. Typically, they're delivered when you have a site that's developed with some level of permanence, that then triggers through the permit review process that those improvements need to take place. When they take place, they're really on just the portion of the site where they're occurring, it's not the entirety of the Brookhill development. It's not every street involved. It's really just that location, and so continuing to talk to the petitioner and the petitioner's team on this. I think the goal is to clarify when those triggers would occur, and essentially events like food truck rally's or farmer's markets or events on a weekend, those wouldn't be the types of events that would trigger those improvements and the expense of those improvements, but things that go through land development that might need a Certificate of Occupancy or some level of review from the County for building codes and storm water and other things, typical development we see where those improvements come online, that's where we would parse out when those improvements would get made.

So, essentially, the direction that we would like to go and would be a condition that Council, if they are inclined to recommend that as well, would be to request from the petitioner that they consider the condition of clarifying the timing of infrastructure improvements to those types of projects that would typically trigger them through the land development process, or require a Certificate of Occupancy, and if the petitioner would agree to that additional condition, along with all the others that they've already consented to, we could work that in and it would be part of the development plan, and we would get that further clarification that essentially was the sticking point for staff on our recommendation. So, if everybody's on board with that, Council, the petitioner, staff, we saw some draft language just prior to the meeting that we're generally comfortable with. There's probably a few little tweaks that need to be made, we would feel more comfortable making a favorable recommendation that we continue to move forward and put that in place.

So, essentially from Council, if the motion would be to recommend approval, it would be recommend that approval with that additional condition of clarifying the timing of infrastructure improvements to those typically found in the land development process. That would give us enough clarity to understand what the expectation is from ya'll as an elected body. We can get that worked in with the petitioner, and that set of conditions would then be what governs the property moving forward.

Ms. Mayo said thank you.

Mr. Pettine said yes.

Mr. Driggs said okay. I will just note by the way for the public.

Terrie Hagler-Gray, Senior Assistant City Attorney said Councilmember Driggs, I just want to make sure, if this is a condition that's being added after Zoning Committee, that you take the three-quarters vote.

Mr. Driggs said is that a materiality issue?

Mr. Pettine said no, we would consider it a change after Zoning Committee, so we would need the vote to not send it back for them to consider it, and then if the petitioner is consenting to that, we would need them to come down and state on the record that they would consent to that.

Mr. Driggs said so, are you ready to make that statement for the record? Mr. Brown, introduce yourself.

Collin Brown, 1420 East 7th Street, Suite 100 said Council members, Collin Brown on behalf of the petitioner. Dave is correct, Council's correct in summarizing discussion today. We are comfortable with that condition, and I'll let Mike Griffin, the petitioner, confirm that.

Mike Griffin, 19505 Liverpool Parkway, Cornelius said yes, Mike Griffin, the petitioner. We're good with that.

Mr. Driggs said so, Madam Attorney, are we okay to proceed with the vote?

Ms. Hagler-Gray, yes, I think since we're doing it right at the hearing, I think it would be best for you to have the three-quarter vote not to send this back to Zoning Committee.

Mr. Driggs said alright, fine.

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

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

Mr. Driggs said congratulations, Ms. Mayo.

Ms. Mayo said thank you, yay.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 155-156.

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ITEM NO. 20: ORDINANCE NO. 1069-Z, PETITION NO. 2025-031 BY JAMES SCRUGGS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 23.37 ACRES LOCATED NORTH OF NEAL ROAD, EAST OF CATALYST BOULEVARD, AND SOUTH OF IBM DRIVE FROM R-8 MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by McDonald) 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: This petition is appropriate given the previous R-8MF(CD) entitlements, the site is near an employment center, provides pedestrian improvements, and commits to providing affordable units. The approval of this petition will revise the recommended place type as

specified by the 2040 Policy Map (2022) from the Neighborhood 1 Place Type 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. The petition commits to a minimum of 30% of the total multi-family attached dwelling units (townhomes) to be reserved as affordable housing to households earning 80% of the Area Median Income (AMI) for 15 years.

Mr. Pettine said staff believes that change is minor and does not warrant additional review by the Zoning Committee.

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

Motion was made by Councilmember Johnson, and seconded by Councilmember Mitchell, 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 (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 final staff analysis and the public hearing, and because: This petition is appropriate given the previous R-8MF(CD) entitlements, the site is near an employment center, provides pedestrian improvements, and commits to providing affordable units. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site, as modified.

Councilmember Johnson said this is in District Four and I'm excited to support it. You all might recall last month the staff did not support it, but there have been changes, so now the City staff does support it. This is actually a collaboration. It's Kingdom Development Partners, which is James Scruggs, and I know Hugh McColl is at least one of the partners. So, we're really excited to welcome this development. We know it's going to be first class and excellent in District Four. You also heard that 30 percent of the units are going to be affordable for sale for 80 percent AMI residents. So, this is exactly what we say we want more of, and I'm honored to support it today. I want to thank the developer, James Scruggs, and Mr. McColl, and whoever else is a part of the development team. We're looking forward to this. Thank you.

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

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 157-158.

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ITEM NO. 21: PETITION NO. 2025-042 BY BRYAN ELSEY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.42 ACRES LOCATED ON THE NORTH SIDE OF TOM HUNTER ROAD, EAST OF VENTURA WAY DRIVE, AND WEST OF HIDDEN STREAM COURT FROM N1-B (NEIGHBORHOOD 1-B) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Millen, seconded by McDonald) 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: Located in an area with a mix of multi-family and single family residential development, this petition proposes a moderately intense multi-family development that is mindful of existing land use patterns as well as the necessity for attainable housing. The petition site has preferred place type adjacencies of Neighborhood 1, Neighborhood 2, and Parks and Preserves and meets the preferred minimum acreage for a place type amendment to Neighborhood 2. The site is less than a quarter mile from bus stops for CATS Route 211 and less than one mile from the Tom Hunter Blue Line Station. The site is across Tom Hunter Road from Tom Hunter Park. The petition commits to providing workforce housing at an average of 60% of the Area Median Income. The petition could facilitate the following 2040 Comprehensive Plan Goals: 3: Housing Access for All. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type.

Motion was made by Councilmember Anderson, and seconded by Councilmember Mayfield, to deny this petition and 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, and because of concerns from the community, and other reasonable issues related to public health, safety, and welfare.

Councilmember Driggs said okay, so now we need a reworded motion. Do we have the language for the motion?

Terrie Hagler-Gray, Senior Assistant City Attorney said I believe the motion was to deny, and I believe what Councilmember Anderson said would satisfy the inconsistency statement.

Mr. Driggs said alright, so we're okay in terms of consistency and things like that. So, any discussion?

Councilmember Anderson said first, I want to thank everyone who came out and has been involved in this particular petition. We have worked with the community for months and months on this. I've deferred this petition for a few months, and you all have supported me in that effort to try to get to a better answer with the community for the community. The reality is, over the course of the months, the only real movement that we've made is we've been able to secure a hybrid beacon cross-walk that the City is also paying a portion for, but the variety of the concerns, and community came out tonight, they've had a litany of concerns that really have not been addressed in a meaningful manner. I've spoken to community members. I, of course, have spoken with Ms. Parker, the leader, several times, including today, as well as CMPD (Charlotte-Mecklenburg Police Department) law enforcement leadership in this area, and we have real concerns around issues related to public health, welfare, and safety.

Now, I want to be clear that District One is open to affordable housing, as I'm sure many of the other districts are, and certainly this area neighborhood is as well. However, when we have an overconcentration of a particular housing type that is meeting the needs of residents that need other additional services, and I would like to keep in mind that this is also along a Corridor of Opportunity, so they are working and clawing and climbing their way out of an impact of disinvestment over the decades, and I would say doing a great job thus far, and we've been able to make some good traction over the last couple of years. We have multiple petitions that've been approved as it relates to affordable housing that's only going to be compounded with the existing affordable housing that's there without any real actual infrastructure to support it, socially and otherwise.

This was a struggle for me. I'll tell you, I went back and looked at, not only the Chetty Study, but the information coming out of the Leading on Opportunity effort. One of the main efforts that they underscore is ensuring that we don't have economic segregation in one particular area, where we segregate or isolate those who are in a particular economic stratum across the board. That then dampens and decreases social capital and social opportunities to advance and thrive. So, I'm going to stand with community tonight to say there's more work to be done in this particular corridor, so we can continue to advance out of becoming a Corridor of Opportunity, so we can ensure that this community will advance and thrive. Thank you.

Councilmember Mayfield said thank you. I want to take a moment to thank all of the community members. Thank you for inviting all of Council to come out and meet with you, but I also want to take the moment to thank Ms. Anderson, who is the District One Representative. I know this one was difficult, yet you hit on a lot of the challenges that the community shares, and community, you were very detailed in the concerns. It wasn't a, we just don't want this development here, there were very clear concerns that were identified, especially with the other projects that we have approved, that is going to help grow the area, and the idea of a potential of reconcentrating poverty, and that is something that we all must take into consideration when we're approving developments. This is an area that has experienced tremendous growth and different opportunities, but we also haven't necessarily seen more job creation in the area to go along, and amenities to go along with all of the housing. The community was steadfast. You were consistent. You worked with the representative. You attempted to work with the developer. I also spoke with the developer. So, I'm glad that we are at the place where we're able to make a decision, and I do support, not only the community, I support our District Rep on moving forward with this particular decision. Thank you.

Councilmember Watlington said I just want to say thank you for setting the standard, and congratulations. This is what happens when you work together. So, I appreciate you being an example of collective power, and I look forward to supporting the motion on the floor.

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

Ms. Anderson said thank you, Hidden Valley.

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

Hidden Valley Residents, Iola Gardner, 825 White Plains Road

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ITEM NO. 22: ORDINANCE NO. 1070-Z, PETITION NO. 2025-057 BY TRIBEK PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.17 ACRES LOCATED ON THE SOUTHEAST CORNER OF LANCASTER HIGHWAY AND BALLANTYNE COMMONS PARKWAY, AND WEST OF ADAIR MANOR COURT FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-1(CD) SPA (NEIGHBORHOOD BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-0 (motion by Stuart, seconded by Caprioli) 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 the Commercial Place Type. 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 Commercial Place Type supports retail uses in a walkable, landscaped public realm that balances automobile, bicycle, and pedestrian elements. The petition would maintain the site's existing B-1(CD) zoning while amending the site plan to allow right-in, right-out access

from Ballantyne Commons Parkway. The proposed site plan amendment would not make any changes to the previously approved entitlements, building envelope, setbacks, buffers, or landscape areas. The petition would facilitate development of a parcel that has remained vacant while all surrounding parcels have been developed. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Driggs, seconded by Councilmember Mitchell, and carried unanimously to approve 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 final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Commercial Place Type. Therefore, 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 Commercial Place Type supports retail uses in a walkable, landscaped public realm that balances automobile, bicycle, and pedestrian elements. The petition would maintain the site's existing B-1(CD) zoning while amending the site plan to allow right-in, right-out access from Ballantyne Commons Parkway. The proposed site plan amendment would not make any changes to the previously approved entitlements, building envelope, setbacks, buffers, or landscape areas. The petition would facilitate development of a parcel that has remained vacant while all surrounding parcels have been developed. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 159-160.

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ITEM NO. 23: ORDINANCE NO. 1071-Z, PETITION NO. 2025-095 BY GUS LEVI AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.26 ACRES LOCATED WEST OF STATESVILLE ROAD, SOUTH OF HUTCHISON MCDONALD ROAD, AND NORTH OF RILEY AVENUE FROM N1-B (NEIGHBORHOOD 1-B) TO CG (GENERAL COMMERCIAL).

The Zoning Committee voted 6-0 (motion by Millen, seconded by Shaw) 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. 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 General Commercial district is meant for commercial areas often found along arterial roads and intersections. These areas are designed to support vehicle access, however, the standards of this zoning aim to ensure more walkable and better connected streets and sidewalks for biking and other modes of travel unrelated to a vehicle. Since the site backs up to N1-B zoning, the proposed zoning district's minimum side setback of 10 feet and rear setback of 20 feet help buffer the commercial activity on site for the nearby homes. This zoning also requires a class B landscape yard that would be 25 feet wide along the property line that abuts the Neighborhood 1 districts, which would provide additional screening between the uses. The proposed rezoning is less than 800 feet to three different bus stations. This rezoning request would bring the site into a consistent zoning pattern with surrounding parcels along the Statesville Road corridor that also accommodate commercial activities. The site is within an area that has a gap in access to essential amenities, goods, and services, this proposed rezoning could help decrease a gap in goods and services by permitting commercial uses. At 0.26 acres, the site contributes to the existing Commercial Place Type area to the east and meets the preferred minimum of 10 acres for this designation. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Commercial Place Type for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Mitchell, 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 (2022) 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 General Commercial district is meant for commercial areas often found along arterial roads and intersections. These areas are designed to support vehicle access, however, the standards of this zoning aim to ensure more walkable and better connected streets and sidewalks for biking and other modes of travel unrelated to a vehicle. Since the site backs up to N1-B zoning, the proposed zoning district's minimum side setback of 10 feet and rear setback of 20 feet help buffer the commercial activity on site for the nearby homes. This zoning also requires a class B landscape yard that would be 25 feet wide along the property line that abuts the Neighborhood 1 districts, which would provide additional screening between the uses. The proposed rezoning is less than 800 feet to three different bus stations. This rezoning request would bring the site into a consistent zoning pattern with surrounding parcels along the Statesville Road corridor that also accommodate commercial activities. The site is within an area that has a gap in access to essential amenities, goods, and services, this proposed rezoning could help decrease a gap in goods and services by permitting commercial uses. At 0.26 acres, the site contributes to the existing Commercial Place Type area to the east and meets the preferred minimum of 10 acres for this designation. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Commercial Place Type for the site.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 161-162.

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ITEM NO. 24: ORDINANCE NO. 1072-Z, PETITION NO. 2025-097 BY JBJH INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.22 ACRES LOCATED WEST OF NORTH TRYON STREET, SOUTH OF ORCHARD TRACE LANE, AND NORTH OF GRAHAM MEADOW DRIVE FROM TOD-TR (TRANSIT ORIENTED DEVELOPMENT - TRANSITION) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL).

The Zoning Committee voted 5-1 (motion by McDonald, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Community Activity Center 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 adjacent community has expressed strong support and a clear desire for the type of commercial use proposed in this petition. The proposed use is within walking distance of many area residents, and the plan includes accommodations for customers who may choose to arrive on foot. However, the site's location along North Tryon Street may present a barrier to pedestrians due to high traffic volumes and the street's auto-centric design. As such, the inclusion of an accessory drive-through aligns with the current development pattern in the area. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Community Activity Center Place Type to the Commercial Place Type for the site.

Motion was made by Councilmember Anderson, and seconded by Councilmember Mitchell, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map

recommends the Community Activity Center 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 adjacent community has expressed strong support and a clear desire for the type of commercial use proposed in this petition. The proposed use is within walking distance of many area residents, and the plan includes accommodations for customers who may choose to arrive on foot. However, the site's location along North Tryon Street may present a barrier to pedestrians due to high traffic volumes and the street's auto-centric design. As such, the inclusion of an accessory drive-through aligns with the current development pattern in the area. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Community Activity Center Place Type to the Commercial Place Type for the site.

Councilmember Mayfield said so we have a current zoning of TOD, which there has been a lot of work, and I have not necessarily been the biggest fan of TOD, yet to have a conversation of a General Commercial basically to have a drive-thru in this area is a bit concerning, and the fact that staff did not support it because of the inconsistencies, in what we have identified for TOD. I know that back in, I will say 2019, 2020, when I was not on Council, there was a conversation of a banking drive-thru that was in a TOD area that I did support as a community member, but that was also at the height of COVID. People weren't able to go inside. It was a very different instance. This particular project, I do support staff's recommendation to not move forward with this particular one, but I also would like to know if this were to move forward tonight what, if any, precedent would that create in our TOD areas?

Holly Cramer, Planning, Design & Development said rezoning cases don't set individual precedents. I will say, like you said, financial institutional uses are a bit different and there's nuance there to be considered, but in terms of what precedent does this set, none, everything would be considered still on a case-by-case basis as it comes forward. Our policy is still to not recommend drive-thru uses in TOD areas, and new drive-thru facilities within Activity Center Place Types.

Ms. Mayfield said and just for clarification, with the idea of our TOD areas, that's also around our transit, the idea is to create more walkability versus more vehicle traffic?

Ms. Cramer said yes, and so directly supporting our transit infrastructure, which we've invested so much into, right.

Ms. Mayfield said thank you.

Councilmember Anderson said I just wanted to underscore the fact that the community, and thank you for the comments, but the community is absolutely in favor of this particular Rezoning Petition, and we again have worked very hard to try to get to a place where we are in alignment with what staff would recommend, and what the community needs are. This is one in particular that is somewhat unique, again offering some economic vibrancy and some development in this particular space that the community has been asking for, for years, and not only simply the community asking for, but being laid out in the playbook for the Corridor of Opportunity to have some vibrancy and investment in this area. So, the community's behind it. We've had a variety of conversations to get it as close as we could to where staff would be. So, I will be supporting this particular petition this evening, and thank you staff for working with us over the last couple of months on this.

Councilmember Watlington said I just have a couple questions for staff. My philosophy, as it relates to Transit-Oriented Development areas, is that it's got to enhance and make sense for what's on the ground today and what's coming. Though I absolutely understand the idea of wanting Transit-Oriented Development here, in my mind Transit-Oriented Development is really about enabling additional mobility, not necessarily requiring a certain type of mobility. To the extent that this particular site is accessible, not only by car, which we know is already going to be on the road, but is also accessible by other modes of transit, I think that meets the intent, at least for me.

So, I just wanted to hear a little bit about what are the multi-modal options in terms of entering and exiting this site?

David Pettine, Planning, Design & Development said so, I think for the multi-modal options, I'll probably have to defer to our partners in C-DOT (Charlotte Department of Transportation) to discuss some of those. I think, as you mentioned, from just that kind of philosophical standpoint of these types of uses in TOD and some other areas, TOD-TR, which this was zoned in the past prior to the UDO (Unified Development Ordinance), did allow for drive-thru uses as a standalone use. It is something that as a staff we've been talking about internally for a while. Do we need to go back and take a look at some of those ideas that if these uses were existing in some of those districts that they were before? Are there ways to design them to enhance mobility, to enhance the overall site design to where it may be somewhat auto oriented, but are there ways to offset that with better mobility options? It may be that it's a differentiation between uses like banks and pharmacies and restaurants, because they do carry different trip generations and different impacts from an auto-oriented standpoint. So, that's something that I think we recognize we need to do a little bit more homework in, and I think that's something we'll be working through in the early part of 2026. I'm not sure what the outcomes will be, but they certainly would be coordinated with the TPD (Transportation, Planning and Development) Committee, and work through that process. Just so we can put that out there, that is something that we recognize, because Tryon itself is a very auto-oriented thoroughfare, which is where this is located. Even though you have a station right across the street, are there better ways we can enhance some of those design outcomes to achieve somewhat both, achieve some of that kind of middle ground between allowing some of those uses, but in a way that doesn't negatively impact what the goals are of those districts. So, that's something I look forward to us working on, and bringing back to ya'll potentially as a committee, and then maybe as a Council as a whole, to maybe consider changes, but that's where we are with it. As far as, again, this particular one, and some of the multi-modal options, I think C-DOT could probably better explain what some of those would be, but just from a wholistic standpoint, I wanted to just clarify that, that it is something we are going to dig into early next year and be working with ya'll on.

Ms. Watlington said thank you.

Jake Carpenter, C-DOT said thank you. Jake Carpenter with C-DOT. So, along Tryon there is both sidewalk facilities that connect to the south to Tom Hunter, and in that area, as well as to the north to the University City Boulevard area and IKEA Boulevard area, as well as bike facilities. There is a bike lane on Tryon connecting both of those locations, so it is a walkable, multi-modal area for considering the environment and the location close to transit. The Tom Hunter Station for the Blue Line is approximately 900 feet to the south, so it is in proximity to the station with both pedestrian and bicycle options.

Ms. Watlington said thank you.

Mr. Carpenter said yes.

Councilmember Johnson said that was just my question, is the only reason staff is not supporting it is because it is an auto-centric?

Ms. Cramer said it's the policy disconnect, and we're tied to our policy here. We understand that the community members are very favorable on this, and we understand even the state of where Tryon is today and where that's going, and the nuances between maybe a bank as a drive-thru facility use versus a restaurant drive-thru facility use, but when you think about the application of a new General Commercial Place Type where we have a Community Activity Center, that policy disconnects. There isn't enough there for us to find something to support in this petition, but I will say they've included all the design standards that we've asked for out of this petition. So, we're getting preferred design enhancements to get it as close to something that we would want as possible.

Ms. Johnson said okay, thank you.

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

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 163-164.

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ITEM NO. 25: ORDINANCE NO. 1073-Z, PETITION NO. 2025-101 BY JORDANS POND HOLDING COMPANY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.73 ACRES LOCATED ON THE NORTH CORNER OF VALLEYDALE ROAD AND FRED D. ALEXANDER BOULEVARD, AND SOUTH OF BEN LIVINGSTON ROAD FROM I-2 (CD) (GENERAL INDUSTRIAL-1, CONDITIONAL), N1-B (NEIGHBORHOOD 1-B), AND ML-2 (MANUFACTURING AND LOGISTICS-2) TO N1-F (NEIGHBORHOOD 1-F).

The Zoning Committee voted 6-0 (motion by Shaw, seconded by Millen) 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 Neighborhood 1 Place Type. 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 is appropriate and compatible with the surrounding land uses as it would bring the site into alignment with neighboring properties that have residential zoning and a Neighborhood 1 Place Type designation by the 2040 Policy Map. The site directly abuts single family residential to the north and northwest of the property along Valleydale Road, Fred D Alexander Boulevard, and Ben Livingston Road. Development under the site's existing industrial entitlements would not be a preferred outcome given the residential nature of this block. There are a mix of uses in the area including single family, parks and preserves, manufacturing and logistics, and commercial. The site is located at the intersection of a major and minor arterial, making it an appropriate location for slightly denser residential zoning abutting less intense Neighborhood 1 districts along the site's northern boundary. The parcels within the petition boundary are bisected by a utility easement that would limit the total developable area and would provide a natural buffer between the site's future development and abutting single family uses. The site is located along the route of the CATS number 1 local bus providing transit access between Callabridge Commons and the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goal: 2: Neighborhood Diversity & Inclusion.

Motion was made by Councilmember Graham, and seconded by Councilmember Mitchell, to approve 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 final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, 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 is appropriate and compatible with the surrounding land uses as it would bring the site into alignment with neighboring properties that have residential zoning and a Neighborhood 1 Place Type designation by the 2040 Policy Map. The site directly abuts single family residential to the north and northwest of the property along Valleydale Road, Fred D Alexander Boulevard, and Ben Livingston Road. Development under the site's existing industrial entitlements would not be a preferred outcome given the residential nature of this block. There are a mix of uses in the area including single family, parks and preserves, manufacturing and logistics, and commercial. The site is located at the intersection of a major and minor arterial, making it an appropriate location for slightly denser residential zoning abutting less intense Neighborhood 1 districts along the site's northern boundary. The parcels within the petition boundary are bisected by a utility easement that would limit the total developable area and would provide a natural buffer between

the site's future development and abutting single family uses. The site is located along the route of the CATS number 1 local bus providing transit access between Callabridge Commons and the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goal: 2: Neighborhood Diversity & Inclusion.

The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Ajmera, Anderson, Mazuera Arias, Driggs, Graham, Johnson, Mayo, Mitchell, Owens, and Watlington

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 165-166.

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HEARINGS

ITEM NO. 29: HEARING ON PETITION NO. 2025-030 BY TRYON ADVISORS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.65 ACRES LOCATED ON THE NORTH SIDE OF MT HOLLY-HUNTERSVILLE ROAD, EAST OF ROZZELLES FERRY ROAD, AND SOUTH OF DUNN COMMONS PARKWAY FROM N1-A (NEIGHBORHOOD 1-A) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said good evening. Petition 2025-030 is an undeveloped portion of a tract containing a church. It's approximately 8.65 acres. It's located along the north side of Mt. Holly-Huntersville Road. The site's currently zoned N-1A, Neighborhood 1. The proposed zoning is N-2B(CD), Neighborhood 2-B, Conditional. The 2040 Policy Map recommends the Neighborhood-1 Place Type for this site. The N-2B District is inconsistent with the N-2 Place Type, and approval of this rezoning would revise the Policy Map. The rezoning proposal calls for the development of up to 70 townhome units, and an 18,000 square foot childcare center, with an option to forgo the childcare center in exchange for an additional 25 townhome units, for a maximum of 95 units on the site. The petitioner will contribute \$50,000 to be applied towards future intersection improvements at Rozzelles Ferry Road and Mt. Holly-Huntersville Road. A payment will be made to the City prior to the issuance of the first Certificate of Occupancy. A 12-foot multi-use path will be constructed along the site's frontage and will connect to an existing sidewalk here to the east. Street trees will be provided along internal alleys and between buildings. The townhome buildings shall contain no more than six units each. Walkways will connect units to adjacent sidewalks, and architectural requirements, such as blank wall limitations, transparency minimums, porches, stoops, and roofline variation will be provided.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design. As the site is abutting properties designated as Community Activity Center, Commercial, and Neighborhood-2 Place Types by the 2040 Policy Map, the proposed Neighborhood-2 Zoning could provide a more appropriate transition to the adjacent Place Types designation than the current N-1 designation. The development is within a quarter mile of the Mountain Island Marketplace Shopping Center, which boasts a variety of daily goods and services. The petitioner will contribute \$50,000 to be applied to transportation improvements, and the site abuts a Commercial Place Type to the east as designated by the 2040 Policy Map at the intersection of Mt Holly-Huntersville Road and Rozzelles Ferry Road. The plan includes a 12-foot multi-use path to access these businesses. The site's also served by transit. I'm happy to take any questions following Ms. Grant's presentation.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, Councilmember Driggs, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore & Van Allen. It's a pleasure

to be here tonight with Red and Tyron Advisors. As you can see with our Petition Number 2025-030, we have been working on this matter for some time. The site is approximately 8.7 acres and is currently part of the Cooks Presbyterian Campus. Cooks has been located on the site on the corner since 1891, and the congregation has witnessed a significant amount of growth in the area. They decided to sell off a portion of their campus, as many congregations have in recent years, and when they took it to market they were looking specifically for a development partner that would bring residential and a daycare center. As long-time members of the community, they were aware that there was a need and they wanted that to be part of the program.

As staff mentioned, the site is currently zoned N-1A, but I want to point out it's the only N-1A Zoning in the area. When you look at the section of Mt. Holly-Huntersville Road between Rozzelles Ferry and Brookshire, you'll see that it's a mix of uses, all of them leaning towards commercial uses or higher density residential. This pattern is further reflected when you look at the revised recommendation for the 2040 Place Type Map. You can see that we have a Community Activity Center on one side of us, a Neighborhood Activity Center to the other side. Both behind and across the street, the site is surrounded by N-2. It's our understanding that the reason staff is proposing this is because of the Place Types that I just described, as well as the site's location near an arterial with access to the interstate, Brookshire, and all the amenities that are in the area. In addition, this site falls in a housing gap area. Though the West Outer Plan hasn't been adopted yet, it does include information about the area, and indicates the area scores a two out of five, indicating a significant gap with lack of housing diversity and few middle density options. We meet priority goals, one and two of the West Outer Plan, and we're going to continue to look to ways to strengthen our alignment with that policy document.

The existing zoning policy goals, and a lot of our conversation with the residents to date, have brought us to this point. We've eliminated the daycare center from the site, that was highest generating use that we were proposing and have switched this to 95 townhomes only. We have changed the program to eliminate that, again, trying to align the mix of uses on the site with some of the concerns in the area. We will be adding one access point and relying on shifting an existing access point to the church to better align with the street existing across the way. We'll also provide a left-hand turn lane into the site, and there will be a dedication to accommodate a future widening of Mt. Holly-Huntersville Road, as well as the 12-foot multi-use path.

We've continued to have good dialogue with the residents, and they've continued to bring us ideas for how we could get to a better place on this. One of their last suggestions was for us to provide an access driveway behind Cooks Presbyterian through the existing church campus over to Couloak. I just want to point out, one of the reasons we aren't able to accommodate that is because there's an existing cemetery at Cooks Presbyterian, and several decades ago the church leadership deeded this land over for future expansion for Cooks congregation members. They also ask we make sure that there's enough right-of-way in front of Cooks Presbyterian, the portion of the site that's remaining a church, to make sure that we could accommodate the widening of Mt. Holly-Huntersville Road in this location. So, we went back and looked at it, and the church confirmed they have already dedicated the additional right-of-way in this corridor. So, there's about 20 feet of right-of-way behind the existing back of curb that would allow the ability to add an existing travel lane.

In summary, I think it's fair to say we appreciate all of the work that we've put in over the past, probably eight to nine months. We changed this to a Conditional Tier 2 Rezoning to provide more detail. We've committed to eliminating the daycare center to reduce the number of daily trips. We've committed to a for sale product with limitations on the amount of rental you can have. This is something else that's been very important to the community. We are providing preferred architectural standards. We have our green space adjacent to the exiting uses, which ultimately means that we're providing larger buffers, and we're contributing \$50,000 towards transportation and ped improvements in the area. The reason we're doing that is because we understand that small projects fly under the radar and don't require traffic improvement studies, but we're trying to set a

precedent that even if you've got a smaller project, you're able to do that. So, we appreciate there's a good bit of conversation about traffic, and there's also been a good amount of conversation about housing. We're trying to find the balance between both. I'm happy to answer questions.

Terrie Hagler-Gray, Senior Assistant City Attorney said Councilmember Driggs.

Mr. Driggs said yes, Madam Attorney.

Ms. Hagler-Gray said I just wanted to make sure Ms. Grant was, I think, because she was speaking, she's the petitioner, she had 10 minutes total. So, there was another five minutes left, so I just wanted to make sure she was okay.

Mr. Driggs said I thought I saw the clock counting down, and that she had reached that time.

Ms. Hagler-Gray said there were five minutes left, but I think she was about finished with her presentation.

Mr. Driggs said alright, so I did you an injustice. Do you need more time?

Ms. Grant said I thought, wow, I went really slow. That's alright.

Mr. Driggs said yes, okay, apologies. I think you made your point very well.

Erin Oliverio, 10631 Northwoods Forest Drive said my name is Erin Oliverio. Thank you so much for being here Council members and Zoning Committee staff. I'm speaking on behalf of residents who live near the proposed Rezoning 2025-030. This is the area of District Two that surrounds intersection of Highway 16, Rozzelles Ferry and Mt. Holly Road along Mt. Holly-Huntersville Road or the Mountain Island Lake area. We are here to respectfully oppose this rezoning request. While we respect the church's right to sell its property and understand the need for growth, rezoning decisions must be consistent with adopted planning policies and a long-term vision for a community. This petition is inconsistent with the 2040 Policy Map and premature given the status of planning work in this area. The Outer West Area Plan has not yet been finalized, and residents are actively engaged with the hope of shaping a clearer vision for how growth, density, transportation, and neighborhood compatibility should be handled in our community. Approving a significant rezoning now would effectively predetermine the future of this area before that planning work is complete. We have met with the developer twice, in addition to the required community meeting, but we don't feel that those meetings have resulted in meaningful changes to the proposal. Core concerns, particularly around density, traffic, and access, remain largely unaddressed, and the daycare is a prime example of that. Since the beginning of this, they have repeatedly stated that they really didn't want the daycare, but we haven't seen a full plan of what it would look like without the daycare in there. We met with them six days ago and the daycare was still in the plan, and that's what staff has been working off of to get their comments directed towards for the last couple of weeks. A development of this intensity approved ahead of a finalized area plan risks locking in outcomes that may conflict with the community's long-term vision.

Tony Price, 9011 Mount Holly Road said good day, folks. I'm Tony Price. I'm a nearby resident and lived there for right at 40 years. Traffic is the primary concern for residents, and it is already a daily problem, has been for a long, long time. Mt. Holly-Huntersville Road is consistently backed up for a half-mile stretch, especially between 3:00 p.m. and 7:00 p.m. This congestion is not occasional. It is the daily reality for people that live there. Residents struggle to get home from work, safely enter and exit neighborhoods, navigate an overburdened corridor during peak hours, which leads to using other neighborhoods and places of business as cut-throughs to circumvent traffic issues. We know that's not right. Because of these conditions, residents have consistently asked for the 2025-030 petitioner to explore alternative access points to relieve pressure on Mt. Holly-Huntersville Road. Specifically, we have asked for serious consideration of a

connection to Couloak Drive or a connection to Dunn Commons Parkway. Either option would help distribute traffic more evenly; however, we do not feel these alternatives have been seriously considered or meaningfully pursued. The proposal continues to rely entirely on Mt. Holly-Huntersville Road. Regarding Mt. Holly-Huntersville Road, the seller's remaining parcel next door still has one lane frontage. Even if a second lane would be added in front of the eight rezoned acres, this means that there would still be a bottleneck in front of the seller's property that would be worsened by any development on the next door property. Adding that right-of-way was suggested and also not considered by the petitioner. Compounding the issue, there are no immediate or funded plans to improve this section of roadway. There are no plans to widen Mt. Holly-Huntersville Road, and no scheduled improvements to fix the Bellhaven intersection or add a dedicated turn lane. Approving this rezoning would place the burden of increased traffic entirely on existing residents with no clear path to relief. Thank you for listening and seriously considering what we say.

Kelly Pledger, 1835 Mount Isle Harbor Drive said hello, I am Kelly Pledger, and I'm going to close on behalf of the community. I did want to acknowledge that it was news to us that the church had already ceded their right-of-way, so I just wanted to acknowledge that we were given bad information and move on from there. The scale of this request further highlights why it's inappropriate at this time, though. Under current zoning by-right, the latest Rezoning Transportation Analysis posted indicates the petitioner could build 24 single-family homes, generating approximately 272 trips per day. At a last community meeting six days ago, the petitioner stated their request is now 95 townhomes, which would generate approximately 624 daily trips, which is 2.3 times the impact. The current traffic impact of the rezoning parcel is zero. It houses open land and some empty structures. The church seller next door impacts traffic only on Sundays, mid-morning playschool, and the occasional evening activities. Even by-right, trips from the rezoned parcel are additive to an already bottlenecked area that is congested, lacks committed infrastructure improvements and sits within an area where long-range planning has not yet been finalized. Residents are not opposed to development. We are asking for development that is aligned with adopted plans, responsive to community input, and supported by infrastructure. Approving Rezoning Petition 2025-030 now, would be inconsistent with the Comprehensive Plan and would undermine the purpose of the Outer West Area Plan by looking at additional density decisions before the process is complete. We understand that staff has indicated their approval for this petition on Thursday, and are disappointed, given that the outstanding issues related to transportation and site and building design are still very significant, and this is our last opportunity for public comment. We acknowledge that the jobs of staff and Council in this process are very complex, but this public hearing seems premature, and the staff analysis indicates that community input could still truly help. For example, they cited tonight that Mountain Island Marketplace, a quarter mile from the rezoning parcel, is a shopping center, which boasts a wide variety of daily goods and services, such as retail, restaurant and financial institutions, but since the large grocery store there moved across the highway six years ago, it is now only three fast food restaurants, a drug store, a nail salon, two banks, and an auto parts store, plus a newer urgent care. These offerings here are not wide enough to support a 10-minute neighborhood goal for this area, and the local infrastructure could not support more traffic even if options grew there right now. For these reasons, we respectfully ask you to deny Rezoning Petition 2025-030 as currently proposed, or at minimum defer it until after the Outer West Area Plan is finalized. We thank you for your time, your service, your consideration, and we wish you joy as well.

Ms. Grant said I just want to say that the N-1 use that's identified in the current Comp Plan probably aligns more with the existing uses on the site. Given the surrounding context and the range of activities centers, it's not unreasonable, from the perspective of the property owner, that they anticipated that this would be changed to an N-2, and I appreciate the neighbors confirming that we do have the right-of-way available in front of the church site. We also want to point out that we can't provide access through private property. There was a comment about us providing access to Dunn Commons. Unfortunately, there's no way for us to get there through private right-of-way without going through other private property owners. We are also less than a half a mile from

major infrastructure improvements that have happened at I-485 and Brookshire, and we understand that we would like to have that infrastructure improvement continue along the frontage. We are about 500 feet away from the intersection of Couloak and Mt. Holly-Huntersville Road where our access point is. We appreciate all of the comments, but we do think that we've worked pretty hard to change the permitted use. The daycare center is drawn in a bubble diagram on the site plan. We're going to replace that area with 25 townhomes. We feel like that was an attempt to be responsive, and we'll have those final plans submitted to staff prior to Zoning Committee, as we typically do. Again, I'm happy to answer any questions.

Councilmember Mayfield said question for staff. We have a development right on the corner where the Valvoline is, and I had a chance to meet with residents and staff. It was identified that there possibly should have been some infrastructure investments when that Valvoline, which is a drive-thru right on the corner, was approved, but those infrastructure investments were not identified when this project was done. So, I'm trying to understand how staff's recommendation of this project is going to tie in, because you have a Family Dollar, you already have individuals that are cutting through the businesses to get access off of Mt. Holly and onto Mt. Holly. So, I'm trying to understand, with not encouraging street connectivity on the back side of this project versus Mt. Holly-Huntersville, how you see that happening in this very narrow space?

Mr. Oliver said yes, I think I understand what you're saying, but I'm going to defer to C-DOT in regard to the transportation improvements.

Jake Carpenter, C-DOT said good evening. With the proposed development, the way the plan has been submitted, staff doesn't have any ability to require additional connectivity. Typically, we would require multiple access points if it had frontage on a side street. So, if there was connectivity over, we would allow and encourage additional connectivity, but there's only one frontage for connectivity requirements in this case. So, the single access off of Mt. Holly-Huntersville is what staff can require, and with the reduction in the total traffic demand for the project, with the removal of the daycare, one access point for 95 units is not unlike other developments that we see in the Charlotte area.

Ms. Mayfield said so, while we're there, do you know, has NC-DOT (North Carolina Department of Transportation) identified when there's going to be any infrastructure improvement?

Mr. Carpenter said with regards to widening?

Ms. Mayfield said correct.

Mr. Carpenter said we don't have any information indicating a timeline for improvement of Mt. Holly-Huntersville.

Ms. Mayfield said so, with knowing that there's no timeline for a widening along Mt. Holly-Huntersville Road, but also recognizing that we have had multiple crashes right there in front of where this potential additional 95 units will be placed, because what you have is on Mt. Holly-Huntersville Road, a single lane, you have a turn lane, because there's a gas station to the left, you have a left-turn lane to turn into the Family Dollar right now. So, there are multiple individuals, to get off of the single lane of Mt. Holly-Huntersville, will try to speed up to get to the light, and we have had multiple head on crashes, because people not making that left turn to go into the gas station, but actually trying to keep straight as individuals are coming to try to attempt to make the left. What is here, and maybe it's here and I just don't see it, what is the improvement that's going to adjust this other few hundred feet away from where that is already happening, where you have a left and a right, right in front of each other, for vehicles to turn left into this development. Because if you're coming off of Bellhaven, and you make the right onto Mt. Holly-Huntersville, you are going to have to make a left to get into this complex, of which we all have just received a snapshot of pictures of traffic backed all the way up. What is the expectation for C-DOT to address this transition?

Mr. Carpenter said so, from a C-DOT perspective, it's a tough balance, because we have the ordinance and what we can require as staff during a review of a development of this size without requirements coming from a traffic study. I would say that C-DOT is in support of the additional widening westbound on Mt. Holly-Huntersville, and the connection of a full lane to the signal to the west. So, as part of the requirements for the development, it would be including the area to provide ultimately that second through-lane across the frontage. Also, I believe that they will be completing a left turn lane for their site as part of the project. While this development, we can't require them to fix maybe some things out there, we worked to try to find solutions in the context of the ordinance requirements and what we can provide. They have offered the additional money that eventually could go towards the last section of turn lane up at the signal, and incrementally with capital projects and NC-DOT, but the goal would be to provide that as funding is available.

Ms. Mayfield said so approve the potential congestion without having a clear timeline of when we will actually be able to do an expansion, because we don't know from NC-DOT if anything is even on the books. So, let me ask a different question. The community just mentioned a number of concerns regarding, again, the traffic impact and the study, but more importantly, the fact that the Community Area Plan has not been approved in this area. If this were to move forward, what impact could that have on the Community Area Plan, since we have not had that meeting yet to identify what is being proposed throughout this area, and recognizing we have already approved a number of different multi-family projects that are within three to five minutes either direction of this particular project?

Mr. Oliver said so, our recommendation is not based on the Community Area Plan, because it is not adopted, but we still feel it meets criteria to transition from a Neighborhood-1 to a Neighborhood-2. I mean, it's abutting Community Activity Center to the east, it's directly abutting developed Neighborhood-2 to the north and to the south across Mt. Holly-Huntersville, and there's Commercial Place Type there, Rozzelles Ferry and Mt. Holly-Huntersville Road. So, while we don't have specific codified criteria, like we will when the Community Area Plan is adopted, it does meet a lot of those things we look for, that locational criteria with being on an arterial, though, we acknowledge that there are some deficiencies with Mt. Holly-Huntersville Road, and we're working with our partners in C-DOT and NC-DOT to help address that, and as well as those locations next to adjacent Place Types. We understand that maybe the closest shopping center, it does provide some needs, not everything, but there are other shopping centers in the area, such as Rivergate, it's a little farther away. What I'm getting at is that it makes an incremental step to becoming more aligned with the Policy Map. Even though it's out of alignment with the Policy Map as it stands now, we feel it's an appropriate transition from Neighborhood-1 to Neighborhood-2 in this location, and we believe that when and if the Community Area Plan is adopted, it'll just reinforce the appropriateness. I may be getting a little bit away from your question, but if this is approved, it would bring it in alignment with what the Community Area Plan is proposing, that Neighborhood-2 Place Type on the site.

Ms. Mayfield said so, as we move forward, what I would like for staff to consider is that there are no sidewalks along this road. If this were to move forward, and if people actually needed to get to the grocery store, there is no walkability to get from where this potential site would be to where the closest grocery store is. They can take their chances to cross the street to get to the Vape Shop, because that's the closest store that is in this immediate area outside of the fast food or take-out restaurants. If they actually need to get to the grocery store, that would be a pretty difficult task and it is quite a distance, including the fact that NC-DOT created an interesting design of how to access and the challenges people have trying to cross that four to five lane road that was created up the street.

So, I'm going to look forward to speaking with staff and the petitioner on this, because there are some very serious concerns from community, of which it would be great for us to meet out at the site together. As I mentioned previously, the Manager and I actually drove through this area for him to see the challenges, based on previous approvalment

of development in this area. I do want us to take into consideration the number of individuals from the community, and I'm a little concerned that a Community Area Plan, that has not had as much communication from the residents, which you just said, is you feel that what staff has presented this will be in alignment, when we haven't signed off on a Community Area Plan for this area just yet. So, that's going to be a conversation that when we actually meet with community it's going to have to be discussed.

Mr. Oliver said yes. I want to re-emphasize that we're not basing the recommendation on the Community Area Plan, but it would potentially be in alignment if that would be adopted.

Ms. Mayfield said thank you.

Councilmember Johnson said so I believe this was one of the ones that Councilmember Mayfield asked for a cumulative map, right. So, I think Ms. Craig is trying to print that so we can see that. I was on the 12:00 p.m. zoning call, and Councilmember Owens, she asked the question about pretty much cumulative impact. I loved that question, thank you, and we need to see that. You've talked about Mt. Holly-Huntersville Road for two years now, same thing, and you'll hear this later when I talk about Mallard Creek. There are some areas that we really have to take a look at as Council. I mean I know it may fit into the box, A, B, C, but we cannot continue to approve rezonings when we know that there are safety issues, and we know there's overcrowding. I've told someone we can't plan our development like a Jenga game until it just collapses.

So, I'd like to see this map. I asked for a map for District Four, and Councilwoman Mayfield asked for the cumulative map for this area, so we can really take a look to see the impact. While it may say schools are affected by whatever number that is, we need to add these up as we're approving them. So, when people come out here, and when there's 50 people who are speaking, there's obviously a problem, and I want to thank you all for coming out. We do hear you, and we do understand. So, I really think that cumulative impact map. I know Ms. Craig, she sent it to us via email, I couldn't open mine, but I think it really helps when you see the visual of what is pending. I mean, the problems they're having right now, there's probably some development that's not even constructed yet. You all don't know how bad it's really going to get by-right. We need to see that, and at some point, we really as a Council need to make some tough decisions. I mean, we're not anti-development, but there are some places that are full. I mean, even Jesus was turned away when the inn was full, but there are other areas that need the developments, for one Northlake Mall area. So, after you all see the map, I think that's important to take a look at. Same thing, and I'm going to be saying this about the Mallard Creek development. I mean, we have a map of what it looks like when school's letting out. I mean, the speed limit, it's just not safe. So, we have to start making some tough decisions as Council in areas like this, and that's why I pushed for an infrastructure meeting in 2022, because there are some areas that just cannot hold anymore development. So, that's I have to say. Thank you.

Councilmember Graham said wow. So, let me see if I can level set a little bit, and let me thank Erin and Tony and Kelly for coming out tonight and speaking, Ms. Grant for meeting with me on a number of occasions over the last what, four months, five months, maybe everybody, that we've been dealing with this particular petition. I had the opportunity to visit the site on numerous occasions, with the petitioner as well as with the residents, and I even had some conversation with the residents about, not only this petition, but about rezoning in general throughout the Mt. Holly-Huntersville area and Mountain Island Lake area. So, I certainly get it. I also get the fact that Charlotte is growing throughout the entire city, and we can't put a fence around it or put a no room in the inn sign in the City, that's from my perspective. A city that's not growing is a city that's dying. So, we need to have balanced growth, balanced development, common sense solutions, residents and neighborhoods negotiating with petitioners about what's in the best interest of their community, which brings us to this petition. I'm troubled too. I think I expressed that to you on a number of occasions, because of the impact that it's going to have specifically on Mt. Holly-Huntersville Road where it lets off at, which is a

state road, which we have no jurisdiction over in terms of its widening. We've had a number of conversations with staff already about getting with NC-DOT, not only about state roads over here, but even to Steele Creek, there are state roads over there that need widening, need expanding, to accommodate the growth that will surely come by-right, or through a petition. The growth is coming, so how do we plan for it? One would be to pass the Area Plans, I'm ready to do that tonight, which we should, but also we make smart decisions, as Ms. Johnson has indicated, we have to make tough decisions. Some of these decisions are to approve, and some of them are to say no, like we did early tonight.

So, this is one I hope that we can continue to work together. I think we're at an impasse really, because we've been working for four months now, and the neighborhood leaders all have very, very serious concerns that I tend to agree with. I clearly understand that you can't do anything with Mt. Holly-Huntersville Road, that the land is where it's at, but certainly the congestion on that road it's what it is. So, as I told the neighbors before, we're going to have to pick winners and losers. I mean, you may come here tonight saying no, and I vote yes. You may come back and I vote no. So, we're going to have to pick winners and losers for sure. This one is problematic for me, and so I hope that there's some additional conversations you can have with the neighborhood leaders in reference to what more you can do to help them get to a point where they say, Malcolm, I'm okay with this. I'm not sure you can get there, and so I will continue to be an honest broker, and bring folks together over the next month. I guess the decision will probably be in January 2026, I would imagine, if there's no deferral, and so we're basically in January 2026 now, because Christmas and New Years, and so we're literally for all practical purposes it's like January 2, 2026, a lot of folks will be checking out, and so we're close to where we have to make a decision. Hopefully, you could convince and continue to work with the residents who, as I said earlier, have demonstrated a lot of patience. They've listened. They've given in to some recommendations that you made. I think they acknowledge that, but again, as the District Representative, I also acknowledge that they have some serious concerns in terms of impact, and even using the word that Councilmember Johnson used, which I kind of agree to disagree, in terms of the impact of it all, the cumulative impact. We're growing all over the City, so the map for me really doesn't help me get to a point, because there's growth everywhere throughout the City. When you look at where the growth is occurring, it's occurring in District Six, District Two, District Four, and that has to do with really access highways. It's not as bad as we think it is, because there's a grid system that works for those growth areas, but that's where the people are going. So, I say all that to say that I think you kind of can read between the lines for sure that we've still got some work to do. Thank you.

Ms. Grant said thank you.

Ms. Watlington said first of all, thank you all for coming out. I absolutely appreciate your engagement, that's impressive. So, I think that speaks volumes to the fact that you care about your community and that you're invested here. What gives me pause is that every community doesn't necessarily have folks that are able to come, but it doesn't mean that they're any less passionate or concerned. I firmly believe that the point of having a plan is so that you can mitigate issues, and so that you have a better quality of life than what you would if there was no plan. To the extent that we have to go back and really understand that yes, we are a growing city. With that though, we've got to decide who we're going to be, and that means that we are going to say no to some things, and I don't think that necessarily means that we're dying, I think that there is wisdom in preserving what is beautiful about our City. So, I think that we've really got to, as we go through these last Community Area Plans, take a hard line and really understand what it is that we're trying to do, so that our intervention matters, and so that our intervention delivers a different outcome than if there was unfettered growth without a plan. We owe that to our community. We owe that to you, and that's what I'll remain committed to doing. So, not just because you came out in full force, not just because you have a lot of good points, not just because I'm familiar with the area, but because it's the right thing to do all over the City. So, I stand with the community in this particular space, and so I hope that we're able to get to a better place next go around. Thank you.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2025-070 BY PROSPERITY ALLIANCE FOR A CHANGE IN ZONING FOR APPROXIMATELY 30.37 ACRES LOCATED WEST OF BEATTIES FORD ROAD, EAST OF PATRIC ALAN COURT, AND NORTH OF MCINTYRE AVENUE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2025-070 is an undeveloped portion of a tract containing a church, approximately 30.37 acres in size, and located west of Beatties Ford Road. The site's currently zoned N-1A, Neighborhood-1. Proposed zoning is N-2B(CD), Neighborhood 2-B, Conditional. The Policy Map recommends the Campus Place Type for this site. The N-2B District is inconsistent with the Campus Place Type, and approval of this petition would revise the Policy Map. The rezoning proposal calls for the development of up to 317 dwelling units and eight development acres, that includes 130 units of multi-family stacked apartments, which is age-restricted for independent living units, 91 multi-family attached townhome units, and 87 single-family detached houses. All residential dwelling units may be offered for sale or for lease to households earning between 60 percent and 120 percent of Area Median Income, AMI. All development areas in this rezoning are granted a conversion flexibility, allowing 10 percent of the total approved units to shift between residential types. So, that would be such as converting townhomes to single-family or single-family to townhomes, vice versa, in any given of those eight areas on the plan. Primary access to the site will be via an extension of Banner Ridge Boulevard from Beatties Ford Road that will be constructed by the developer. An additional access will come from Lukes Drive and University Church Drive. At least 15,000 square feet of enhanced open space will be provided, and will include improvements, such as benches, different hardscaping, things like that. A 10-foot landscape yard planted to Class B standards will be installed along the property's western boundary adjacent to single-family residential to the west. Townhome buildings will contain no more than six units each, and architectural requirements, such as blank wall limitations, transparency minimums, porches, stoops, roofline variation will be provided.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design. The 2040 Comprehensive Plan calls for residential development and the Campus Place Type. That supports the mission of the associated institution. The proposed development will provide housing at an attainable price point between 60 percent and 120 percent of AMI. The plan proposes a mix of building forms, including age-restricted town-home and single-family detached units, and these are compatible with the Campus Place Type. The site is abutting a regional park and located one mile north of a designated Neighborhood Center. The petition proposes to dedicate a greenway easement to Mecklenburg County Park and Rec, and the site is served by transit. Happy to take any questions following the petitioner's presentation.

Shaun Kennedy, 6209 Beatties Ford Road said good evening. My name is Shawn Kennedy with Prosperity Alliance, and I'm here to introduce this petition for rezoning. Thank you, Mayor Pro Tem, City Council members, for hearing us this evening. You guys look very festive and amazing this evening, amazing. This project is transformative. Over 100 units of affordable housing will be delivered to the City of Charlotte, and over \$88 million of generational wealth in the next 15 years for these families. It's a partnership between Prosperity Alliance, LandDesign, True Homes, and Park Church. It's a true partnership as far as Faith In Housing coming together, and so I'd like to introduce Bishop Claude Alexander.

Bishop Claude Richard Alexander Jr., 6209 Beatties Ford Road said thank you, and good evening. The petition before you is to support attainable equity-producing and wealth-building housing for the citizens of Charlotte-Mecklenburg. Through this partnership with True Homes and Prosperity Alliance, you've heard what we're proposing in terms of the number of units. The marketrate value is between \$325,000 and \$375,000. The AMI range will be between 60 percent and 120 percent. They become affordable through the commitment of True Homes to build at cost, the Park Church selling the land at a discount, a private capital fund of \$30 million having already been raised, and a bundle of downpayment assistance programs. Combined together, home buyers will enter the door with an average of \$50,000 worth of equity at the beginning. Fifty-thousand dollars' worth of equity at the point of signing a mortgage provides the opportunity for wealth to be built over time. We're also looking at building another 125 affordable senior units for leasing, and 12 ADUs (Accessory Dwelling Unit) for CMS (Charlotte Mecklenburg Schools) teachers. With that, I'm like J-Lo with Ben, didn't keep you long.

Councilmember Graham said it goes without saying that affordability and affordable housing continues to be a top priority for the City Council, and certainly within Charlotte City Council District Two. Any time we get the opportunity to work with a partnership group that is assembled tonight, and provide an opportunity for the community that really, really makes sense, I'm excited about it. I was excited about it when I got the phone call months ago about what was bubbling underneath the surface, and the work that the team has been doing to bring this proposal to the Council tonight. So, I'm glad that we're here. I'm glad that we're discussing it publically. I'm glad to entertain any question, comments from the various neighborhood associations up and down the corridor, but thus far, no one has contacted me. I shouldn't say that, maybe one or two, but they were very supportive about what they were hearing and just wanted more information. So, now that the information is out, I look forward to communicating with you, Bishop Alexander, and your team to answer any questions from any neighborhood leaders, continue to work with staff to make sure that we get the right product on the street, and worthy of certainly my support and support of the residents of District Two. Thank you.

Councilmember Mazuera Arias said I couldn't agree with Councilmember Graham more. I think this is a great partnership. I'm new to Council, so this is fairly new to me, but I mean, I'm looking right here, and the fact that not only is it multi-family, but also single-family, that's very incredible, particularly as the cost of living rises in our City, building these units will definitely contribute to affordability across our City. I also just humble brag, I mean Prosperity Alliance, Shaun Kennedy, all the work that you're currently doing in the community. So, thank you to Park Ministries, Prosperity Alliance, and True Homes. I think this is a great initiative.

Councilmember Johnson said yes, I agree. I just wanted to lift up Prosperity Alliance. Is this the second project that they have in District Two?

Mr. Graham said he's all over the District.

Ms. Johnson said okay, yes. There might be one in District Four. If there's not, we can talk about it, but I know the great work that you all do, and it's an honor to see you, Bishop Alexander. So, yes, this is what we're talking about when we talk about home buying and an affordable rate. So, I look forward to supporting this, and again, we need to see more of this throughout the City, again, for sale home buying that the average person can afford. So, thank you.

Motion was made by Councilmember Mitchell, seconded by Councilmember Johnson, and carried unanimously to close the public hearing.
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ITEM NO. 33: HEARING ON PETITION NO. 2025-109 BY RAVIN PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.46 ACRES LOCATED EAST OF EAST INDEPENDENCE BOULEVARD, NORTH OF HAYDEN WAY, AND WEST OF LAKEVIEW CIRCLE FROM CG(CD) (GENERAL COMMERCIAL, CONDITIONAL) TO N2-B(CD) SPA (NEIGHBORHOOD 2-A, CONDITIONAL, SITE PLAN AMENDMENT).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under 1.5 acres, located just east of Independence Boulevard, north of Hayden Way, and west of Lakeview Circle, in an area where we have of course a range of commercial uses along Independence, but also quite a few multi-family residential uses on the east side of Independence here, and some multi-family residential uses as well, and multi-family residential uses that have yet to be built, but have been entitled in this area. This petition is proposing N-2B, Conditional, Site Plan Amendment, to what is currently General Commercial, Conditional, and it is, I will say, inconsistent with the current Place Type, which is Commercial on the ground, but to give you some context of what this petition is proposing and the site that it more broadly sits in, the 1.46 acres that we're talking about is right here, and the original petition is highlighted in this map here. It was about 80 acres. It was a 2023 Petition. It rezoned for three different zoning districts. There was an N-1B portion of the plan here on the northernmost portion of the site, and it also entitled for Neighborhood-2B, Conditional, for a large portion of the site, and then it called for two small portions of the site to be General Commercial, Conditional, closest to Independence where that NC-DOT interchange would take place in the future. What they are proposing to do is just take one of these CG areas and propose it instead for the N-2B uses that they envisioned for the rest of the N-2B areas on the site. The CG area that is to the south would remain as is, and essentially all other conditions of the plan would also remain as is. So, it's a pretty limited scope in terms of a site plan amendment, just modifying that 1.46-acre portion of the plan that was a larger 80-acre site. Staff recommends approval of this petition. Although it is inconsistent with the 2040 Policy Map's recommendation for the Commercial Place Type, it is part of that larger site plan that was approved a couple of years ago and keeps the intent of that site plan meaningfully intact, and I'll take any questions following petitioner comments.

Collin Brown, 1420 East 7th Street, Suite 100 said Councilmember Driggs, Mayor Pro Tem, Council members, Collin Brown on behalf of the petitioner. Holly gave a great overview. This is a large rezoning that took place a couple years ago. This is precipitated by significant NC-DOT plans here at Sardis and 74. So, two, three years ago we began this undertaking. NC-DOT has an interchange plan for this location, and so when we did this 80-acre rezoning a few years ago there was great interest from the community. We had large engagement, we had a pretty big crowd here, and we really negotiated the details of that, and that is progressing. Now that design is getting a little further, Northwood Ravin has a better idea of kind of where some of these lines are going to fall.

So, in a nutshell, just as Holly said, we had a large rezoning here where we had kind of different flavors of residential, going lighter towards the rear, and then we had two components of retail where we thought the interchange would be. The only modification now is that Northwood Ravin knows their plan a little better, and they don't think they need this much retail. So, frankly, this would be a downzoning, going from that CG to an N-2B. We had two community meetings on this one. I scheduled one on election night, so we did a followup, because we had some very involved folks, had good turn out on both of those, and generally the folks that had been involved were pleased to see nothing was changing frankly in their backyards. Most of the questions that I got were about, well, when's the NC-DOT project starting? Where's the interchange going to go? Frankly, we just don't have all those answers yet. If Mr. Cunningham is here, I'm happy to answer questions. I'm not sure what concerns he may have. I did look for his home, which was up in this area, and I can confirm no changes are occurring there. We are simply downzoning some of this commercial to residential near the future proposed interchange. Happy to take any questions.

Mr. Driggs said so, before I entertain questions, staff, why is this a Site Plan Amendment if we're going from CG to N-2B?

Mr. Cramer said because it's part of the larger project and it is within the scope of it, and they're keeping the entitlements of that project still intact, and they're changing their CG Conditional entitlements out for the N-2B Conditional entitlements that they have on the rest of the site for the N-2B areas.

Mr. Driggs said unusual, okay.

Councilmember Mazuera Arias said I want to first say that what you just explained is really people first development. You've gone out of your way to ensure that the single-family homes, that neighborhood, is largely undisrupted by this new development, so I applaud that. I also want to learn a little bit more about, I know it, but for the public, what you are all doing with the County in terms of that greenway space?

Mr. Brown said I may have to follow up a little bit, and I'll say the neighborhood negotiated very strongly to have kind of the similar zoning behind them. There are significant dedications of greenway to the County, which we negotiated in a prior zoning, and that all stays in place.

Mr. Mazuera Arias said that's perfect. Given the 74 expansion, this is really unusual to have that incorporated in a plan. Typically, we see plans that don't take that into account, and so I appreciate the detailed plan in terms of making that a known aspect that there is going to be a widening that's going to happen in the future, because nobody wants something to be built and then torn down when the expansion happens, so I appreciate that. The other thing is, can you please explain a little bit more about why there is no longer a need for that commercial space?

Mr. Brown said yes, and I will say, the one question we got at our main community meeting is, one of the attendees did say, "Does that mean you're not going to have commercial?" We said no. We just think that is better located on the site. This will be one of the first development components. Northwood Ravin, as you may know, specializes in multi-family development, and they have a good site plan for the north side of the site, which they thought would be more cohesive if it was residential, but there will remain a commercial component on the south side.

Mr. Mazuera Arias said okay. I just want to let my colleagues know, Independence Boulevard is typically known for its car dealerships, and it used to be a vibrant corridor, with residential, commercial. So, it's very exciting to see this take place, particularly because it will have multi-family, it will have single-family, and it will have commercial space. It's going to revitalize this dead spot in our community, so thank you so much.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2024-090 BY CHARTER PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 65.27 ACRES LOCATED ALONG THE NORTH SIDE OF WEST MALLARD CREEK CHURCH ROAD AND THE SOUTH SIDE OF GALLOWAY ROAD, WEST OF I-85 FROM MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL) AND R-12MF(CD) (MULTI-FAMILY, CONDITIONAL) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL) AND N2-B (CD) (NEIGHBORHOOD 2-B CONDITIONAL).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is 65 acres on the Mallard Creek Church Road corridor, which within the site's vicinity has a mix of multi-family, residential uses, single-family areas, institutional uses, and commercial areas as well. The site is currently zoned R-12 Multi-Family, Conditional and Mixed-Use Development District, Optional, as part of a 2016 Rezoning Petition, and they are proposing General Commercial, Conditional, and Neighborhood-2B, Conditional. This proposal is largely consistent with the Policy Map's recommendation for the Commercial and Neighborhood-2 Place Types, though, it's partially inconsistent with the Map where a portion of the Commercial Place Type is recommended. I'll just note that inconsistency is for the northernmost portion of the Commercial Place Type that is called for, and that's just because the proposal itself is calling for a larger portion of the site to be dedicated to those Neighborhood-2B uses as opposed to the previous MUDD-O entitlements that were along West Mallard Creek Church Road.

The proposal itself divides the site into five separate development areas, with a total of up to 860 residential units and 30,000 square feet of commercial uses. Development Area A allows a maximum of 30,000 square feet of commercial and retail uses, allows up to one vehicle fueling facility, and limits accessory drive-in and drive-thru service lanes and windows to a financial institution use only. It also allows for a hotel use.

Development Area B would allow for age-restricted units, up to 80 of those units, and they would be for 55-plus, and they would be for 80 percent AMI, and for a period of up to 15 years. These would be in a multi-family stacked product type, and it also limits the building height to 65 feet in this Development Area B.

Development Area C proposes 350 units, and 310 of those would be multi-family stacked, so think apartments, and 40 of those could be townhome-style attached units. It also provides 10,000 square feet of a pocket park, and limits building heights for the multi-family stacked to 65 feet, and building height for the multi-family attached would be limited to 50 feet. It also provides conversion rights for the multi-family attached and stacked units to be traded among those, though, the total number of units must not exceed 350.

Development Area D allows for 350 units, 290 multi-family stacked, 60 multi-family attached, multi-family stacked, in this area would be limited to 50 feet, so a step down in height, and then multi-family attached would step down further to 40 feet. It also specifies conversion rights in this area as well between the attached and stacked units, though, the number of units also cannot exceed 350.

Development Area E allows a maximum of 80 multi-family attached units, includes a provision that provides no more than 20 percent of the units may be rented or leased to third parties at any one time. West of the connector road, the maximum height for any of these multi-family attached dwellings units shall be 40 feet and limited to two stories, and east of the connector road, the maximum height shall be 50 feet.

It provides a number of transportation improvements. There are a lot of these. They went through an extensive Traffic Impact Study. This is going to be really abridged note of all the transportation improvements that they have provided. They've noted eight-foot-wide planting strips and eight-foot-wide sidewalks along Galloway Road, eight-foot-wide planting strip and 12-foot-wide multi-use path along West Mallard Creek Church Road frontage, and a range of transportation improvements as specified in the Comprehensive Transportation Review, including intersection upgrades, extended turn lanes for increased storage, enhanced signalization, improved signage, and pedestrian infrastructure enhancements.

As far as open space and green space, again, they have that pocket park that is specified more towards the front of the site, and it also provides a 75-foot Class B landscape yard along portions of the site where it abuts single-family land uses, and a 50-foot Class B landscape yard with a fence on the site's western boundary also abutting single-family land uses.

In terms of the cemetery preservation, a portion of the site where there is an existing cemetery is located on the southwestern corner, shall be preserved and those boundaries are shown on the plan. Prior to construction, a temporary construction barrier shall be installed around the cemetery perimeter. Prior to the Certificate of Occupancy, the petitioner would be donating \$10,000 to the Mallard Creek Presbyterian Church, or a cemetery preservation nonprofit, and these funds would be used for any cemetery-related improvements.

It also commits to our preferred architectural design standards, and again limits those building heights when adjacent to residential just to provide enhanced sensitivity to those adjacent land uses, and general transitions across the site noting that it's specifying a real range of residential product types here, so it's trying to diversify in terms of its scale across the site.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site design. The proposal for 30,000 square feet of commercial uses may expand essential goods and services for future residents at this site, as well as the existing neighborhoods adjacent to the area. The Neighborhood-2 entitlements on the site proposed allow for a range of residential product types, including quadraplexes, multi-family attached, and multi-family stacked. This would help to diversify the housing stock in this area, and this project also provides affordable housing units facilitating goal three of the Comprehensive Plan. The entitlements proposed are largely consistent with the Policy Map's recommendation for the site, though, just a small portion of that Commercial Place Type would be modified to Neighborhood-2, and I'll take questions following petitioner comments.

Mr. Driggs said Ms. Cramer, that was a very thorough briefing, thank you.

John Carmichael, 600 South Tryon Street, Suite 2300 said Mr. Mayor Pro Tem, members of City Council, and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner. With me tonight are John Porter with Charter Properties, and Nick Bushon with Design Resource Group.

So, the site's about 65 acres. It's located on the northwest quadrant of the West Mallard Creek Church Road/I-85 Interchange. Mallard Creek Presbyterian Church is immediately to the west of the site, as is the Claybrooke subdivision. The site is currently zoned R-12MF(CD) and MUDD-O. It was rezoned back in 2017. Some of you I think were here in 2017. Under the current approved rezoning plan, you can have a multi-use project comprised of 395 multi-family, 160,000 square feet of commercial, or 142,000 square feet if a hotel is developed on the site, maximum 110 hotel rooms. Then you can have a [INAUDIBLE] and two fast-food restaurants, or restaurants with drive-thrus, or no [INAUDIBLE] and three.

This is the currently approved rezoning plan for the site, the commercial component. The site's been rotated. The commercial component is up here by West Mallard Creek Church Road, and then the residential portion is by Galloway Road. The petitioner's requesting the rezoning of the site to CG(CD) and N-2B(CD). I apologize if I'm talking like an auctioneer, but there's so much information here. This is the site plan. There'd be two access points from West Mallard Creek Church Road, right-in only access point here, signalized intersection here, access point from Galloway. A connector road will be constructed through the site that will connect West Mallard Creek Church Road to Galloway Road. The commercial component up to 30,000 square feet, 130 hotel rooms, that's Mallard Creek Church Road, only one drive-thru limited to a financial institution, 100 age-restricted multi-family dwelling units here. If you can't get financing within a year for that product, then those restrictions would not apply, meaning the age-restriction and the affordability restriction, and then 600 multi-family, 180 townhomes spread throughout the remainder of the site. The 80 townhomes here next to Galloway Road would be for sale. There's that rental restriction that Ms. Cramer mentioned. The height decreases as you move from I-85 to the Claybrooke subdivision. There's also buffering obligations next to Claybrooke.

This proposed development would generate 50 percent less daily trips, 27 percent less a.m. peak, and 58 percent less p.m. peak trips than the current plan. We appreciate the Planning staff's recommendation of approval. We'll answer any questions. We did meet twice with the District 4 Coalition. We met with the Claybrooke neighbors back in June 2025, and then we had our neighborhood meeting in October 2025. Happy to answer any questions. Thank you very much.

Councilmember Johnson said Hi, how are you?

Mr. Carmichael said hey, Councilmember Johnson, how are you?

Ms. Johnson said fine. I wanted to know the total number of multi-family units, is that 780?

Mr. Carmichael said it's 780, but that does not include the senior affordable. So, it's 100 multi-family senior affordable up here next to the church, and then the remainder of the site, excluding the commercial component, could contain another 780 residential units, a maximum of 600 of which could be multi-family, and then the 180 would be the townhomes.

Ms. Johnson said so, what's the total number of units?

Mr. Carmichael said it's 880, thank you, that was the question you asked.

Ms. Johnson said 880, thank you, and what's the original Petition Number?

Mr. Carmichael said the original Petition Number is 2016-139. We filed it in 2016, it was approved in 2017.

Ms. Johnson said okay, thank you. So, we talked about cumulative impact earlier. So, the impact on the schools for this petition is, let me look, it looks like 78 percent to 85 percent on Mallard Creek Elementary, 88 percent to 92 percent on Ridge Road Middle, and 108 percent to 110 percent of capacity on Mallard Creek High, right?

Mr. Carmichael said yes, ma'am.

Ms. Johnson said so, my concern, and this is for City staff, and this is for my colleagues. We passed a map out for District Two, and you all saw the development. I think there were 10 on there. I want you all to see the map, and I'll show ya'll for District Four, primarily Mallard Creek, if you look at this. I mean, Mallard Creek, there's so much traffic and so much impact on Mallard Creek, if you look at that. So, I went back to look at some other petitions, even a petition from today that was deferred, when we talk about the impact on schools. It will remain at 108 for that other petition. Then, I asked the question about a 2022 petition and the impact on schools to show you all that we're not truly counting the impact on schools. We're using the same numbers. We're looking at these independently. So, Ms. Craig, I'm having trouble opening my phone. Can you tell the staff and the Council the numbers you sent me from the 2022 petition?

Alyson Craig, Assistant City Manager said Mallard Creek Elementary from 76 percent to 78 percent, Ridge Road Middle from 115 percent to 116 percent, and Mallard Creek High remains at 122 percent.

Ms. Johnson said so, it was 122 percent in 2022, and today we're saying that it's going to increase to 108 percent, and that was almost three, four years ago. So, even if some kids went to Charter School, or whatever we're saying happens, we are not looking at the cumulative impact in our City, and our residents are forced to live with the effect. You all see how much development is on Mallard Creek. We receive videos from cars being backed up. This is 880 units in the same area. It's too much. It's too much. I'm sorry, John, and we can talk about it offline, but it's next to a single-family development, and I just don't see myself supporting this at this time. I mean, 880 units, and we see the development on Mallard Creek, and I'll show you the map, and I hope we share this

map with developers, because when you're meeting with staff, maybe you all don't know that there's 20 petitions that haven't been started yet, and that there are 10 under construction right now, and residents are really pushing back for a valid reason. There's no street improvements. You asked the staff about street improvements, there's none that are scheduled at this time, and then we know at the end of Mallard Creek near Concord Mills, I think it's a million square feet of development that we've approved, Kings Grant.

So, I think we really need to take a commonsense approach in certain areas in our City, and really drive development in areas that need it, and that's all I have to say about this one. Thank you. I'm sorry, before we stop, 2022, we were told there was 120 percent impact on Mallard Creek High, and now today we're being told 108 percent. Thank you.

Mr. Driggs said so, Ms. Johnson, you're making some points that to me are of a policy nature, and I think what you're pointing out is that there may be some deficiencies in our existing process as it relates to our anticipation, and I think those are things we should take up. In the actual zoning decisions, we can't sort of introduce requirements or criteria that they didn't. So, I like what you're saying, I think you make a lot of sense, and frankly years ago I had conversations with C-DOT about traffic. I've got, for example, right around Waverly in my District, there's 200 acres of undeveloped land, it belongs to one family, and I've said to them, "So, how are we planning for that?" They could get 600 units in there, and we couldn't do a thing about it. I think they're very valid questions. I just want us, as we look at individual petitions, to recognize what the rules were at the time they were submitted and hold people to those. You're right, we have a discretion in terms of saying, hey, I just don't like it, but what you're pointing to is a conversation that could result in a whole different metric around how we evaluate these things. The schools, for example, I know we've had briefings from CMS about how that capacity calculation works. It's actually more complicated than you would think. Dennis LaCaria, when he was there, was explaining that if you see a number like 122 percent, it doesn't mean the school can't function, but it's something that we should cooperate with CMS in responding to. I talked to schoolboard members, I've talked to principals, and generally when I went to them and I said, hey, I've got this thing in my District and the school looks crowded, they sort of said that's our problem. So, I look forward to a further discussion of the policy like that. I just want to avoid introducing kind of considerations that maybe were not imposed at the time this thing was evaluated.

Ms. Johnson said it's being evaluated now.

Mr. Driggs said no, I mean when the staff looked at it, and when they worked on it. So, we're fine. I'm just telling you there's a policy conversation that we need to have there.

Ms. Johnson said and we've said that for years. So, if not now, I mean we have to take a commonsense approach, and it's not just about schools, it's about traffic. We know that there's a 2,500 trip trigger to trigger a traffic study. Well, you can have 10 petitions in a row that have 2,400 trips, and there's no traffic study that's triggered. So, I mean, we can't put our head in the sand. Our residents are pushing back, and I'm telling you what Mallard Creek looks like, and it's not safe, the speed limit is 45. I reached out to C-DOT for improvements, and then we're looking at 880 units, and so I ask for my colleagues to really help me out on this one.

Mr. Driggs said thank you, understood.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2025-100 BY ROLAND DEVELOPMENT GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.16 ACRES

LOCATED WEST OF MARSH ROAD, SOUTH OF AUBURN AVENUE, AND EAST OF HARTFORD AVENUE FROM R-12MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just over three acres, along Marsh Road, just north of Selwyn Farms Lane and south of Auburn Avenue, in an area where we have existing multi-family uses just to the east and the south, an education facility to the north, and some single-family residential lots to the west. The site is currently zoned R-12 Multi-Family Residential, Conditional from the Legacy Ordinance. They are proposing to go to Neighborhood-2A, Conditional. This is consistent with the goals and policies of the South Inner Area Plan. So, this site is within one of the areas that has had a recently adopted Community Area Plan, so we've evaluated our consistency based off the goals and policies of the applicable South Inner Area Plan here.

The proposal itself is for up to 37 multi-family attached dwelling units. There would be a 40-foot setback along Marsh Road. I'll just point out that the Marsh Road corridor has an existing landscape berm along the majority of the corridor, it's about 60 feet in most areas, and this site is proposing 40 feet at this time. They noted some enhanced plantings that would take place within that setback. They have also committed to a wall or a fence up to six feet tall, to be included along the landscape treatment, and they would have also fencing along their Class C landscape yard. They've committed to the landscape yard, installing enhanced plantings beyond ordinance requirements, that would be Class B landscape plantings, and buildings would be separated at the site with a minimum of 15 feet. Publicly accessible open space will be centrally located, and designed for multiple users with dynamic programmable features. They've also included enhanced open space notes and committed to preferred architectural and design standards.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site design, as well as requested technical revisions. We've worked really closely with the petitioner team on this one, and I appreciate them coming back with us for some potential options on how to move the needle for this petition, and I'm hopeful that the revised site plan that they will submit before Zoning Committee should address the majority of these issues. I think you'll see the outstanding issues that we've had the toughest time with, that's listed in the staff analysis, is as it relates to the landscape berm, and establishing a setback within their site plan that is representative of the setbacks that you see along the majority of Marsh Road behind that existing 60-foot landscape berm on most of those properties that it is surrounded by. All and all, this is consistent with the goals and policies of South Inner Area Plan. It's already in alignment with the Neighborhood-2 Place Type that the Policy Map calls for. It commits to those preferred architectural design standards, enhanced notes for the open space. Again, hopeful that the revised site plan is going to speak to some of the outstanding issues, but based off the feedback that we've already received from the petitioner and how closely we've been working with them, I think we're going to get resolution soon on those items, and I will address any questions following petitioner comments.

Brittnay Lins, 1420 East 7th Street, Suite 100 said good evening, Council members, Zoning Committee members. Brittany Lins with the Law Firm of Alexander Ricks, here tonight representing Roland Development for a site on Marsh Road. Holly did a good orientation. This is in the Sedgefield neighborhood. Just to hit the highlights, it's currently zoned R-12MF(CD), which was an old pre-UDO District, essentially R-12MF, the base zoning district, would allow about 12 units per acre, and a multi-family density. You'll see multi-family zonings around it, as well as the 2040 Policy Map that Holly highlighted consistent with the N-2 Zoning District. What we're proposing is about 12 dwelling units per acre, consistent with that old R-12MF based Zoning District. This is the site plan. As Holly referenced, staff was really pushing for not setting a precedent that was different than what's along Marsh Road, and so this site plan that I have in

front of you is actually incorporating a 60-foot setback that staff had been asking for, and we've worked very closely with them to come up with a site plan that we think really does address those issues.

A couple other highlights are the enhanced buffer in the back and open space considerations throughout the site. This kind of helps show you that precedent that Holly was referencing along Marsh Road. So, this is the Hunters Run multi-family community, it continues on down to Selwyn Farms and Colonial Village, all does kind of have that larger berm. So, this project would maintain that berm, with enhance plantings and really a focus on that Marsh Road frontage that staff had been looking for.

This compares the two plans. We're again hopeful that we will get in a place with staff that they recommend approval and we have consistency with the Policy Map. Here is some example product. We've met with the community members. We've met with the broader Sedgefield Neighborhood Association, and I know I passed along some correspondence to Councilmember Anderson about their favorable responses. We've met with adjacent neighbors. This project team has had a lot of interaction with the adjacent neighbors and with the adjacent Hunters Run Community HOA (Homeowners Association), and this shows the example products, really those enhanced plantings. Overall, we're consistent with the Policy Map, consistent with the underlying based zoning for multi-family residential, we're committing to that townhome development with enhanced plantings, and we'll be working with staff to resolve those outstanding issues. At this time, I'll take any questions.

Councilmember Mayfield said actually, question for the petitioner. Can we go back a couple of slides? I want to understand how the parking is going to be.

Ms. Lins said are you speaking for the existing Hunters Run, or for this project?

Ms. Mayfield said for the project.

Ms. Lins said yes. So, this is a concept map, so it's just reflective of kind of the broader building envelopes. They would each have their own driveway and garage.

Ms. Mayfield said but where's overflow?

Ms. Lins said and there are also some visitor spaces right there.

Ms. Mayfield said right, that's what I'm trying to figure out. Is this one way in, one way out? Where are the entrances?

Ms. Lins said so, it's one access in and one access out. This is for 37 townhomes, so we're well below the 100 units that would require two access points.

Ms. Mayfield said so, we have one way in, one way out. How many community parking spaces are there?

Ms. Cramer said I think there are nine, I'm counting nine.

Ms. Lins said nine. I'd have to get the numbers on the revised plan. I know we have visitor spaces here, and further down as well. I'd have to get the number. Are you speaking specifically to visitor parking spaces, because each unit will have their own as well?

Ms. Mayfield said so I am speaking to visitor spaces, because what I want us to consider, and what I'm wondering regarding what staff looked at, is worst case scenario, a fire truck has to come in. This is one way in, one way out. If something were to happen, you are going to have individuals trying to get out of the immediate vicinity at the same time where police, fire and medic are trying to come in. Having nine overflow spaces, one of the challenges that we're seeing on the ground is not a challenge if you have no friends or family, but the reality is, like now we're in the holidays, we have

people that might want to have a gathering. I attended an event at a townhome community Saturday where I literally saw people parked up on the grass for the little greenspace area where one vehicle was literally almost sideways. The only time I really need to see that is in a NASCAR race when you're going about 200 and some change, where you're almost to the side. So, I'm wondering when we are looking at these, the reality is that individuals end up parking in community or along the street, that is what is happening currently. I recognize this is a tight lot, but understanding worst case scenario, if police, fire and medic needs to get into this space at the same time that people are going to try to escape this space, because once one goes up, the chances of everything immediate to it, unless we have fire level three on the walls, but even at that, that just gives you an hour or so time to try to get out. So, thinking about that what if possibility, as well, and this is for both asking for later follow-up with the petitioner, but also asking staff, when you're looking at these do we take that into consideration for that what if and what is the plan?

Ms. Cramer said yes. First of all, I'll correct myself. I think there are a couple of extra spaces, not that it might change matters drastically, but I think they also have four other on-street spaces, so maybe upwards of 13 on the current plan that we're looking at tonight, 13 visitor spaces. Charlotte Fire does review every single rezoning petition. They've signed off on the fire apparatus turnaround and fire access concerns, any outstanding issues that they would've had on this site plan. There are no other outstanding issues for fire access for this site. Adjacent multi-family projects also have single access. Again, not saying that that's an ideal condition necessarily, but that is existing condition, it's not necessarily abnormal, and Charlotte Fire is reviewing that for that exact concern.

Ms. Mayfield said so, for my colleagues, just as a nugget for us to hold onto, when I've talked to the chief and firefighters, they're going to have access, because if your vehicles in the way, and they need to get to that building, they're going to move your vehicle with that truck. That's not answering the question of, if the individuals are also trying to get out for safety reasons, or if there's an evacuation that needs to happen at the same time that our first responders are trying to get to the space, making sure that there's clear egress and regress. So, I would love to have a follow-up to have a better understanding of that, the what if, as well as the parking situation, because we're already seeing in community where developments that were previously approved, when there is an event, whatever the event is, once you get past vehicle number four, those vehicles are causing some challenges in community. Thank you.

Councilmember Anderson said this particular petition has been discussed in depth with the Sedgefield Neighborhood Association. They've looked at it, they've put their thumbprint on it, and they also agree with some of what staff has said, in particular around the 60-foot berm that extends along Marsh Road. It is sort of a historical landscape strip that's been there for decades, and so kudos to the petitioner for being able to modify this project that fits in very well with that type of aesthetic for that corridor.

Ms. Mayfield, you bring up some great points. Charlotte Fire Department did sign off on their ability to enter and exit the property. You do make valid points. I will say that just right adjacent to this particular parcel, we have historical Selwyn Farms that is a very in-depth multi-use neighborhood back there that only has one ingress and egress as well. Ms. Lins, it might be helpful to share, if not tonight, than via email with all of Council, the length of the ingress/egress of this property relative to Selwyn Farms, which is literally the adjacent property that's been there for decades, and they haven't had any real problems with emergency access, as it has been a well-established neighborhood. I live very close to this area, so I know it extremely well. The most important aspect of this is, Sedgefield, like so many other communities, they have gone through an area where they were a thriving middle-class community, and they sort of hit a wall there about a decade or so ago. We've been working for the last several years to get them back to a place where the neighbors feel similar or akin Hidden Valley, and so they're excited about this project. They believe it brings the proper aesthetic to the community that fits in well, and so we're excited about that. They are extremely excited

about it, but I think we should just answer Ms. Mayfield concerns to ensure that she's satisfied there.

The other piece is along the Marsh Road corridor, there's not a whole lot of on-street parking there, so that really is sort of an impossibility to park along that area. So, it would have to be baked into what the site design has.

Ms. Lins said that's right, and if I may, there are parks that are arguably walking distance nearby. You see kind of at the tip of your screen here, there's a large parking lot if there's daytime activities that someone wanted to have overflow parking, and then I don't know an arrangement with the school as far as parking, but there are larger surface parking lots in the area as well.

Councilmember Mayo said I just wanted to echo what Councilmember Mayfield said. I see this a lot in my community where I live, we're a townhome community as well. Even leaving this morning, I saw someone parked up on the sidewalk, because it's so tight for people to get in and out. We've actually had conversations with C-DOT and the fire department, and as a result of those conversations, part of our roads you can't park on one side of the street. So, I do want to make sure that we're being really thoughtful of that, and that was C-DOT in response to, we had some kids lighting fires in our neighborhood. Yes, it was scary, because we were under like a drought issue and all this other stuff. Anyway, but I just want to make sure that I highlight that, because I do think that's something really to be thinking of, particularly with emergency services, so I do agree with that. I just want to make sure that were highlighting that, and thinking through other ways to add additional parking, particularly for the holiday season, because this goes in an alleyway. It's not like people can even park on the side, because it's just a straight street. Then, I did have another question about the Solid Waste location right here. Are they not doing rollout cans?

Ms. Lins said so, as part of the rezoning process, we're required to show a pad for the garbage and recycling. The reality is these would be rollout containers. These are going to be high-end townhomes that will have rollout containers, but we have to account for that space just in case the rollout didn't happen, and that will occur on I believe all petitions, that it has to be shown even if it's not going to be used.

Ms. Cramer said it is a requirement. So, the City requires you to show it. I will say, the City of Charlotte Solid Waste themselves, they don't service this type of product, because it's considered multi-family. You have to show it, and you have to show it especially when it's in relation to areas like this that abut Neighborhood-1 properties, because there are distance requirements.

Ms. Mayo said okay, thank you.

Councilmember Mazuera Arias said I do have a question, because I, myself, like Councilmember Mayo, live in a townhome community where the streets are also very narrow. Are these public streets or private streets?

Ms. Cramer said these are private alleys that they're proposing, and it's not atypical for a Neighborhood-2A type product, which can have housing types abut and front part of the alleys rather than public street networks.

Mr. Mazuera Arias said gotcha. The reason I ask is because, since I live in a community of this sort, we've been missing a stop sign in our intersection, and so we've had already a bunch of collisions there. However, I know this seems very small, but it can become a major problem, especially if the trash is coming and picking up, or you have emergency services, and you are trying to have residents leave. The other thing is, yes, I would have to agree with Councilmember Mayfield's original point, folks have family and friends, or at least I hope they do, community, and so expanding these streetways, having more access to parking for folks that don't live in these residential units would be helpful. I also think perhaps finding a creative solution to not just having one entryway,

but another one. It's hard for me to conceptualize and envision having just one entryway for, how many units, 36?

Ms. Cramer said 37.

Mr. Mazuera Arias said 37 units on top of, especially as we are becoming a city with higher density and a growing population. We have around 180 folks moving into the region each day, and so we're just going to be bound to see more congestion, more traffic, and having one entryway, I feel like, would contribute to that. So, thank you.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2025-104 BY DR HORTON FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.9 ACRES LOCATED WEST OF NATIONS FORD ROAD, NORTHEAST OF WEST HEBRON STREET, AND SOUTH OF WEST ARROWOOD ROAD FROM B-D(CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL), IC-1 (INSTITUTIONAL CAMPUS), OFC (OFFICE FLEX CAMPUS) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is right around 15 acres with frontages along both West Hebron Street and Nations Ford Road, just south of West Arrowood Road there in the Montclare South neighborhood. It's in an area where we have adjacent uses of multi-family residential, multi-family stacked primarily. There are some single-family residential uses, though, not directly abutting this site, campus uses, and commercial uses to the north of this site.

The property is currently zoned Distributive Business, Conditional, that's the southern portion of the site in the southeastern corner there that you see in the gray color, also zoned Institutional Campus and Office Flex Campus. They are looking to go to Neighborhood 2-A, Conditional. The 2040 Policy Map currently calls for the Campus Place Type for this site, and this petition is considered out of alignment with that Place Type recommendation for Campus, considering that it's calling for a Neighborhood-2A designation here.

The proposal itself is for up to 130 multi-dwelling units, which may include a combination of duplex, triplex and quadplexes. These would be multi-family attached, so townhome-style units. No more than six units would be located in any individual building. It establishes a public street network through the site with the proposed extension of Old Hebron Road, and a connection to Peppervine Lane, that's one of the streets in the adjacent multi-family stacked development there. Identifies locations for recess parking along proposed public streets to accommodate visitor parking. Commits to improving pedestrian network with eight-foot planting strip and eight-foot sidewalk along internal network required streets, including the Old Hebron Road extension that they will be coordinating. Commits to providing an eight-foot planting strip and six-foot sidewalk along Nations Ford Road and West Hebron Street, and provides a 10-foot Class C landscape yard with a fence along the northern property boundary where it abuts commercial uses. Locates tree save area, most of the common open space in the western portion of the site along a perennial stream where there are stream buffers, and also provides three smaller common open space areas throughout the site. Provides a menu of open space improvements, and notes enhancements that may occur throughout those open space areas, and commits to usable porches and stoops as predominant features, as well as other preferred architectural and design standards.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design. This is another petition where it is located in an area with an adopted Community Area Plan. This petition is considered consistent with the goals and policies of the South Middle Community Area Plan. The petition meets the minor map amendment criteria for a change to the Neighborhood-2 Place Type based of its acreage, the preferred adjacencies, as well as a locational criteria spelled out within the minor map amendment criteria found within the Area Plans, and that includes just being located adjacent to an Activity Center. So, again just to the north we have those commercial uses that future residents might access. It is also located along an arterial road. It is over five acres, which is the preferred acreage. It has proximity to transportation corridors, and it would have access to CATS Bus Route 56. It would also be extending and expanding upon the public street network in the area, and I'll be happy to take any questions following the petitioner's comments.

Bridget Grant, 100 North Tryon Street, Suite 4700 said Councilmember Driggs, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Moore & Van Allen. Pleased to be here tonight on behalf of DR Horton. Troy Karski is here, as well as Edwin Suddreth with Ardurra. It's been a long night. Staff did a great job, and I'm not in the habit of repeating everything that they said. So, I will say, I appreciate staff's support and the recognition of land use consistency. We are happy to address any outstanding issues. Pleased to have no speakers in opposition, and I'm happy to answer any questions.

Councilmember Mayo said I just had a quick question, Bridget. This is actually really close to my house, I could walk here. Have y'all thought at all about increasing like a tree save along this street? Nations Ford is very busy, there's a lot of manufacturing kind of in that area, just to provide more air quality, increase air quality for those future residents there, but also like buffer some of the sound, because that is a very busy road. So, just thinking of the future residents that might live there, is that something that you think the petitioner may agree to?

Ms. Grant said we can absolutely go back and look at our ability to increase any landscaping along that corridor.

Ms. Mayo said thank you.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2025-107 BY MORRIS HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.72 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF MALLARD CREEK ROAD, NORTH OF MORRIS ESTATE DRIVE, AND WEST OF FARON WAY FROM N1-A (NEIGHBORHOOD 1-A) AND RE-3 (RESEARCH-3) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under eight acres, located along the southeast side of Mallard Creek Road, north of Morris Estate Drive, west of Faron Way, in an area where we have predominantly residential uses. It directly abuts a townhome community under development to its north and east there, and single-family residential uses mostly along the west, though, there are commercial areas closer to Sugar Creek to the south.

The current zoning is Neighborhood 1-A, as well as Research-3. They are proposing to go to Neighborhood 2-A, Conditional. This proposal is considered inconsistent with the 2040 Policy Map's recommendation for the Neighborhood-1 Place Type. The proposal

itself is for up to 85 multi-family attached, again, townhome-style units. It contains provisions for no more than five units per building. Provides eight-foot sidewalks and eight-foot planting strips along the site's frontage from Morris Estate Drive. Provides a 12-foot-wide shared-use path along Mallard Creek Road. It also provides roadway and sidewalk connection to Hyrule Drive, that's one of the existing streets to the townhome community there to the northeast. I apologize, I guess in this image, you can tell it's actually mostly developed. It's just in some of the other street images, and some of the google maps images, it looks like it's still under construction. They also note that they would have amenitized common open space areas that would consist of some of the open space enhanced plantings, and other elements that we ask for during our rezoning reviews, and they've provided that. It also provides at least one common open space area accessible from all residential lots within a 1,000-foot radius, and provides preferred architectural and design guidelines. All units shall have access to public sidewalk via an internal sidewalk network.

Staff recommends approval of this petition upon resolution of outstanding issues and technical revisions related to building and site design. Although it is inconsistent with the Neighborhood-1 Place Type recommendation, it does meet a lot of those preferred variables that we look at when considering a Neighborhood-2 Place Type, and considering it's adjacency to Neighborhood-1 and Neighborhood-2 Place Types already on the ground, its location within a half mile of major transportation corridor, its acreage of being above five acres, its frontage along an arterial street, and generally just being in alignment with the broader context that we see in the area. The site is served by public transit via CATS Route 22. It's in the vicinity of some commercial uses that would be about a mile away, and I'll be happy to take any questions following petitioner comments.

Collin Brown, 1420 East 7th Street, Suite 100 said good evening, Council members, Zoning Committee members. Collin Brown on behalf of the petitioner. Interesting story here, the Morris name you might be familiar with Morris Costumes on Monroe Road, same ownership. In fact, when my slides pop up, you'll see there's a warehouse there that is the Morris Holdings Warehouse where that goes. I realize this says Mallard Creek, and I know that so I would point out, this is pretty far south on this, almost at the gateway to Derita. This does not feed Mallard Creek High School. So, as Holly said, this is the Morris Warehouse, and this is on the back end. It's kind of an interesting area, because there's a lot of different things going on. We've got some large industrial sites here, and our zoning on our site, we've got half is research and half is N-1, and we're sandwiching a bunch of N-2. So, there's our zoning map, so half research, half N-1, and this is an area where NC-DOT has actually done some good improvements. So, this is at Mallard Creek and Graham, where a new signal is going in. Now, I've got some arrows that I could show, and I've heard you say this before, Councilmember Johnson, there's trucks parked here. So, this is an area that is evolving. There's truck parking, that's not a great fit what goes here.

In addition to our community meeting, we've had meetings with the District Four Coalition and the Derita Statesville Road Community Organization. So, good feedback there. I think everyone that we've met with has kind of realized, if I show you the map, here's industrial behind us, and N-2 on both sides, so this does make sense to be something. We talked initially about apartments for the site. The petitioner said, okay, I can take it down from there. I can do a townhome plan, which is what we're proposing, up to 85 townhomes. As Holly mentioned, we've got a limit of five per building.

We don't have a detailed conceptual plan, but we have a working plan. To some of the points that've been mentioned on the townhomes tonight, what I'm showing you here are public streets, so there's a public street network with three access points. We do have some alley-loaded product. The conversations we've had with the neighbors have been positive. They'd like for the truck parking to end, and they'd like for the right-of-ways to be improved. So, if you kind of see our product here, we've actually got some alley-loads, so these would be front doors facing out on Mallard Creek. What we've really heard from the community is the NC-DOT area here that's leftover across the street is poorly maintained, and so there's a lot of interest with everyone we've talked to,

including the ownership family, of getting that improved. So, we are continuing conversations with the neighborhood groups, potentially even making contributions to some neighborhood entities to improve that, because no one's more impacted than these future homeowners here. So, I'm almost out of time, I had a lot I wanted to cover. Happy to answer any questions.

Councilmember Johnson said if someone were new to the City, they would think Mallard Creek was the only street in District Four, because I believe all four petitions tonight have been on Mallard Creek, but Mr. Brown is right as far as the area of Mallard Creek where this is. This is right across the street from District Two, I believe, and it's not as congested. As far as the truck parking, if the residents reach out to me, we can get code enforcement out there anyway to take care of that without the development.

Two things for staff, I don't see this petition on the map. I don't know when it was pulled, but it's not on here, and also I asked C-DOT for a list of accidents along Mallard Creek. So, I just want to put that out there, I'm waiting on that information, for a list of accidents, because I want to just show the team that, I mean, there's data to support what I'm saying, but as far as this petition, you're right, it's not in that area that's really congested, yes, so. These are for sale or for rent?

Mr. Brown said well, it's interesting. The family that owns it, they're not real estate developers. So, they're zoning it, they've made those, but I think they'll probably be for sale.

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

ITEM NO. 40: HEARING ON PETITION NO. 2025-108 BY CRD DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.49 ACRES LOCATED NORTH OF CLEVELAND AVENUE, WEST OF EAST WORTHINGTON AVENUE, AND EAST OF SOUTH BOULEVARD FROM TOD-NC(CD) (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER, CONDITIONAL) AND TOD-UC(CD) (TRANSIT ORIENTED DEVELOPMENT - URBAN CENTER, CONDITIONAL) TO RAC(EX) (REGIONAL ACTIVITY CENTER, EXCEPTION) AND TOD-UC(CD) (TRANSIT ORIENTED DEVELOPMENT - URBAN CENTER, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2025-108 is the proposed rezoning of approximately 1.5 acres, on the southwest corner of Cleveland Avenue and East Worthington Avenue. The site's currently zoned TOD-NC(CD), Transit-Oriented Development, and TOD-UC(CD), Transit-Oriented Development. Both of those are Conditional Districts. Proposed zoning is RAC(EX), Regional Activity Center, Exception, and TOD-UC(CD), Transit-Oriented Development, Conditional. So, this is in one of the Community Area Plan areas that was adopted. So, the plan is consistent with the goals and policies of the South Inner Community Area Plan, and it's consistent with the 2040 Policy Map recommendation for a Regional Activity Center Place Type. The proposed rezoning is an exception, or EX request. EX Conditional rezoning is a request to modify quantitative zoning standards in exchange for the petitioner agrees to provide at least two public benefits from two of the following categories, sustainability, city improvement, or public amenity. The primary driver of this rezoning request is for the EX provisions to increase the allowed building height within 200 feet of a designated Neighborhood-1 Place Type. The site's located adjacent to the southeast corner of Cleveland Avenue and East Worthington Ave, which is designated as a Neighborhood-1 Place Type and that's just here off screen where the text is; however, this Place Type is applied to former single-family homes that are now zoned

CG, General Commercial, and been repurposed for non-residential uses such as office and retail.

The petitioner proposes public benefits in the categories of sustainability and public amenity, outlined by Article 37 of the UDO. Under sustainability, the petitioner shall commit to a building design that meets or exceeds LEED standards, that's Leadership in Energy and Environmental Design. Under the public amenity benefit, the petitioner shall work with the Dilworth Community Association to provide off-site publically accessible amenities, which may include, but are not limited to, playground, park, public plaza, or similar outdoor features, and they're going to provide a minimum 50 percent additional public open space beyond the UDO requirement in the RAC portion of the site. In exchange for these public benefits, the petitioner requests exceptions to Article 12 to increase that height within 200 feet of Neighborhood-1 for the first 100 feet. The UDO limits it to 50. Petitioner proposes to exceed that, and has a height of 84 feet proposed, and for the 100 feet to 200 feet from that Neighborhood-1 location, kind of on this side of the site, the UDO limits 65 feet, and the petitioner is proposing 114 feet. They have an additional exception along Cleveland to reduce the required transparency from 50 percent down to 40 percent of the façade area along Cleveland. The petitioner also commits to a minimum parking ratio for commercial and hotel uses.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design as the site's designated as a Regional Activity Center. The site is currently underutilized and only contains an abandoned warehouse and some service parking, and the site is in a rapidly growing area with a new high rise, residential and office buildings, broad mix of uses. Proposed zoning is compatible with the area's pattern of development, and the site is less than a quarter mile from the Lynx Blue Line East/West Station. Happy to take any questions following Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Council members, Zoning Committee members, Collin Brown again on behalf of the petitioners. I think I've rezoned this site three times, and that's not a joke. First, it was for a hotel, and then it was for apartments, and now it's for multi-family and a hotel. So, in a nutshell, Maxx did a great job of the overview, but essentially, our entitlements are in place for a significantly sized apartment of about the same height that we're requesting. The current petitioner said, you know what, this would be a great site for a boutique hotel. I'd like to incorporate that. Our zoning doesn't allow it, so when we zone under the UDO, suddenly it kicks in a height plan. So, essentially, what we're requesting is the ability to build a very similar building to what we're already allowed that would include a hotel component.

As you can see, this may be my first Dilworth rezoning where I've not had a packed house. There have been robust conversations with the DCA (Dilworth Community Association) They are I'm sure all watching from home, and so I want to make sure that we've got some commitments and dialogue going forward. We are going to incorporate some architectural commitments into our standards. I think everyone thinks it's a very nice building. I think it's a good use. They think it's a good use. Concerns are construction, so we've got some commitments that we're working with them that will govern construction access and traffic to the site, additionally parking. Former Councilmember Eiselt lives right down the street and has told me many times about the parking issues in this historic district, so we are ironing out what we're calling public parking. Now it will be accessible to the public, but it will be paid. So, we're adding standards to apply a higher parking standard than is required, and we will also have some public parking provisions, so those are ongoing. We're going to make revisions this week. We'll have them in for Zoning Committee to review when they come in. I'm ahead of schedule. Happy to answer any questions you have.

Councilmember Mayfield said this could be either for you, Mr. Brown, or for staff. I'm just trying to figure out what is a minimum of 0.5 vehicular parking spaces per room. What is that, a compact space?

Mr. Brown said no, it means for every two hotel rooms we'll provide one parking space. That's more than is required by the ordinance. Now, what's interesting about hotels is, people don't always drive to a hotel. We'll have a lot of folks that'll fly here and Uber there, and so I think there's an understanding that this will not need as much parking, but we do a lot of hotels. I did a zoning two months ago where we had zero parking. So, this will have some parking for every hotel room.

Ms. Mayfield said and there seems to be a lot of exceptions in this. So, I would love, as we get into the new year, for us to get on the calendar so that we can go through it versus holding you up tonight on our last meeting.

Mr. Brown said happy to do it. I think the Dilworth Land Use Committee has done the same, so happy to spend some time with you on that.

Ms. Mayfield said thank you.

Councilmember Anderson said Collin, the reason why this room isn't packed is because this particular petition has been front-loaded quite a bit with the work, and thanks to Collin and his team for working with the Dilworth Community Association literally for months. We've already had several meetings on this particular petition, but the community feels really good about it, and so do I for a couple of reasons. There are some conditions, and Collin has shared some of the verbiage, but it also includes massing exhibits, of course, construction logistics, not only parking, but access to the site and work on the site on particular days, and parking requirements as well as the contribution to street trees, because the Dilworth Community is a historic community that values street trees and their canopy. So, there is some leaning in to ensuring that this particular site will fit into the charm and aesthetic of this historical neighborhood, as well as some access points.

The other piece of it is that we have our first medical school, The Pearl, which is literally right down the street. So, to Collin's point, someone flying in to participate in activities at The Pearl probably won't have a car, but there'll have increased walkability with access to a boutique hotel in a historic neighborhood that will also be able to activate some of our small businesses along this corridor as well, there's several small businesses, restaurants, bars, etc. So, it's a win-win for everyone, and the community has worked very hard to get to this point before we even brought it to you in a hearing form. So, I feel really good about the work on both sides, and I look forward to the advancement of this petition.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2025-110 BY GRAHAM-OVERLOOK LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.58 ACRES LOCATED EAST OF NORTH GRAHAM STREET, SOUTH OF PLYMOUTH AVENUE, AND NORTH OF ARMOUR DRIVE FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO NC (NEIGHBORHOOD CENTER).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said I'll be much more brief with this one than the previous. Petition 2025-110 is located on the west side of Graham Street. The site's a little over half an acre. It's currently developed with an office building. Current zoning is ML-2, Manufacturing and Logistics. Proposed zoning is NC, Neighborhood Center. It's a conventional rezoning. The 2040 Policy Map recommends the Neighborhood Center Place Type for this site, and the NC District is consistent with

this recommended Place Type. The proposal would allow all uses permitted by-right and under prescribed conditions in the NC District.

Staff recommends approval of this petition, as North Graham Street is part of the Corridors of Opportunity program. The site's located within a half-mile walk of Camp North End, which is a large and growing mixed-use development, and the rezoning represents an ongoing shift to a more urban and mixed-use development pattern in the area. The site's also served by transit. Happy to take any questions following Mr. Fergusson's presentation.

Russell Fergusson, 933 Louise Avenue said Honorable Mayor Pro Tem, Council, Zoning Committee, thank you for your time. A short presentation tonight. I appreciate staff's presentation. Maxx did a good job. I represent the petitioner, Graham-Overlook, LLC, and it's 1514 North Graham Street, it's about a half an acre. It's being changed from ML-2 to Neighborhood Center. It's primarily to accommodate an existing legally noncompliant use that got caught up in the change from Industrial to ML-2. Very much like the tenant there, and very much want them to have room to expand. I ran into some issues recently in permitting, that's why we're going forward with a conventional. It is just the building lot, so there's no adjacent vacant land to be developed under NC. That is a wonderful arrow that I drew showing that it's compliant with the 2040 Policy Map. This is a picture of the building. It's a great adaptive use into office, which is primarily used for medical office now. I'll point out that staff is in support of it. With that, I wish everyone happy holidays, and give you back two minutes and 15 seconds. Happy to have your questions.

Councilmember Anderson said just very quickly, this is a light lift for us, and fits in quite well with the Camp North End site, and it complements the Corridor of Opportunity work on North Graham and Statesville.

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

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ADJOURNMENT

Mr. Driggs said so colleagues, best wishes to everybody, to staff, and to the people of Charlotte.

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 8:11 p.m.

Mr. Driggs said alright happy holidays everybody.


Billie Tynes, Deputy City Clerk

Length of Meeting: 3 Hours, 10 Minutes
Minutes completed: January 26, 2026